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## 1. Ground-breaking court decision in London

### US company breaches EWC law

On 19 January 2016, the Central Arbitration Committee (CAC) in London came to a decision on a complaint filed by the European works council of Emerson Electric. The judges of the CAC, which is the first-instance court for collective labour law, ruled that there had been errors in the Information and Consultation of the EWC. Never before in the history of British law has there been such a court decision. This was also the first time that a US company had ever been taken to court in London, on EWC matters. In the past, the EWC of the British Council, a cultural institution had lost a similar legal case, in April 2013 (see [EWC News 2/2013](#)).



The application was filed on 27 October 2015 and an oral hearing took place on 5 January 2016, at the headquarters of the CAC in the Euston Tower, one of the highest buildings in the North London city center (photo). Emerson Electric established a EWC under British jurisdiction in June 2014, for its 22,000 employees in Europe (see [EWC News 2/2014](#)). An employee representative from Sweden was elected as chairman. The application is divided into three areas:

#### **1. The competence of the EWC**

On 30 June 2015, central management announced a restructuring plan to the press which included the sale of one of its divisions and the evaluation of strategic alternatives for further parts of the group. The EWC had not been informed beforehand. The request for an extraordinary meeting of the select committee due to exceptional circumstances was also rejected, since according to central management - this represents a global restructuring plan, which is not limited to Europe, and because the sale or acquisition of company divisions does not fall within the EWC's scope of competence. The judges however ruled that the EWC was indeed competent in such matters and should have been involved before the press was informed. However, despite the breach of law, no sanctions were imposed on the company.

#### **2. When should information be made available?**

The second controversial issue was the question whether central management has to provide written and already translated information prior to EWC meetings. The judges rejected this claim, since no specific time-frame is mentioned in the Emerson Electric EWC agreement.

### **3. The payment of experts**

The third controversial issue concerned the selection, role and payment of experts. The judges confirmed that the EWC is completely free to decide on its own, which experts it would like to commission and the employer must bear the costs, providing the fee is "reasonable". The employer however, wishes to pay experts only for the duration of meetings and not beyond. This would make any analysis of documents or the preparation of reports impossible. The CAC made no ruling on the matter. Similarly, it was not decided whether a EWC has the right to be represented by a lawyer during legal proceedings.

#### **Appeal proceedings could end up in Luxembourg**

On 29 February 2016, the EWC filed an appeal with the second instance Employment Appeal Tribunal. The claim is against the lack of sanctions despite the breach of law. The EWC Directive requires "sanctions that are effective, dissuasive and proportionate in relation to the seriousness of the offence". Furthermore the payment of experts outside of EWC meetings and legal representation before court have to be settled. For many British and American managers it is totally incomprehensible that they should have to pay for a lawyer, who is taking them to court on behalf of the works council. Potentially, this case could be escalated to the European Court of Justice in Luxembourg and examined together with the Amcor case, which is currently on its way to the German Federal Labour Court (see [EWC News 3/2015](#)).

[Full text of CAC ruling](#)

#### **Forthcoming event**

The EWC's lawyer will give a report on the case during the London EWC conference on 7 April 2016. Last minute enrolments are still possible.

TIPP !

[Program and registration form](#)

## **2. Paris: Draft legislation softened after protest demonstrations**

### **Gerhard Schröder à la française?**

On 9 March 2016, 500,000 people from all over France took to the streets to demonstrate against the socialist government's planned reform of the Labour Code. The details, which had been kept secret, were revealed to the press on 17 February 2016. They involve major restrictions to social and labour rights in the country.



French trade unions regard it as a (social) political (time-)bomb. The government wishes to fight rising unemployment, which is running at 10%, more than twice as high as in Germany. The details of the propositions are as follows:

- Negotiations and flexibility on a company level are to be given priority ("strengthening negotiations between the social partners"), to make it easier to undercut legal and collective-bargaining standards.
- The power of the labour courts for analyzing the grounds for dismissals and for fixing financial compensation is to be weakened. Economic redundancy will already be considered as justified if there is a slight drop in company profits. The aim is to remove the need for justifying layoffs in the law governing dismissals and thus create more security for the future planning of employers.
- A series of regulations aims at making working hours more flexible and reducing overtime payments.
- The collective bargaining legislation is to be further modified to restrict the possibility for militant trade unions to block contested company collective agreements. There had already been some initial changes in August 2015 (see [EWC News 3/2015](#)).

