



Welcome to issue no. 2 / 2009 of EWC News.

July 10th, 2009

**Der EBR-Fachinformationsdienst**

The training and consultancy network "euro-workscouncil.net" is there to inform you about the activities of European Works Councils and related subjects.

EWC News appears four times a year.  
You can download this newsletter as a [pdf file](#) and print it out.

You can find past issues in the [newsletter archives](#).



[Dieser Newsletter auf Deutsch](#)



[Cette newsletter en français](#)

Contents:

- [1. New EWC Directive comes into force](#)
- [2. Euro Works Councils analyse the new legal terms](#)
- [3. Updates to EWC agreements](#)
- [4. Recent legal judgements](#)
- [5. Newly created European works councils](#)
- [6. European-wide collective agreements](#)
- [7. Worldwide framework agreements](#)
- [8. SE agreement extends the supervisory board](#)
- [9. New information on co-determination](#)
- [10. Interesting web pages](#)
- [11. New publications](#)
- [12. Training and consultancy network " euro-workscouncil.net ": examples of our work](#)
- [13. Seminar schedule](#)
- [14. Imprint](#)

## 1. New EWC Directive comes into force



After more than five years the procedure for the revision of the EWC Directive was finally completed on June 5th, 2009. Although political agreement had already been reached in December 2008 (see [report in EWC News 4/2008](#)), translation problems led to further delays. The final adoption by the Council of ministers then took place on April 23rd, 2009. Once again the British government abstained, with all other EU governments voting favourably.

The European Parliament signed the new Directive on May 6th, 2009 and it was published in the European Union's Official Bulletin on May 16th, 2009. It officially came into force twenty days later on June 5th, 2009. The Directive applies throughout the entire European single market which therefore includes the United Kingdom as well as Norway, Iceland and Liechtenstein. Switzerland is formally excluded. Croatia and Turkey will transpose the new Directive into national legislations upon their entry into the EU.

- [The full text of the new EWC Directive](#)

- [Presentation about the most important points of the revised Directive](#)
- [Detailed documentation of the revision procedure since 1999](#)

### **The clock is now ticking: Transition period until June 2011**

Many EWC members have been waiting a long time for this day. The improved rules, however, do not automatically apply but must be integrated into existing EWC agreements. In a few companies this process has already been carried out and some examples are given in this newsletter. For all other companies: now that the task of the legislator has finished, the work for the works councils is just beginning. It is strongly advisable not to wait for the last days of the two-year transition period but to start with the work immediately.

Hereby, the following needs to be taken into account:

- Agreements made under article 13: Urgent need for action is advisable here.
- Agreements made under article 6: It is not yet legally clear as to whether or not or under what conditions the new Directive automatically applies. Trade unions have different positions on the subject. The European Trade Union Confederation (ETUC) is therefore currently making a legal assessment. To be on the safe side, a well-prepared, qualified adjustment negotiation is recommended whereby the new guideline should be considered as minimum standard.
- Application of default EWC legislation: The new regulations come automatically into force as of June 2011.

Of course the best solution can only be found by the exact analysis of the individual cases. Experts from the training and consultancy network "euro-works council.net" are gladly available to help on request.

## **2. Euro Works Councils analyse the new legal terms**

### **Conference on the new EWC Directive in Italy**

A German-Italian meeting for European works councils took place in Rome on May 7th and 8th 2009 and was organized by the training and consultancy network "euro-works council.net" together with the Italian institute IRES and the Friedrich-Ebert foundation. About 50 participants from various companies and trade unions were able to discuss the new legal position with experts such as Evelyne Pichot from the European Commission in Brussels and Prof. Dr. Ulrich Zachert from the University of Hamburg. It was the very first opportunity for Italian employee representatives to better inform themselves about the new EWC Directive after its adoption.



On the second day of the meeting participants discussed the intercultural problems met during the creation of a European works council based on two examples. A German and an Italian speaker each highlighted the backgrounds in the UniCredit banking group (see [report in EWC News 1/2007](#)) and in the Buzzi Unicem cement group (see [report in EWC News 2/2008](#)). In both these cases there had been a German Italian merger beforehand.

