

Final draft resolution: European works councils at the heart of European trade union strategy

(Draft Resolution 3)

Strategic Objective 1: Global (and Regional) Companies

To build organising strength within the global and regional corporations operating in our sectors and to negotiate global and regional agreements.

UNI Global Union's Strategy for action from Nagasaki to Cape Town sets 5 strategic objectives aimed at growing and strengthening affiliated unions and UNI Global Union to improve the lives of service workers.

- 1 Global and regional companies
- 2 Organising and capacity development
- 3 Jobs with Justice
- 4 Political and regional influence
- 5 UNI as innovative and inclusive organisation

These strategic priorities and their related goals form the basis for the work of UNI Europa Commerce inspired by the UNI commerce strategic plan.

The "recast directive" on European Works Councils (2009/38/EC) adopted on 6 May 2009 by the EU institutions has now entered into force in the legislation of each EU member state. The new directive brings new rights and opportunities for workers representatives in the frame of their mandate. European Works Councils (EWCs) exist for more than 15 years and the expectations put on them as well as their utilisation are very diverse. The supervision of the new directive implementation into company agreements by the labour movement is key to ensure that this diversity brings benefits to workers and not only to employers.

In 2010 and early 2011, UNI Europa Commerce has carried out an investigation on EWCs in order to gather data and better focus its activities. Around 150 EWC members and trade union officials have been met and others have expressed their views through a survey.

The conclusions regarding the activities of EWCs in the commerce sector are unsurprisingly rather negative:

- Employers are not providing relevant information.
- Workers don't always have the means to understand or use the information provided.
- Information is often provided after the decision was taken by management or was made public.

- There is no consultation of workers; they have no means to influence decisions.
- The agenda of meetings are prepared only by management without due consideration to workers' concerns.
- Too many topics are classified as confidential without justification of it.
- There is no process for the adoption of the meetings minutes; management sometimes leaves out important points on purpose.

In summary, EWCs seem to be merely bodies for representatives to express their opinion or simply gain an understanding of their company's functioning. There is in general no involvement of workers in company management at transnational level. This conclusion is particularly worrying at a time when companies, facing the economic crisis, are developing large schemes to improve productivity by investing in new technologies and by rationalising work processes, the impact of which on employment is largely unknown. Except from the American retailer Walmart, all the multinational companies targeted by UNI Europa Commerce are European based, and their influence on the global economy is huge. It is therefore important to adapt the trade union strategies in order to avoid these companies escaping their obligations regarding workers rights.

However, this investigation has made it clear for UNI Europa Commerce that many company leaders are using the crisis as an excuse to increase workload and to dismantle limitations on opening hours at evenings and week ends.

A series of good practices could be identified where EWC members arrange working groups to improve communication, to adopt statements and try to ensure that the EWCs produce concrete results. A longer series of bad practices has also been listed; examples include management providing answers to workers' questions after a year's delay or not at all, or management choosing EWC members in contradiction to the legislative requirements. The good practices need to be promoted and the poor ones urgently tackled.

Inclusive trade union policies

Understanding and carrying out a European mandate to represent workers at transnational level is not an easy task especially because of the legal differences and language or cultural diversity. In order to ensure the proper functioning of EWCs, their members need to know their rights, their responsibilities and their means of action. It is furthermore essential that EWC members are closely in touch with each other and with their unions in order to ensure information flows and coordination with trade union strategies.

UNI Global Union has set up a series of global trade union networks called "Alliances" in companies such as Inditex, Carrefour, Metro and Tesco and will continue with this initiative in order to ensure the coordination and effectiveness of trade union activities around the world. EWCs should be informed and involved in these alliances where possible and EWC members should ensure the cohesion between different levels of representation.

Information and consultation

UNI Europa Commerce will support workers representatives to negotiate new or revised EWC agreements on the basis of the “recast” directive.