Within a short space of time, an online petition, which was launched for the withdrawal of the bill, collected over 1.2 million signatures. According to polls, 70% of the French are against the reform. There is a big risk that the actions of the trade unions and youth organizations may lead to a

nationwide mobilization, which could block the whole country. The majority of trade unions wants the draft bill to be completely withdrawn, while the reform-oriented trade unions (in particular the CFDT) is ready to negotiate on individual points. Since the government needs at least the CFDT, with whom it has close ties, as a basis for legitimacy, it softened the bill on 15 March 2016. There is continually disagreement between the different trade unions. In January 2013 for example, not all of them had signed a social pact with the government (see [EWC News 1/2013](#)).

[Report on protest demonstrations](#)

### **Effects on the political scene**

The current confrontation is not only shaking up the trade unions, but is plunging the French left-wing into what is probably one of the deepest political rifts in its term of legislation. The former party chair and employment minister Martine Aubry, who was responsible for the implementation of the 35 hour working-week in 1998, published a scathing letter against the reforms and the entire economic policies of the government, which are largely backed by the employers' federations and conservative opposition. There are meanwhile speculations on a reorganization of French party system, left of the center, with a possible breakup of the socialist party. The situation is comparable to the German Social Democrats at the end of the Schröder era.

[Critical view of the socialist party](#)

## **3. Reform of data protection in the EU**

### **Considerably stronger regulations than in current German law**



Since 15 December 2015, there has been agreement in Brussels on the contents of the General Data Protection Regulation. The rules for processing personal data are to be hereby harmonized across all companies and public administrations in the EU. The project was initiated in January 2012, by Viviane Reding (photo), who was EU Justice Commissioner at the time. If the European Parliament officially adopts it in June 2016, the Data Protection Directive in force since 1995, will be replaced by the new regulation.

As opposed to a Directive, which must be transposed into the national legislations of EU Member States, the General Data Protection Regulation will become immediately applicable. It will therefore not be possible for member states to weaken or strengthen the data protection provided by the regulation through national provisions. The new regulation will become legally binding two years after the text is announced in the Official Journal, i.e. probably in June 2018. From this date on, the German Federal Law for Data Protection will also no longer apply.

All companies which process data outside the EU, but which also do business within the EU, will be subject to this regulation in the future. The US is particularly affected by it. Sanctions should be "effective and dissuasive", the same wording that also applies for European works councils. If companies do not comply with the strict rules, they can be liable to fines of up to four per cent of their world-wide turnover for the previous year.

### **Company agreements continue to apply, but should be verified**

For ensuring data protection in the workplace, Article 82 provides a certain latitude for refinements. Above all, many of the new regulations were geared to the IT industry and are therefore not adapted very well to the data of workers. However company agreements may make alternative provisions for the processing of employee data, and negotiations on the subject are already underway in certain companies. In principle all company agreements and collective agreements continue to apply, providing they are not contrary to the fundamental provisions of the new EU Regulation. The codetermination rights of works councils have been fully preserved. The trade unions fear that given the ever increasing digitalization and data processing this could result in an increased pressure on performance and in a deterioration of employee rights.

[Full text of draft regulation](#)

[Significance of the new EU Regulation for employee data](#)

## Forthcoming events

A seminar is being held on the subject of "Compliance" from 2 to 4 May 2016, which is particularly suitable for works councils in US-companies. The new EU General Data Protection Regulation will be presented in a seminar organized in Erfurt from 20 to 22 June 2016.

TIPP !

[Compliance seminar program](#)  
[Data protection seminar program](#)

## 4. Downsizing on the EWC agenda

### Outsourcing and downsizing instead of forward-looking investments



UniCredit's European works council met on 27 November 2015, in Milan for a detailed examination of central management's strategic plans for 2018. Apart from workforce reductions, there is a plan to sell a number of subsidiaries. In Austria alone, 70 out of the 190 branches of Bank Austria are to be closed and their headquarters for Eastern Europe relocated from Vienna to Milan. In Italy the leasing business is for sale. Within four years 18,000 of the 130,000 jobs world-wide are to be outsourced or slashed.

The European works council criticizes that no alternatives have been examined and the lack of initiatives for a turnaround and long-term measures for safeguarding jobs. The group should invest in the existing skills of the workforce, and push forward innovation and digitalization. Today's UniCredit group is the result of the acquisition in 2005, of the German HypoVereinsbank and its subsidiary Bank Austria with a lot of business in Central and Eastern Europe. UniCredit hereby became market leader in numerous new EU Member States and in the Balkans. The EWC was established in January 2007, following the merger (see [EWC News 1/2007](#)) and is considered to be one of the most active in Italy. It has concluded several exemplary transnational employment agreements, most recently in May 2015 on responsible sales (see [EWC News 2/2015](#)).