- [Presentation on the formation of the Buzzi Unicem EWC](#)

### **Workshop of the federal head office of ver.di trade union in Berlin**



A workshop on the new EWC Directive was held in the ver.di training centre, Berlin from June 17th to 19th, 2009. It was headed by Frank Siebens, EWC coordinator in the participation department and Dr. Reingard Zimmer from the training and consultancy network "euro-works council.net" (photo). Apart from information about the new legal position and relevant jurisprudence there was intensive dialogue on the work of the individual councils. Existing agreements were examined in detail and possibilities for renegotiation highlighted with regard to the innovations of the Directive. The workshop finished off with examples of "best practice" as well as

tips for improving each individual's work.

---

### Conference on the new EWC Directive in Belgium

A conference on the new EWC Directive also took place in Liège and was initiated by the training and consultancy network "euro-workscouncil.net" together with the Belgian foundation FAR and the trade union confederation FGTB. From June 22nd to 23rd, about 40 employee representatives, including many works council members from multinational companies in Wallonia, were able to get firsthand information. The speaker's presentations are available for downloading from the Internet :



- [The presentations of the meeting in Liège](#) (in French)

---

### In house events on the new EWC Directive



On June 9th and 10th, 2009 the European works council of **Shell** met in Warsaw for their half-yearly plenary session. Together with Dr. Werner Altmeyer from the training and consultancy network "euro-workscouncil.net", the delegates studied how the remarkable EWC activities of the oil company could be integrated into the existing EWC agreement whilst taking sufficiently into account the new EWC Directive.

From June 17th to 19th, 2009 the members of the European forum of **GlaxoSmithKline** were also informed about the new legal situation by Dr. Werner Altmeyer in their plenary session at the headquarters of the pharmaceutical company in London. The discussions concerned key aspects which seemed necessary to upgrade in their agreement. The "European Employee Consultation Forum" was established in 2001 and there had been previously European forums in the both pre-merger companies as early as 1997/98.



---

### EWC agreement renegotiation workshop



Many employee representatives are in the process of preparing for the renegotiation of their EWC agreements and would like to share their experience with experts and colleagues from other companies. For this very reason we are offering a workshop in the Castle-Hotel Montabaur from October 12th to 14th, 2009 in order to discuss the crucial points in detail. The main speaker is Prof. Dr. Wolfgang Däubler. German works council members have the right to participate according to § 37, para. 6, of the Works Constitution Act. The following texts are available only in German:

- [The programme of the EWC workshop in the Castle-Hotel Montabaur](#)
- [Registration form for the workshop](#)
- [Report from our EWC seminar in Hamburg in January 2009](#)

### 3. Updates to EWC agreements

#### French energy group now in the EWC top group

An EWC agreement was signed between the special negotiation body (SNB) and the central management of Gaz de France (GdF) Suez in Paris on May 6th, 2009. It reflects the long-standing experience of the two European works councils and is a European-wide milestone particularly with regard to information and consultation rights.



The 65 EWC members of the company, which was formed in July 2008 after a controversial

merger, meet together twice a year, with a 14 member steering committee meeting monthly. They represent 200,000 employees in the various divisions; energy, water, refuse disposal and energy services. Three divisions have their own working groups within the EWC which each meet twice a year. Employee representatives may also form working groups on health and safety and other topics. Each EWC member has a right to five training days per annum and an access right to all sites throughout Europe, with a maximum of 35 site visits. The Spanish water group Agbar is represented by observers. Agbar is currently in the process of negotiating for the establishment of its own EWC (see [report in EWC News 4/2007](#)).

These exceptional far-reaching EWC rights only can be explained by looking at the past history. The European works council of Gaz de France had in fact blocked the merger by legal proceedings for 1 1/2 years and succeeded in obtaining a transnational compensation agreement (see [report in EWC News 1/2008](#)).

