



**Social dialogue and
organising members in
commerce sector**

2011/11/10
European Work Council

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The Ikea Ewc

European Works Councils



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European Works Councils ('EWCs') are bodies representing the employees of companies operating across borders in different Member States . Employees' representatives sitting in the EWC are to **be informed and consulted** by management on the situation and development of the company and on any significant decision that could have an impact on the workforce.



The Old Directive 94/45/EC

The first EWC Directive was adopted on 22 September 1994 (Directive 94/45/EC)



- ∅ The original Directive was full of gaps.
 - ∅ For example, the negotiating parties were only meant to negotiate the „how“, but not the „what“ of the EWC
 - ∅ (i.e., the basic concepts of information, consultation, and the EWC’s competence to deal with transnational issues.)
 - ∅ At least this gap has now been lessened by the establishment of certain standards,
 - ∅ for example regarding the definition of „information“, „consultation“ and „transnational“

Source's of the Law

the Ewc legislation we refer to is:

.Directive 2009/38/EC

.Directive 2001/86/EC

.Directive 2002/14/EC

.Directive 2001/23/EC

.Directive 2005/56/EC



The Directive 2009/38/EC (recast)



Following an active campaign by ETUC (European trade union council) and the European Trade Union Federations, a new EWC Directive was finally adopted on 6 May 2009 (Directive 2009/38/EC).

Member States have had until 5 June 2011 to include its provisions into their national laws.

“(for Etuc) The new Directive does not respond to all the trade union demands. Nevertheless, ETUC is satisfied that EWCs will be better equipped with the tools they need for a stronger right to information and consultation”.

The Directive 2009/38/EC (recast)

Article 1 2009/38/EC:



To that end, A European Works Council or a procedure for informing and consulting employees shall be established in every community scale undertaking and every Community-scale group of undertaking, where requested in the manner laid down article 5(1), with the purpose of informing and consulting employees.

The arrangements for informing and consulting shall be defined and implemented in such a way as to ensure their effectiveness and to enable the undertaking or group of undertakings to take decisions effectively.

The Directive 2009/38/EC (recast)

Article 2 definitions:



◦ **Community-scale** undertaking means any undertaking with at least 1000 employees within the member states and at the least 150 employees in each of at least two Member States.

◦ **“Group of Undertakings”** means a controlling undertaking and its controlled undertaking.

◦ **“Community-scale undertaking”** means a group of undertakings with the following characteristics:

.At least 1000 employees within the Member States,

. at least two group Undertakings in different Member States

.At least one group undertaking with at least 150 employees in one Member State and at least one other group undertaking with at least 150 employees in another Member state.

The Directive 2009/38/EC (recast)

Stronger definitions

The new Directive introduces stronger definitions, (especially on information and consultation).

This was a strong trade union demand.

More EWCs still operate below the standards set out in the 1994 Directive because some of the key concepts were left open to misinterpretation.

The new definitions of information and consultation were designed to strengthen the role and the effectiveness of EWCs:

- ▶ Information and consultation procedures must fulfill essential criteria of timing and quality.
- ▶ Information and consultation are **two** distinct procedures. Consultation cannot be conducted if the information phase has not been properly initiated.
- ▶ A consultation means that workers' representatives have to be effectively involved in



Information/Consultation



“Information” means transmission of data by the employer to the employees’ representatives in order to enable them to acquaint themselves with the subject matter and to examine it; information shall be given at such time, in such fashion and with such content as are appropriate to enable employees’ representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings.” (Art 2.1.f)

THE TRANSNATIONAL COMPETENCE OF THE EWC

The EWC is competent for transnational matters, which are defined in the new Directive as follows:



“ Matters shall be considered to be transnational where they concern the Community-scale undertaking or Community-scale group of undertaking as a whole, or at least two undertakings or establishments of the undertaking or group situated in two different Member States.” (Ar1.4)

Information/Consultation



“**Consultation**’ means the establishment of dialogue and exchange of views between employees’ representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content as enables employees’ representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account within the Community-scale undertaking or Community-scale group of undertakings.” (Art 2.1.g)

ROLE AND PROTECTION OF EWC MEMBERS



EWCs must have **means to apply the rights** stemming from the Directive to collectively represent the interests of the employees

- Member States must ensure appropriate rules about legal costs, legal personality, etc.
 - Member States should provide for adequate and effective sanctions
-
- EWC members are to **inform at national level** about the content and outcome of information consultation procedures in the EWC
 - EWC members need appropriate facilities and rights
 - It is important to anchor EWC into the national and local levels of employee representation

 - Members of SNB and EWC shall be provided with necessary **training** without loss of wages
 - still not clear whether training for all EWC members together, who decides content of training, etc.