[EWC's opinion on strategic plan for 2018](#)

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### Employee representatives break off negotiations in protest

The joint power plant technology and renewable energies working group, from the Alstom and General Electric European works councils broke off negotiations on the planned elimination of 6,500 jobs, on 10 February 2016. Although the employer has not yet presented any exact figures on the plans, measures are already being implemented. There is, for example, a downsizing of 150 jobs currently underway in Estonia. Central management announced its plans on 12 January 2016 and concluded a consultation method agreement ("accord de méthodologie") running over a period of three months, with EWC representatives. The EWC is now demanding a halt to the implementation of any measures until the end of consultations. Altogether 20% of the European workforce is to be slashed: 800 jobs in France and around 1,500 each in Germany and Switzerland. A pan-European day of protest is planned for 8 April 2016.



The sale of the energy division of the former French state-owned Alstom to the US Conglomerate General Electric was politically highly controversial and could only be concluded on 2 November 2015. To avoid any legal action from Alstom's European works council, both companies had signed a Declaration of Commitment in October 2014, which also included "negotiations" on alternative methods for downsizing (see [EWC News 4/2014](#)). During the period of transition it was agreed to establish the above-mentioned working group and a provisional EWC structure. In parallel to this, there is a Special Negotiating Body, which is currently preparing a completely new EWC agreement for General Electric.



[Press report on job-losses in Switzerland](#)  
[IG Metall report on downsizing in Germany](#)  
[EWC press statement](#)  
[Call for a pan-European day of protest](#)

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## Spanish employee representatives negotiate in London



A works council delegation from Altadis in Logroño, the capital of La Rioja province, met with central management of Imperial Tobacco in London on 1 March 2016 to negotiate, for the second time, on the future of their factory. On 19 January 2016, the British tobacco company had announced the partial closure of cigarette production in Spain for 30 June 2016. Just under half of the 1.000 jobs are to be lost, including 180 through early retirement.

Imperial Tobacco's European works council had not yet been informed in its last meeting in December 2015. An extraordinary meeting of the select committee was therefore held on 2 February 2016 in London, to which the Spanish works council was invited. In the course of the consultation procedure, a Spanish expert established a report which was presented in London. Within 15 days after the meeting, held on 1 March 2016, central management was able to reply to these arguments. The consultation procedure on the European level was hereby concluded and further negotiations then took place in Spain locally.

Altadis originated from the Spanish tobacco monopoly and was acquired in 2008 by Imperial Tobacco from Bristol (see [EWC News 4/2008](#)). The EWC agreement from 2011, negotiated following the merger, defines specific time-frames for the consultation procedure: four weeks for the elaboration of an opinion and two weeks for central management to reply (see [EWC News 2/2011](#)).

[Press report on the partial closure](#)  
[EFFAT trade-union federation press release](#)

## 5. New SE participation agreements

### No codetermination for Electronics Company from Upper Bavaria

An SE participation agreement was signed on 14 October 2015, for the Kathrein plant in Rosenheim. This family business with its 7,700 employees world-wide is the world's largest and oldest antenna manufacturer. In the new SE there are no provisions for employee representation on the supervisory board. There is only a SE works council with a distribution of seats largely based on law. Every country with 25 employees or more is represented.



There is one plenary meeting per year and up to two extraordinary meetings in exceptional circumstances. The steering committee is made up of five members, who hold four ordinary meetings per year and have a right of access to all sites. The SE works council can be assisted by up to two experts. Besides the usual catalogue of information and consultation topics it also has a right of initiative e.g. on equal opportunity, data security or occupational health and safety. The core labour standards of the International Labour Organization (ILO) have explicitly been integrated into the SE agreement. A joint arbitration board with a neutral chairman is established to deal with any disputes.

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### No codetermination for Automobile supplier in middle Franconia



An SE agreement was signed for Alfmeier on 14 December 2015 in Treuchtlingen. This family business, which manufactures valves and pumps, has 2,200 employees world-wide. There are no provisions for board-level employee representation in the SE, since the parent company has 490 employees in Germany, just below the threshold value for one third participation. The rest of

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the German workforce does not count here.