- [Press release with details on the new EWC agreement](#)

---

### Ferry Company integrates new EWC Directive



An updated EWC agreement was signed under Swedish law for the shipping company Stena Line at their headquarters in Gothenburg on May 12th, 2009. The definition of information and consultation now follows literally that of the new EWC Directive. In the future, EWC members who violate the confidentiality restrictions, have to expect consequences only after consultation with the EWC. Previously, the employer could decide on this unilaterally. The size of the EWC stays the same as in 1996 with 15 delegates from eight countries. The company operates ferry routes on the North and Baltic Seas as well as in the Irish Sea.

---

### Protests overshadow new EWC agreement

The Saint Gobain Convention for Social Dialogue, which was the name given to the EWC founded the 1992, took place in Paris on May 20th. The company produces glass and building-materials and is one of the tenth largest industry groups in France. The new agreement adopts the definition for information and consultation from the new EWC Directive and improves the working conditions of the select committee. This is the seventh update to the still valid EWC agreement which dates back from 1992. While the agreement was being updated inside the conference building, there were demonstrations outside in protest against employment cutbacks in several countries.



- [Report of the protests](#)

---

### A French insurance group makes EWC legal history



On June 29th 2009, for the first time in the history of European works councils, an EWC agreement was no longer signed under national legislation but under European legislation (the photograph shows the signing in Paris). Whereas French industrial tribunals were responsible for disputes under the previous EWC agreement of the insurance group Axa, the new agreement, effective as of December 1st 2009, will give authority to the European institutions and therefore to the European court of justice in Luxembourg. This step turns a completely new page in EWC legal history and will surely be an example for many other companies to follow.

This will help resolve any legal uncertainties on obtaining information and consultation rights which exist in certain countries (e.g. UK or Germany) in a more European-wide and consistent fashion. The majority of verdicts on EWC questions were passed by French courts, and are only formally valid within France. The European court of justice has only ever been involved in three cases during the establishment of EWCs but never on any matters concerning litigation on obtaining rights for EWCs already in existence.

- [Summary of the previous EWC jurisprudence](#) (in German)

### The contents of the new agreement

The Axa EWC, which was established in 1996, will follow in the future the rules of the new EWC Directive. It has been reduced to 50 members from 18 countries (14 seats for France, 10 for Britain, 7 for Germany...) and will meet twice a year with the possibility of one training day per year. It loses the additional ten mandates, which were reserved after the acquisition of the Swiss insurance company, Winterthur.

According to French practice, the CEO of Axa chairs the EWC, and deputy chair is also from management. The steering committee, which meets once a month, consists of 10 employee representatives with at least five non-French members alongside these 2 top-level managers. The EWC has its own budget of € 90,000 per year. The new agreement furthermore encompasses the principles of another agreement on restructuring and social dialogue which was signed between the EWC and central management in April 2005.

- [Report on the contents of the new EWC agreement](#)
- [Full text of new EWC agreement](#)
- [The web page of the Axa European works council](#)

## 4. Recent Legal Judgements

### Continental Works Council loses lawsuit because of unclear EWC agreement

On April 21st, 2009 the district court in Sarreguemines, Lorraine (photo) decided that the closure of the Continental tyre plant in Clairoux, Picardie with over 1,100 employees was not illegal. In the opinion of the court, central management in Hannover had neither transgressed French labour law nor the EWC agreement. The tyre manufacturer was one of the first German companies to form a Euro-Forum in 1992. After being taken-over by the metal company Schaeffler the IG BCE and IG Metall trade unions were able to negotiate in August 2008 a no-plant-closure agreement up to 2014 (see [report in EWC News 3/2008](#)), which has since been violated in several countries.



