

TRAINING WORKSHOP
Savoy Hotel Piraeus
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the legal framework for EWC's

- the agreement = the first and most important legal document

article 13 agreements do not have to respect any article of the directive
article 6 agreements must be negotiated under the directive conditions and must respect a number of topics as listed in the directive, but are free to determine the content

the subsidiary requirements only have to be respected in case the special negotiating body has decided to adopt those articles or when no agreement has been reached after three years of negotiations

- the transposition of the directive

the national transposition of the country where the headquarters of a multinational company is, is the legal text of reference for setting up a EWC

ex. the presidential decree of Greece is valid for the National Bank of Greece
the Dutch act of 23 January 1997 is valid for the Heineken EWC

the national transposition is the legal text of reference for the appointment of members of the special negotiating body and of the EWC for the home country of those people

ex. the presidential decree of Greece tells you how the Greek representatives for the Heineken EWC must be elected and/or appointed
the Bulgarian labour code tells you how the Bulgarian delegates for the National Bank of Greece will be elected and/or appointed

get more information and verify it

- whatever the problem you are facing in your EWC, always make sure you have all necessary information before you start discussions
- don't just assume that the information that you get is correct, especially if it comes from only one source or from press articles, always double check before you react
- don't forget you have the right to use experts, at least one paid by management this does not have to be the same expert all the time, choose them according to the problem
ex. an accountant to analyse the balance sheet
a lawyer to clarify legal uncertainties
- the most important aspect of a EWC is not the legal framework, but the network of workers representatives that you can create
use it to exchange information and to verify what management tells you
- take your time !
when management comes to the EWC with a restructuring project, they will ask you

for an advice as soon as possible, whereas they have been preparing that project for months, with whole teams of experts

focus on what is essential

- do not waste time on details, analyse what is going on and focus on what is really important
ex. if coffee breaks are cancelled at local level because the headquarters demanded an increase of productivity, then the problem is not those coffee breaks, but the communication that there is a problem of productivity and the unacceptable policy of central management to play one establishment against the other in an internal competition

find alternatives

- just saying “no” is too easy and will not get you any respect as a social partner
- sometimes it may be true that there are profitability problems or that it may be more efficient to centralise some activities, in that case the best strategy is to try and develop alternatives that have less negative consequences for staff
- if you reject a project without arguments or alternatives, management will simply ignore your opinion and continue with their plans
if you can advance some well argued alternatives, it will be a lot more difficult for management to just ignore them

ex. centralisation of securities activities in the Benelux at Fortis Bank was stopped by organising specialised “competence centres” : handling of shares in the Netherlands, investment funds in Luxemburg and coupons in Belgium ; some jobs were lost in each country, but activities were maintained everywhere

what are your limits of solidarity ?

- it is easy to support solidarity as long as there is no immediate problem, it is a lot more difficult to support solidarity for workers in another country if this means your own colleagues, who have voted for you or who are members of your union might suffer negative consequences of that solidarity
- there are different levels of solidarity :
are you ready to support colleagues with local conflicts ?
would you accept to spread the negative consequences over several countries and/or establishments when management proposes to shut down one plant ?
are you ready to support colleagues from non-EU countries ?
do you agree that, proportionally, the representatives of the countries in the periphery can have more seats in the EWC than those of the country where the headquarters are situated ?
- there is no single correct answer to these questions, but they need to be discussed among EWC members in order to know what everyone stands for when a real problem presents itself

confidentiality

- nothing is confidential !
- if management has information that really is confidential, they will simply not tell you, so you wouldn't even know about it
- the directive does contain a confidentiality article, but this does not mean management can decide autonomously when this will be applied, nor are you obliged to accept it
- for strategic reasons or simply in order to get the information, it might be advisable to accept the label of confidentiality anyway
however, do not just agree with the demand of your management, discuss about it and set clear limits with regard to :
time : nothing can be confidential for ever, so how long can you accept that label ?
scope : how can you prepare a position on the information that you are given if you are not allowed to talk about it with anyone at all ? so, determine who you can share the information with : an expert, the EWC members that are not present in the meeting, your union officials, staff members that will be affected by the decision...

No two EWCs are the same. They all have their own agreement, specific composition, cultural background, relation with management, historical evolution and so on. This means that there will be many different ways of handling problems, such as the case studies that we have been working on and that there is not one single best solution. However, best practices and bad experiences have been acquired during more than 13 years of existence of European Works Councils. Coordination with national and European confederations is therefore essential, as well as continuous training and strengthening the network of European workers representatives.

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