The SE works council has eleven members (seven from Germany and four from Czechia). They meet three times per year and have a right of access to all sites. The steering committee is composed of four members. It is always informed prior to any important decisions taken by the board of directors on personal or investment planning. It may issue a written opinion within two weeks. In exceptional circumstances e.g. mass redundancies, the SE works council may request a second consultation round with a goal of reaching an agreement with central management within an additional two weeks. Measures may only be implemented once the consultation procedure has been finalized. Any disputes are resolved by an arbitration board which is geared to the rules of the German Works Constitution Act.

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### Software Company avoids full-parity supervisory board

An SE agreement for CompuGroup Medical (CGM) was signed on 3 December 2015 at Frankfurt airport. The company headquartered in Koblenz, has 4,200 employees world-wide and manufactures medical information systems. The employees' side appoints two of the six members on the supervisory board, both currently from Germany. In the future, the mandates will be allocated to two different countries by the SE works council. At the time of the SE conversion, CGM had 1,800 employees in Germany and is no longer obliged to establish a full-parity supervisory board even if the workforce exceeds the 2,000 threshold. This strategy plays a crucial role in many SE conversions. This is why, out of all SE agreements concluded so far in Europe, 80% are attributed to Germany (see [EWC News 4/2015](#)).



As for the Special Negotiating Body, the SE works council is made up of 18 members, including five from Germany and two each from Austria and Italy. The nine remaining countries have one seat each. There are two plenary meetings per year. The steering committee is composed of five members. The SE agreement is largely based on the subsidiary requirements, which are the default regulations implemented when negotiations fail. A joint arbitration board is established for any disputes which are to be settled within two months. If this does not succeed, a mutually agreed neutral person is brought in. Legal proceedings are only possible after this step.

[Press release on SE conversion](#)

## 6. New European works councils

### French food producer establishes EWC



A EWC agreement for Avril was signed on 14 December 2015, at their headquarters in Paris. The company, which was originally founded by producers, now processes half of all rapeseed and sunflower harvests in France. Today, the group has a presence in 22 countries throughout the world with 7,200 employees and besides oilseed and protein also offers bio-fuels and financial services.

The EWC is composed of twelve representatives, including six from France and two from Romania. A further four EU Member states have one seat each. In addition there is a guest representative from Morocco, where Avril has more than 500 employees. The EWC meets once annually under the chairmanship of the employer. A select committee is established with five members from at least four different countries and meets three times per year. Additional extraordinary meetings take place for exceptional circumstances concerning at least 80 employees in two countries.

Of particular interest is the paragraph according to which, the opinion of the EWC is not a pre-requisite for an opinion on a national level. This aims at avoiding a similar situation as in certain other companies whereby restructuring measures have been delayed. French labour courts have continually granted the right for local works councils only then to start consultations, once the opinion of the European works council has been issued (see [EWC News 1/2013](#)).

### Dedicated EWC for PVC producer

On 7 January 2016, a EWC agreement for Inovyn was signed in Brussels. The newly founded chemicals group has 4,300 employees in eight countries and is based in London. It is the result of a Joint venture by Solvay (Belgium) and Ineos (Switzerland) who merged their chlorovinyl activities in 2015. Besides the Special Negotiating Body, there was a committee composed of four members each from the European works councils of both parent companies. It was responsible for Information and Consultation during the transition period and has now been dissolved.



The EWC meets once annually and is made up of 14 members, including three each from the two largest countries (United Kingdom and Belgium). They elect four members to the select committee, which meets on a quarterly basis. Their most important task is to carry out any consultation procedures for restructuring. For each individual case a precise schedule is at first mutually agreed upon with central management. Following the communication of all relevant information the consultation phase then lasts at most 28 days. Negotiations in the countries concerned only begin once the consultation of the EWC has been concluded.

In order to ensure the correct flow of information between EWC and local works councils, another body is established as a "Single Point of Accountability" across sites in countries with no General works council. The EWC agreement hereby fills a gap that the legislator has left in several EU Member States (e.g. in Belgium or Spain). The EWC has a right to two kinds of experts: besides a trade union official it can also be assisted by independent technical advisors.

The two partners in the Joint venture come from completely different corporate cultures. Solvay is well-known for its pronounced social dialogue with work councils and trade unions and has concluded numerous transnational agreements (see [EWC News 3/2015](#)). Ineos distinguished itself in 2013 by its harsh methods in a refinery in Scotland, where it had come to conflict over the company pension scheme (see [EWC News 4/2013](#)).