The French works council complained that the decision to close the plant was announced unilaterally on March 11th, 2009 without prior consultation which would have allowed it to be influenced. Central management declared to the court that their plans had been misinterpreted by the press and that there was no obligation to involve the EWC before the French works councils. The judge established that all specified consultations were in progress and therefore that the plant closure could not be stopped. A decisive question was the order of the consultations: In transnational matters should the European or the national works councils take precedence? The Continental EWC agreement does not clearly define this and the plaintiffs therefore lacked the decisive argument. The verdict highlights the significance of a well formulated EWC agreement. There were riots after the judgement was pronounced.

- [Press report on the verdict](#) (in German)
- [Legal analysis of the Continental verdict](#) (in French)
- [Press report for the planned plant closure](#) (in French)

Two days later, on April 23rd, 2009 a German French demonstration organized by the European works council took place in Hanover in front of the companies annual shareholders meeting.

- [French-German flyer](#)
- [Report on the demonstration in Hanover](#) (in German)

### EWC steering committee met in explosive atmosphere in France



On May 6th, 2009 French workers staged an occupation of the plant in Sarreguemines where the EWC steering committee was meeting. The European works council were very concerned with the turn of events and tried to mediate but were very disconcerted when management left the plant in a great rush. Clearly the situation was getting too explosive for central management who are only used to dealing in a climate of social partnership with

German works councils and under German no-strike legal obligations. They escaped 2kms over the border to the safe regulated German business zone. The following texts are available only in German:

- [Press reports about the plant occupation](#)
- [EWC statement on the plant occupation](#)
- [Report of IG Metall trade union on the plant occupation](#)
- [Report on protests in the North of France](#)

The venue for a meeting of the French central works council of Continental originally to be held in Reims, Champagne was suddenly changed by management to Nice. The atmosphere on the French Riviera would obviously be calmer than in the North of France troubled by protests. Management was also worried about the meeting of the works council in the Clairoix plant since as chairperson they are obliged by law to come in person to inform and answer any questions. Under the threat of protests by outraged staff the factory management asked the French Department of Employment, whether the meeting could be conducted as a video conference. With mediation from the French government an agreement was finally reached on June 6th, 2009 for a redundancy scheme at the Clairoix plant which includes a compensation of € 50,000 per employee.

- [Legal assessment of management video conferences](#) (in French)

### Further Radicalization in France in other companies

The staff of a paper mill founded in the year 1520 in Provence was informed about the forthcoming plant closure on April 17th, 2009. The European managing director of the U.S. group Schweitzer-Mauduit; communicated using video conference from the nearby city of Avignon for fear of being kidnapped. The local works council of the U.S. building-machine manufacturer Caterpillar in the French Alps refused to take part in a video conference although the industrial tribunal of Grenoble had judged this possible on April 27th, 2009. The outraged staff took the managing directors in hostage. Caterpillar ended up paying the employees for the three days strike on which the managers were held prisoner.

- [Report on the radicalized actions of the last weeks](#) (in French)
- [Report about French Bossnapping in the German press](#) (in German)

---

### Freedom to strike as part of the freedom to form a coalition strengthened



The European court of justice for human rights in Strasbourg passed judgement on a complaint lodged by Turkey on April 21st, 2009. The verdict defines the right to collective bargaining and the freedom to strike as an integral part of the European Human Rights Convention. The decision does not only apply to the EU candidate state on the Bosphorus but affects all of the EU members (see [country report Turkey in EWC News 2/2007](#)).

Although the European court of justice tried repeatedly in Luxembourg to play off freedom to strike and enterprises' right of establishment against each other and thus partly weakened the freedom to form a coalition (see [report in EWC News 4/2007](#)), this new verdict from Strasbourg is regarded as a success for the trade unions. Freedom to strike now belongs to the human rights not only against a repressive state system in Turkey but also to EU countries with a much too liberal oriented economy.

- [Press release from the Court of justice](#)
- [The complete text of the verdict](#) (only available in French)
- [Comment on the verdict from the Chamber of Labour in Vienna](#) (in German, see page 9)

---

### Industrial tribunal Hamburg confirms claim to EWC training

For the first time, a German industrial tribunal has confirmed the right of works councils to training on EWC matters. On May 13th, 2009, the industrial tribunal Hamburg judged in favour of the Stilke works council, who represent workers in the train-station bookshop chain and who would like to have training from the " euro-works council.net " Training



and Consultancy network. They have been requesting the Swiss central management in vain for several years for the establishment of a proper European works council (see [report in EWC News 1/2008](#)). The verdict has not yet come into force.