EWCs are set up by law to provide workers with representatives at European level. It is an obligation for employers to inform and consult workers 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. When their rights are not respected, i.e. when the necessary information was not provided or not provided on time and when workers cannot express their views on the basis described above, UNI Europa Commerce will do its utmost to ensure that the workers rights are restored. This may include campaigning for the cancellation of a management decision, and if this is impossible, publicly denouncing the management behaviour and collectively boycotting the EWC. Going to Court, taking industrial action are other options that will be assessed when necessary.

Social dialogue

EWCs are major tools to develop social dialogue between a company’s workers and top management. UNI Europa Commerce is firmly convinced that social dialogue is modern and leads to social progress and well-being.

UNI Europa Commerce invites its EWCs representatives to negotiate with management a yearly work program to deepen their work in topics of their choice in order to:

- gather data and benefit from reliable information on working conditions,
- Initiate trustful discussions on the human resources policies in order to ensure that all workers in the company benefit from similar working environments and conditions
- Set up specific working groups or committees appropriate to the company structure or the items being debated

UNI Europa Commerce believes that in companies where a reasonable level of confidence can be established between workers representatives and management and where information-consultation rights are respected, more outcomes can be expected from EWCs.

UNI Europa Commerce reaffirms that the negotiation of transnational agreements with multinational companies is a prerogative of the trade union movement. UNI Europa Commerce will defend this prerogative while it is favourable to a better coordination with EWCs.

UNI Europa Commerce “Coordinators network”

Several surveys, including the UNI Europa Commerce one, demonstrate that the participation in meetings by a trade union expert improve significantly the quality of EWCs action. Therefore it is of great importance that a UNI Europa Commerce “Coordinator” represents the trade unions within the EWC.

The Coordinator is not employed by the company and represents UNI Europa Commerce, not his / her union. His / her activities can be varied, and may include advising EWC members on legal questions related to the EWC, ensuring cohesion and trust among EWC worker members and facilitating social dialogue with the company. The Coordinator

is a trade unionist and is therefore responsible for promoting cohesion between the EWC activities and UNI Europa Commerce policies. The Coordinator should not participate only in EWC meetings but should also be in contact with EWC members throughout the year and working with their trade union organisation. The Coordinator is in charge of setting up a network with the UNI Europa Commerce affiliates represented in the company concerned and of updating them on a regular basis.

There is a high number of multinational companies that operate in the commerce sector. The size and complexity of certain multinational companies requires constant research and well coordinated response from the trade union movement. At present, UNI Europa Commerce has appointed less than 10 Coordinators. This should be extended in order to build a consistent network of EWC Coordinators.

The commerce sector occupies the last rung in supply chains which also stretch into other sectors. Constant monitoring, coordination and networking on multinational companies is needed regarding their full supply chains and areas of geographical activity. This work needs to be undertaken in conjunction with national level unions and other Global Union Federations concerned.

ACTIONS

WE WANT TANGIBLE OUTCOMES FROM EWCs NOW!

UNI Europa Commerce and its Affiliates will :

- Develop close cooperation between EWCs and the global alliances being set up in the UNI Commerce sector; ensure close ties between EWC members and their unions in order that the former are able to represent their union's position on issues under discussion; ensure that EWC members are trade union members.
- Support trade unions and EWC members to ensure that the EWCs voice is heard before management takes a unilateral final decision affecting the interests of workers;
- Improve the level and the quality of participation of workers representatives from certain countries, including from E.U. New Members States;
- Support EWC members by providing them with accurate information, including the EWC "recast" Directive and the jurisprudence;
- Where union membership is high enough, support workers and trade union representatives to set up new EWCs and to make them efficient. Fight against those companies that oppose the setting up of EWCs and do not respect information-consultation rights.
- Improve coordination and communication flows between different levels of workers' representation, including works councils.
- Nominate EWC coordinators and facilitate networking among them.
- Negotiate the allocation of financial resources to facilitate training and exchanges between Works Councils members.