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### Producer of household and personal care products establishes EWC



A EWC agreement was signed under British jurisdiction on 26 January 2016 in the West Flanders city of Ypres, where McBride has its largest production site. The company, based in the Manchester region, operates twenty factories in ten countries. With 4,000 employees, it is the largest producer of trade brands in Europe. The future EWC has 18 seats which are allocated to the individual sites.

There are two annual plenary meetings which the employer chairs. In addition there are extraordinary meetings, upon written request from more than half of the EWC members. The select committee consists of four employee representatives and a representative from central management, and likewise meets twice per year. Each year the EWC has a right to three days training. It can be assisted by two paid experts simultaneously.

We have compiled a selection of EWC agreements for [download on a website](#).

## 7. Updated EWC agreements

### Renewed regulations for Scandinavian bank

An updated EWC agreement was signed on 9 February 2016 at the headquarters of the Skandinaviska Enskilda Banken (SEB) in Stockholm.



This leading Nordic bank, with subsidiaries mainly around the Baltic Sea, had established a European works council in 2003 based on the subsidiary provisions of the Swedish EWC legislation, since the discussions between central management and the Special Negotiating Body had not succeeded. Although the new agreement makes extensive quotes from the currently applicable EU Directive, it clearly goes well beyond it in certain aspects.



As such, recital 16 from the EU Directive preamble has been integrated literally and the transnational scope of the EWC has been expanded (see [EWC News 1/2013](#)). Besides the obligation of providing information for the annual meeting there is also a catalogue of topics for on-going information and consultation. The process for the consultation procedure is defined in an appendix to the agreement. There continues to be one annual plenary meeting with central management, however the EWC can hold a second plenary without management. The select committee, composed of up to five members, meets at least once per quarter. The first discussions on revising the agreement had already been held with central management in March 2012, with support from EWC Academy (see [EWC News 1/2012](#)).

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### Insurance group defines rules for socially responsible downsizing



A revised EWC agreement for the largest insurance group in Switzerland was signed on 10 February 2016 in Zurich. It contains guidelines and minimum conditions for cross-border restructuring, particularly in case of downsizing. The agreement stipulates that alternatives to dismissals are first to be examined and goes on to define these further in six points. In addition, there is a clear definition of collective redundancy procedures within the national companies including guidelines for social plans. Its fundamentals go considerably beyond any comparable agreements and from a quality aspect are usually only to be found in French agreements, such as for example in the Axa Insurance group (see [EWC News 3/2011](#)).

The EWC, known as the Zurich European Forum (ZEF), has been faced with continuous restructuring within the group and had already concluded a memorandum on socially responsible restructuring and guidelines for social plans during a specific project with the central management, in May 2014 (see [EWC News 2/2014](#)). The new agreement develops on this further and remains as a "voluntary" agreement which is not subject to the EU Directive. Nevertheless, key elements of the new legal situation have been integrated into the text which no longer lies under Belgian but under German jurisdiction. The consultation procedure has also been clearly defined without any specified deadlines. The ZEF has been assisted by advisors from the EWC Academy since November 2014, both during the elaboration of legal texts and for the analysis of business figures in the course of restructuring measures (see [EWC News 4/2014](#)).

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### Group restructuring concluded after business swap with Novartis

A revised EWC agreement for GlaxoSmithKline was signed on 11 February 2016 in London. The European works council has been enlarged from 33 to 38 members following the acquisition of some sub-divisions of the Swiss based pharmaceuticals group, Novartis. It represents 42,000 employees in 31 countries across Europe including Switzerland. Seven seats are attributed to the United Kingdom, as homeland of the pharmaceuticals group and several small countries have to share one seat. The employer continues to chair meetings. Many other aspects also remain unchanged from those defined in September 2011 (see [EWC News 3/2011](#)). The GlaxoSmithKline EWC agreement was considered at the time, as one of the best in the United Kingdom.



For the first time in July 2014, in the course of the group's restructuring with Novartis, the EWC of GlaxoSmithKline had issued a detailed opinion and concluded a sort of "method agreement" with central management on the process for the two-year consultation procedure. The restructuring included the transfer of 800 employees from GlaxoSmithKline to Novartis and a further 4,300 employees from GlaxoSmithKline into a Joint venture with Novartis. One important aspect of the consultation procedure was the transfer of acquired social security benefits, whereby there were



especially problems in Switzerland and in Romania. Efforts for avoiding any collective redundancies and the guidelines for social plans also played a major role.