- [Further judgements in EWC matters](#) (in German)

## 5. Newly created European Works Councils

### Business customer division of Verizon with its own EWC



Verizon Business, daughter company of the U.S. telephone company Verizon, offers communication services for business customers and administrations and employs 4,700 people throughout Europe in 20 countries, with over half in the UK. Following the signing of the EWC agreement under British law between central management and the 15 members of the special negotiation body (SNB) the constitutional meeting of the European works council took place in Reading near London from March 17th to 19th, 2009. It consists of only elected employee representatives from EU countries, Norway and Switzerland, management representatives do not belong to it. It is managed by a steering committee with three members. The French and Dutch works councils took the initiative for the establishment of the EWC.

- [Report on the establishment of the EWC](#)

### Drinks Machine Manufacturer finds EWC

On April 8th 2009 in Bergamo, N & W Global Vending signed an EWC agreement covering around 1,800 employees under Italian law. It is largely inspired from the old EWC Directive. Central management fixes the venue of the annual meeting, which can be extended by one day for training. On top of the formal meetings, each EWC member gets eight hours time-off per quarter. The production sites are in Italy (four EWC seats) and Denmark (two seats) with sales branches are in Austria, France, Germany, Poland, Spain and Britain (one seat each).



### A French motorcar supplier finds legal default EWC



Although the request for the establishment of a European works council in the Lisi group was made from Germany and France back in 2003 it was not until March 2005 that the first SNB meeting was convened. This violates the provisions of the EWC Directive which provides for a maximum six months delay. Management furthermore overstepped the three-year maximum negotiation period which ended in 2006. The EWC was finally created by force of law with a first meeting on April 28th, 2009. The EWC represents employees in France, Germany, Spain, Czech Republic and Britain; the group has worldwide 3,000 employees. The Lisi situation strongly resembles that of the call centre operator Transcom WorldWide (see [report in EWC](#)

[News 2/2008](#)).

### Dräger finds EWC under old legislation

On May 11th, 2009 the Dräger European Forum (DEF) was established at the group's headquarters in Lübeck. The 6,000 European employees of this German company dealing in medicine and security engineering will now be represented, for any transnational matters, by 9 delegates from Germany, Spain, France, Belgium, Britain, Ireland and the Netherlands. The steering committee consists of three members. With an annual one single day meeting, the agreement lies well below the



standards in practice in comparable companies. Although training measures are provided for, the definition of consultation rights still follow the unclear regulations of the old EWC Directive. Negotiations were started in February 2007 (see [report in EWC News 1/2007](#)). The following texts are available only in German:

- [Press report on the founding of the EWC](#)
- [Miscellaneous: Personnel policy Case study at Dräger](#)

The texts of numerous EWC agreements are available for download on a [special page](#).

## 6. European-wide collective agreements



### Agreement on equal treatment and antidiscrimination

The European works council and central management of the Italian bank UniCredit signed their second European-wide agreement in Milan on May 14th, 2009. Following the general agreement on training and further education which had already been reached in December 2008 (see [report in EWC News 1/2009](#)), the agreement now contains a common declaration on equal treatment and antidiscrimination. The essential work was carried out by a working group consisting of twelve representatives from both the EWC and Human Resources department respectively.

- [Report on the signing of the declaration](#)
- [The full text of the declaration on equal treatment](#)
- [EWC presentation on the web page of the company](#)

---

### Milestone for staff development within high tech companies

On June 11th, 2009 the French electronics company Thales signed a first transnational agreement to cover its 56,000 employees. It applies to eleven European countries and aims at improving the professional development of employees. Whereas normally only general principles are defined in comparable agreements for other companies, Thales has actually committed itself to achieve concrete objectives and to put in place a monitoring process. The signing in Paris was carried out in presence of Jacques Delors, former president of the European Commission.