CREATION OF A EUROPEAN WORKS COUNCIL

Creation of a European Works Council



- The **central management** of the undertaking or the group is responsible for establishing a Council or an information and consultation procedure. The central management shall initiate **negotiations to establish the European Works Council** or the information and consultation procedure. It shall act:
- on its own initiative; or at the written request of at least 100 employees (or their representatives) in at least two undertakings (or establishments) in at least two different Member States.

CREATION OF A EUROPEAN WORKS COUNCIL



- A **special negotiating body** shall be formed by employees' representatives. They may be elected or appointed, according to the number of employees in each Member State where the undertaking is present. The special group shall negotiate an agreement with the management in order to define the operation of the European Works Council and the arrangements for implementing a procedure for the information and consultation of employees.
- The members of this group shall receive the same protection as employees' representatives, as laid down by national legislation and/or practice in the country where they are employed.

WHAT'ARE THE EWC OPPORTUNITY?




- Get information directly from the European Company Management (knowledge is power)

- (using the new computer systems) to create a network where information is made □□available to inform workers of other nationalities.

- talk about common problems found in all European locations (and try to find common solutions)

Protect and promote the interest of the employees within multinational companies operating in Europe.

- -Training is important that the various agreements it requires more training for EWC delegates. Training topics could include: knowledge and read  company

WHAT'ARE THE EWC DIFFICULTIES?



- **Definitely a language barrier,** many delegates attending meetings with CAE interpreting in meetings with company management, but they can then communicate with colleagues certainly need to learn that the EWC delegate sand update of a language,(I think that English is just the most popular,)

- **transversality of labor categories:** Enterprise are located in different countries in different sectors. It should form a network of various categories and unions should be a coordinator.

"Puma for example in Italy belongs to the footwear industry while in Germany belong to the chemical industry"

- **Consultation does not mean finding agreements**



WHAT CAN THE TRADE TO HELP THE EWC?



- ∅ Ensure that employees' rights to information and consultation are respected at all times
- ∅ Ensure trade union support for EWC members
- ∅ Increase employee involvement in the decision-making mechanisms of companies falling under the above mentioned legislation
- ∅ Reinforce cooperation between employees' representatives across borders
- ∅ Link developments at the company level to the more general trade union goals
- ∅ Achieve representation of women and men and all other different groups according to the composition of the workforce

WHAT CAN THE TRADE TO HELP THE EWC?



- ∅ Help to develop the EWC into a powerful tool of employee participation in the company's decision making
- ∅ Pro-actively influence the agenda of this social dialogue beyond the standard issues mentioned in the EWC Directive to cover also issues like Human Resources, Equality, Health and Safety, etc.
- ∅ Support especially EWC members from CEE countries in connecting to their trade unions, receiving adequate training and participating actively in the EWC
- ∅ Ensure – together with the affiliates concerned – a constant and high unionisation rate
- ∅ Ensure that the EWC is well embedded in other levels of employee representation/participation, (workplace, regional, national or international levels and board level representation)
- ∅ Empower the EWC to anticipate changes and to pro-actively provide possible alternative solutions to management.

The EWC IKEA

European Works Council (EWC)



- **The IKEA European Works Council is an EU directive from 1994. The establishment of the Works Council is intended to provide an appropriate forum for the exchange of information and views between management and employees with the aim of establishing a cross-border dialogue. Representatives**
- The IKEA European Works Council consists of representatives of the employees within the IKEA companies in EU and Norway. Countries with 5000 and less employees have one representative and countries with more than 5000 employees have two representatives. The Corporate Human Resources Manager of IKEA Services AB is responsible as representative of the management.
- Meetings are held on an annual basis. The Council only deals with matters of transnational nature directly affecting employees in more than one company within the IKEA Group of companies. It will not duplicate, prejudice[®] or affect the rights and obligations of local management and works councils, trade unions or other accredited

The EWC Newsletter

[European Works Council \(EWC\)](#)



A modern kitchen with a vibrant red color scheme. The kitchen features a central island with a white countertop and a stainless steel sink. The cabinetry is a bright, glossy red. A brick wall is visible in the background, and a tall, narrow stainless steel range hood is mounted above the stove. A loft ladder with a dark frame and light-colored steps is positioned on the right side of the room. The floor is made of light-colored wood. A large window on the left side of the kitchen provides natural light. A blue banner with the text "Thank you!" is overlaid on the image.

Thank you!