## 8. Global company agreements

### Social standards at Arabic news broadcaster



A framework agreement was signed between the corporate management of Al Jazeera Media Network and the International Journalist Confederation, on 9 December 2015 in Geneva. It safeguards the activity of journalists, the right to collective bargaining and the adherence to the International Labour Organization's (ILO) minimum labour standards throughout the world. The agreement is considered as a milestone in the media industry.

The television network was founded in 1996 by the Emir of Qatar and broadcasts over 25 news, sports and regional programs in Arabic and English. In Sarajevo, its own television program in the languages of the successor states of former Yugoslavia is produced. A comparable framework agreement existed until 2011, for the German WAZ Media group (see [EWC News 1/2011](#)). The French broadcaster Eurosport, also signed a framework agreement in October 2012 (see [EWC News 4/2012](#)).

[Report on the signing](#)

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### Agreement against sexual harassment

Unilever, the Anglo-Dutch consumer goods manufacturer, signed a joint Declaration of Commitment on 26 January 2016 with two trade union confederations on an international level with the goal of preventing sexual harassment in the workplace. Local measures and complaint procedures are to be established in writing with employee representatives in all sites which do not already have provisions on the matter. A joint working group of union and management representatives is established on the highest corporate level to implement and oversee compliance with the agreement. It applies to all 170,000 employees world-wide. In October 2013, a similar working group was already established for equal treatment of men and women (see [EWC News 4/2013](#)).



[Press release on signing](#)

[Full text of the agreement](#)

[Unilever human rights report from 2015](#)

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### French food group promotes sustainable employment



On 15 March 2016, Danone signed an agreement against precarious employment in Paris with the International Union of Food workers (IUF). The aim is to reduce short-term contracts and temporary employment to a minimum and to promote this also at suppliers. In all Danone sites throughout the world, local management together with employee representatives are to jointly define when it is necessary to resort to fixed-term labour or the outsourcing of activities and where the use of these types of employment can be limited.

This is already the tenth global agreement with trade-unions in the Danone group. The most recent was an agreement on health, security, working conditions and stress, concluded in September 2011 (see [EWC News 3/2011](#)). Danone's European works council has held meetings regularly since 2009, with employee representatives from other parts of the world (see [EWC News 4/2009](#)). A comparable global agreement for the reduction of working hours was also concluded in November 2012, for

Volkswagen (see [EWC News 4/2012](#)).

[Report on the agreement](#)  
[Press release on signing](#)

## 9. Corporate networking beyond Europe

### Irish packaging manufacturer demands global dialogue

Trade unions and employee representatives from Smurfit Kappa in ten countries came together on 13 and 14 December 2015 in Warsaw to network themselves across the globe. Europe's largest manufacturer of cardboard based in Dublin, is setting standards for the entire industry. The working basis of the European works council was most recently improved in October 2012. According to the group's management it is now to play a proactive role in restructuring (see [EWC News 1/2013](#)). The Polish management however, was not open to discussion and even refused a site visit. In an open letter, employee representatives are demanding dialogue on a global level for all 40,000 employees of the group.



[Report on the meeting](#)  
[Full text of open letter](#)

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### Transatlantic meeting in Florida



48 employee representatives from Siemens sites in the USA and Canada held a workshop with their German colleagues from 9 to 11 February 2016, in Orlando. The chairman of the European works council also participated. Besides exchanging experience there was a focus on German codetermination and on the German works councils' work. There were discussions on how the high standards at Siemens in Germany could be transposed to the USA and Canada, where completely different legal rules apply.

An international framework agreement was concluded at Siemens in July 2012, which provides for meetings with local employee representatives in various parts of the world on a rota-basis (see [EWC News 3/2012](#)).

[Report on the workshop](#)  
[Presentation on German codetermination](#)

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### Global trade union alliance for HSBC

Around 30 employee representatives of the major British bank, HSBC, from sites around the globe met on 11 and 12 February 2016 in Esher (near London) to establish a coordination body. The aim is to conclude an international framework agreement.



A few days previously, central management had put a halt to salary increases and hiring for the entire world. Since April 2015, there had been talks of relocating company headquarters from London to Hong Kong, raising concern amongst the 48,000 British employees. HSBC is the largest employer in the British banking industry. A 10% reduction of the global workforce of 250,000 employees is currently underway. On 15 February 2016, it was announced that the company headquarters would remain in London. The British Government had previously guaranteed tax breaks amounting to 700 million £.

