

Case Study 1

The EWC and a Local Conflict

Preface

A European group consists of subsidiaries in Germany, Poland, France, Greece, Bulgaria, Romania and Spain. The group's central management is situated in France. The management has announced that the productivity of the German and Spanish subsidiaries is unsatisfactory. A number of common departments will be centralised in either of the two subsidiaries that shows the best productivity growth during the current year.

Faced with this explicit creation of competition between the subsidiaries, the local management of the Spanish subsidiary has called into question a number of benefits previously acquired by the workers:

- Break times are no longer counted in the working hours
- The time clocks designed to control working hours have been moved from the cloakrooms to the entrance to the work stations...

Spanish local management said that this is a decision of the central management in France and affects only the Spanish subsidiary.

These benefits have not been called into question at the other sites. The Spanish representatives on the European Works Council (EWC) raise this problem at the preparatory meeting of the EWC.

Tasks

Please give answers in the following two cases

1) You are a member of the managing board of the local trade union in your country (Greece, Bulgaria, and Romania). The EWC member of your country has informed you about the above. Which actions do you suggest to the managing board of the trade union for the following two issues: in one hand centralization of the common departments in Spain or in Germany and in the other hand the decrease of the Spanish benefits? Are the two issues national or transnational? **First write down your answers and then discuss your answer with the other members of your team in your team and to the plenary session. .**

2) You are the workers' representative of Spain in the EWC and you must decide about the strategy to deal with this situation. What possibilities do you have at local level? Determine step by step what your actions and arguments will be. What will be your position with the German colleagues? Will you suggest any initiative from the EWC? If so, what would that be? What will be the specific responsibility of the European level, what should be handled locally?

Among the members of your working group, appoint:

- a) **someone who will lead the discussions and make sure that all opinions can be taken into consideration, and**
- b) **a spokesperson who will report back to the plenary session.**

Case Study 2

Merging of two companies

Two European-scale companies are preparing a merger. Both companies have agreements on a European works council.

Company A's agreement, the central management of which is based in the UK, has the following features:

Country	No. of employees	Representatives on the EWC	Select committee representatives
UK	3500	5	1
France	2100	2	1
Germany	3100	3	1
Belgium	850	1	0
The Netherlands	700	1	0
Luxemburg	140	0	0
Italy	1320	1	0
Switzerland	230	0	0
Total:	11940	13	3

- The agreement is concluded according to article 13 of the directive 94/45 and dated 20/9/96.
 - The EWC presidency is held by the employer. The secretary is a representative of the British workers
 - The agreement provides for an annual EWC meeting and three select committee meetings
- The exchange of information between representatives has been very limited to date

Company B's central management is based in the Netherlands and the agreement can be summarised as follows:

Country	N° of employees	Representatives on the EWC	Select committee representatives
UK	1200	2	0
France	2100	4	1
Germany	3100	6	1
Belgium	1800	3	0
The Netherlands	3700	7	2
Luxembourg	140	1	0
Spain	2900	5	1
Switzerland	1500	3	0
Total:	16440	31	4

- Two annual EWC meetings and four select committee meetings.
- Presidency held by a representative of the Dutch workers.
- Major group decisions are subject to good consultation.
- 5 days of training for the representatives during the their term of office

Tasks

The following agreement for the merged group is proposed to the two EWCs. Which provisions of Directive 2009/38 does it not comply to? Set out your counter-proposals!

Among the members of your working group, appoint:

- someone who will lead the discussions and make sure that all opinions can be taken into consideration, and**
- a spokesperson who will report back to the plenary session**

Proposed Agreement on a European Information and Consultation Forum

The central management of AB Company Europe, the headquarters of which is in London, UK, and workers' representatives from the UK, France, Germany, Belgium, the Netherlands, Luxembourg, Italy and Spain have concluded the following agreement.

§ 1 Organisation of dialogue at European level

The European information and dialogue forum of AB Company Europe is a mixed committee consisting of representatives of the management of Company AB Europe and representatives from each site appointed according to the national procedures for workers' representation. President of the Forum is the Human Resources Manager.

The national sites will be represented as follows:

Country	Representatives in the Forum
UK	4
France	4
Germany	6
Belgium	2
Netherlands	3
Luxembourg	1
Spain	2
Italy	2
Total:	24

§ 2 The content of the dialogue

The aim of the dialogue is to exchange information and opinions among workers' representatives and those of the central management of AB Company Europe, in the person of the Personnel Director of the Board and of the HR Manager on issues of interest for more than 2 countries. At the forum meetings, the workers' representatives will have the opportunity to meet each other in the absence of the central management. The central management of AB Company Europe will carry out the secretarial tasks of the forum and the presidency of common meetings.