[Report on employee representatives' meeting](#)  
[Report on the company headquarters decision](#)  
[Reaction of French trade unions to the salary freeze](#)

## 10. Interesting websites

### Italian EWC project publishes practical experience reports



EWCS' STORIES

The Lombardy district office of the CGIL, Italy's largest trade union confederation, is currently running an EU sponsored project for improving communication within European works councils. The project partners from eight countries, including Serbia and Montenegro, provide documents and field reports from EWC members on a dedicated Internet website.

[The CGIL project website](#)

### Completely revised EWC database

The European Trade Union Institute's (ETUI) on-line database with the texts of EWC and SE agreements has already been in existence for ten years. It was completely revised in February 2016 and now has extended search functionalities. Previously the download of agreement texts was subject to a charge. It is now free of charge for all texts. The user is only required to register. The institute's work is sponsored by the EU.



[The EWC database](#)



### European Social security compass

The Federal Ministry for Employment and Social affairs (BMAS) in Berlin is hosting a special website with a database on social security in the EU. The social security compass provides a detailed insight into employment and social security in all 28 EU Member states and enables the download and customized compilations of the data. The database is supplemented with up-to-date news from EU Member States and links.

[The European Social security compass](#)  
[Selection of countries and topics](#)

### On-line community for labour and human rights

The International Trade Union Confederation (ITUC) in Brussels is running Equal Times, an online media on topics such as the workplace, politics, economics, development and the environment. There are contributions from all around the world in English, French and Spanish. The articles can be filtered according to continent and to individual countries.



[Equal Times homepage](#)  
[The contributions from Europe](#)

We have put together a collection of other interesting [links](#).

## 11. New publications

### Lobbying and transparency in EU Institutions

LOBBYING IN BRÜSSEL



The Federal chamber of labour in Vienna published a brochure in September 2015 which describes status-quo lobbying in Brussels. Under the title, "Breaking corporate hegemony", it sets out a series of demands from the employee perspective. First and foremost, large corporations and the finance industry are involved in the EU's legislative procedures. Although there has been a transparency register in place since 2008, which is explained in more detail in the brochure, it has nevertheless done nothing to change the unbalanced membership of expert groups within the European Commission. The code of conduct for committee members and EU officials is also presented in the brochure in more detail.

[Further information on the brochure](#)  
[Brochure download](#)

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## Social dialogue inventory in Europe

In November 2015, the European Center for Workers' Questions (EZA) in Königswinter (Germany) published a compendium on social dialogue in collaboration with the Leuven Catholic University (Belgium). The authors evaluate what conditions and quality criteria must exist for social dialogue to succeed and lead to good results. There is a chapter dedicated to employee representation in the workplace, definitions for the key issues in Information and Consultation as well as in negotiations between the bargaining parties. European works councils and board-level employee participation are also covered. The book is only available in English and was edited as a project financially sponsored by the EU.



[Further information on the book](#)  
[Book's table of contents](#)  
[Online order](#)

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## European labour law basics



This textbook was released in February 2016 and presents the fundamentals of EU labour law on the basis of real-life examples from the case-law of the European Court of Justice (ECJ). It focusses on conveying the basic knowledge for the protection against social discrimination and on the freedom of movement for workers. Besides the sources of law in EU legislation, it also covers the participation of social partners during the legislative process on the European level. The chapter dealing with collective labour law covers the topics of Information and Consultation on a local level, in the European works council and in the European Company (SE). The authoress originally comes from a trade-union training background and from the Hamburg University for economics and politics (HWP).

[Further information on the textbook](#)  
[Table of contents and preview](#)  
[Online order](#)

## Forthcoming event

The effect of EU legislation on German labour law will be covered in a seminar to be held from 20 to 23 June 2016 in Erfurt. A visit to the Federal Labour Court (BAG) is also on the agenda.



[Program and registration form](#)

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## Labour relations in crisis mode?

A manual examining the national industrial relations in nine EU Member States was published at the beginning of March 2016. France, Spain and Italy are given as examples of the Mediterranean model, Sweden for the Nordic way, Austria as the model for social partnership and the United Kingdom as an Anglo-Saxon example. In addition, there are three Eastern European countries Poland, Lithuania and Slovenia. The socio-economic developments are examined for each country before and after the crisis including wage and bargaining policies, positioning of trade unions and the European agenda. The country by country reports are concluded with a comparative analysis from an EU perspective.

[Further information on the book](#)  
[Table of contents with preview](#)  
[Online order](#)



We have put together a [compilation of further literature](#).

## 12. The EWC Academy: Examples from our work

### Annual Hamburg EWC conference for the eighth time in a row



The annual EWC Academy conference was held on 25 and 26 January 2016 in Hamburg. Two EWC chairmen reported on their activities. The EWC in Avaya, a US based technology company, is currently in the process of building a business reporting system for restructuring (see [EWC News 1/2015](#)). In Solvay, the Belgian chemicals group there have been several exemplary transnational employment agreements concluded with central management (see [EWC News 3/2015](#)).

The Belgian labour lawyer, Professor Filip Dorssemont continued by addressing the question: in restructuring who is consulted first - the EWC or national works councils? He published a legal analysis on the subject in July 2015 (see [EWC News 2/2015](#)). On the second day, a short seminar took place on the consultation procedure. The next Hamburg EWC conference is planned for 30 and 31 January 2017.

[New short study on coordination between EWC and national work councils](#)

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### Preparation for establishment of two new EWCs

The EWC Academy delivered training in two companies on how to prepare for the establishment of a Special Negotiating Body (SNB). The German and Austrian works council members of Hill-Rom, the US medical technology company, held a seminar from 11 to 14 January 2016 in Kassel. A meeting for ICON, the Irish pharmaceuticals group, was held on 1 and 2 February 2016 in Langen (Hesse).



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### Aerospace group with renewed divisional works council



The 20 members of the SE divisional works council of Airbus Defense & Space met on 3 and 4 February 2016 in Ingolstadt for a training to prepare themselves for a new term of office. As was the case before the SE conversion, the EWC Academy was commissioned with the task. The group's defense and space divisions had recently merged and the divisional works council expanded with members from Poland and Finland. It is based on a SE agreement which was concluded in February 2015, under Dutch jurisdiction (see [EWC News 1/2015](#)).

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### Training for newly established SE works council

The new SE works council of the seed producer KWS Saat, met on 24 and 25 February 2016 for its first training session in Langenhagen (near Hanover). The representatives of the SE works council, known as the European Employee Committee (EEC), represent altogether 16 countries. In March 2015, the family business from Lower Saxony had concluded a SE agreement in order to avoid a full-parity supervisory board (see [EWC News 3/2015](#)).



### 13. Current seminar schedule

The EWC Academy and its forerunner organization have been organizing and delivering conferences and seminars for members of European works councils, SE works councils and Special Negotiating Bodies since January 2009. So far 657 employee representatives from 240 companies have taken part including many of them for several times. This represents around 20% of all transnational works council bodies in Europe. In addition there are numerous in-house events and guest lectures given to other organizations.

[Overview of the forthcoming seminar dates](#)

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### German-British works council conference in London **(last minute registrations still possible)**



For the fifth time running, a conference is being held in London on 7 and 8 April 2016. The event will be simultaneously interpreted. It is particularly addressed to European works councils members who are under British jurisdiction and to all employee representatives who are interested in the British system.

[Program and registration form](#)

[Report on the second London conference](#)

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### US conference for work councils

Works council members from US companies will be holding a conference for the fourth time running, from 2 to 4 May 2016, this time in the Point-Alpha Academy near Fulda. There will be an exchange of experience on "Compliance" and on Anglo-Saxon management culture. The conference is also suitable for works council members from European companies with major sites in the USA. Klaus Franz, former General Motors' EWC chairman, will once again be the moderator.



[Program and registration form](#)

[Brochure on Compliance download](#)

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### Language courses: Business English for works council members

- 9 to 11 May 2016 in Hamburg
- 26 June to 2 July 2016 in Esher (near London)
- 20 to 25 November 2016 in Dublin

[Further information on our language courses](#)

Detailed program available on request.

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## Two seminars including visits to German Federal Labour Court



Two seminars are being organized from 20 to 22 June 2016 in Erfurt, which include visits to the Federal Labour Court (BAG). The former BAG judge, Professor Franz Josef Düwell, will be the speaker for the first seminar and will present the effects of EU legislation on German labour law. The new EU General Data Protection Regulation will be on the agenda of the second seminar.

[Program and registration forms for both seminars](#)

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## Legal EWC workshop

As every year, our legal seminar on EWC law is being held from 26 to 28 October 2016, this time in Dresden. It will cover the legal subtleties of an EWC agreement, EWC case law and the application of the new EU standards in cases of legal uncertainty. One of the speakers will be Ralf-Peter Hayen, Head of Legal Department at the DGB Federal Office in Berlin and a fine connoisseur of the subject. The exact program will be available shortly.



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## Inhouse events

An overview of possible topics for Inhouse events can be found below:

[Topics for Inhouse seminars](#)  
[Topics for specialized lectures](#)

## 14. Imprint

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