A select committee, consisting of the Personnel Director, the HR Manager, a personal assistant and an employees' representative will be formed to carry out coordination tasks.

§ 3 The annual conference

The European dialogue and information forum of AB Company Europe will meet once a year unless the exchange of written information is considered sufficient.

The venue, date and agenda of the meeting and the form it will take will be decided three months in advance by the select committee.

§ 4 Costs

The management of Company AB Europe will assume the costs incurred by the meetings.

§ 5 Entry into force and term of the agreement

The agreement shall enter into force on the date of signature and cannot be terminated before 31st December 2010.

§ 6 Legal status of the agreement

This agreement places none of the signatory parties under a legal obligation, but represents a positive commitment by all the parties to endeavour to achieve the advantages of the transnational information and consultation which this agreement puts in place for AB Company Europe. In the event of disputes, this agreement shall be governed and interpreted according to English law and the English version of said agreement shall be deemed the authentic text.

Case Study 3

Closure and Relocation

Preface

In a Dutch multinational company including sites in France, the UK, the Netherlands, Sweden, Greece, Bulgaria, Romania and Ukraine, the board of directors has adopted a strategic development plan which involves centralising computer data processing on a single site. No firm decision has been reached regarding a relocation or site closure.

The workers' representatives, who are in a minority on the board of directors and subject to the duty of confidentiality, have expressed no reservations about this plan.

Only the EU sites are represented on the EWC. At the ordinary meeting of the EWC, the central management puts forward the strategic development plan, still with no details regarding the consequences that a possible closure would involve. The arguments enlarged upon by the management on the need for the strategic development plan give rise to only a general discussion.

The board of directors decides to close the computer processing site in the UK and to relocate those departments to Sweden and France. The British colleagues, who are not represented on the select committee, contact the latter to call for an extraordinary meeting. They ask, in writing, for the British site to be spared at the expense of the Ukraine site.

Tasks

Please give answers in the following three cases

1) You are a member of the managing board of the local British trade union. What is your opinion about the workers representatives position in the EWC? Have they fully used the potential of the EWC, or are there some points or procedures that could be improved? Did the members of the select committee inform you on time? **First write down your answers and then discuss your answer with the other members of your team in your team and to the plenary session. .**

2) You are the French, Dutch and Swedish representatives in the select committee. What is your position regarding the UK suggestion about Ukraine? What steps can you figure out?

3) You are a member of the EWC from Greece, Bulgaria or Romania. Which will be your position in the next EWC preparatory meeting?

Among the members of your working group, appoint:

- a) **someone who will lead the discussions and make sure that all opinions can be taken into consideration, and**
- b) **a spokesperson who will report back to the plenary session.**

Case study 4

Wage freeze or closure

Preface

An American multinational consisting of 15 production sites in 10 EU countries and with rapidly declining profitability makes the following proposal during the annual meeting of the European Works Council :

- wage freeze in all the production units for three years ;
- in exchange, 10% of the company's shares will be offered to the workers at 50% of their value ;
- if the proposal is not accepted, the central management of this multinational intimates that it would consider closing 1 or 2 sites in the EU countries.

Tasks

Please give answers in the following two cases

1) You are a member of the managing board of the trade union in one of the countries having 2 production sites. What do you think is the best position? How will you handle the fact that there are two productive sites in your country? **First write down your answers and then discuss your answer with the other members of your team in your team and to the plenary session. .**

2) You are a member of the EWC, with representatives from all 10 countries. Try to establish a common position for the European Works Council.

What procedures do you suggest for the EWC? Which way will you follow for decision making? What will be the principles for your position? Will you need assistance and if yes what sort of assistance?

Among the members of your working group, appoint:

a) someone who will lead the discussions and make sure that all opinions can be taken into consideration, and

b) a spokesperson who will report back to the plenary session.

Case study 5

Reorganizations

Preface

A small Italian branch of a multinational with headquarters in France suffers a huge reorganization. This involves a radical discharge plan, but local management does not have the budgets to finance such a plan. The Italian workers representatives, who are not a member of the European Works Council themselves, contact the Select Committee and appeal for the support of the EWC.

Tasks

Please give answers in the following two cases

1) You are the Italian workers' representatives. What alternatives do you have? What exactly do you ask the EWC to do and what are your arguments? What provisions are there in the national/ European law?

First write down your answers and then discuss your answer with the other members of your team in your team and to the plenary session. .

2) You are members of the EWC select committee. How will you respond to this call? Is it a transnational matter? Can the EWC handle this subject? What procedures do you envisage?

Among the members of your working group, appoint:

a) someone who will lead the discussions and make sure that all opinions can be taken into consideration, and

a) a spokesperson who will report back to the plenary session.