Chief negotiator for Thales was the Human Resources director Yves Barou (photo on the left), who was previously responsible in the French Department of Employment for the law on introducing the 35 hour week. The signee from the employees' side was the acting General Secretary of the European Metalworkers' Federation, Bart Samyn (photo on the right). According to French custom, trade unions are always responsible for collective agreements whereas works councils are limited to an information and consultation role. Thales had also completed an outstanding EWC agreement in December 2007 (see [report in EWC News 2/2008](#)).



- [Press release following the signing of the agreement](#)
- [Full text of the agreement](#)
- [Web page of the CGT union, Thales](#) (in French)

### French companies set the direction

The Thales agreement confirms the trend whereby in practice such transnational agreements tend to be more frequently obtained within French groups. They may therefore substantially influence European development even in early stages similarly to the years prior to 1994 with the adoption of the EWC Directive. Today's philosophy of information and consultation within European works councils is therefore strongly inspired by French industrial relations. German and particularly British companies tend to lag rather behind this development. Further outstanding French examples of transnational agreements are:

- [Areva](#) (report in EWC News 1/2009)



- [PPR and Solvay](#) (report in EWC News 4/2008)
- [Suez and Schneider Electric](#) (report in EWC News 2/2007)

## 7. Worldwide Framework Agreements

### Norwegian engineering company founds World Works Council



Since January 1st, 2009 Det Norske Veritas (DNV) has put in place a "Global Employee Forum" for its 9,000 employees from 100 countries. DNV does business in the areas of shipping classification and risk management, e.g. for the energy industry. The company not only has a European works council but has also founded comparable employee forums in Asia and America. The worldwide works council now makes the connection. It consists of seven members: two Norwegian representatives, two further European representatives from the EWC, two Asian delegates and one from America and Africa.

- [Report on the establishment of the World works council](#)
- [Further information on the internet page of the company](#)

### An Italian electricity provider signs two agreements

On April 27th, 2009 in Rome, Italian trade unions and the energy company Enel signed an agreement on Corporate Social Responsibility (CSR) and on an observatory for employment policy. The European works council, which was founded only in December 2008 (see [report in EWC News 4/2008](#)), is to play a key role in the implementation of the CSR agreement. The agreement provides for an annual monitoring meeting.



- [Press release for the signing of the agreement](#)
- [The full text of the Corporate Social Responsibility agreement](#)

### Trade unions at Fiat create a global network



30 trade union representatives from Fiat factories all over the world (including Poland, Brazil, Spain, Serbia and Turkey) met together on June 17th to 19th, 2009 at the headquarters of the group in Turin to discuss a common strategy for the imminent worldwide restructuring. Top priority was given to the conclusion of an international framework agreement with central management and to avoid mass redundancies.

- [Report on the meeting in Turin](#)

## 8. SE agreements extend supervisory board

### The first energy company to found a SE

On May 29th, 2009, the Düsseldorf based enterprise E.ON Energy Trading registered as a European Company (SE). The company manages the worldwide electricity and gas trade of the E.ON group with almost 900 employees in 45 countries.



After several months of negotiations a participation agreement was signed on April 16th, 2009 for the establishment of a European-wide SE works council but which also regulates the nominations to the supervisory board. The SE works council which meets twice a year consists of 13 members, with six seats allotted to Germany, three to the UK and one each to Bulgaria, Sweden, Poland and the Netherlands. The council is entitled to promote the conclusion of transnational agreements on topics such as further education, equal opportunities or health and safety issues. Contrary to the general trend in SE-conversions the size of the supervisory board was increased; although the proportional representation remains unchanged at 1/3rd, four seats are now reserved for the employees' delegation. Two seats go to Germany and

one each to Britain and Sweden.

- [Press release from the company](#)
- [Article in the ver.di newspaper "Report"](#) (in German, see top of page 7)

---

### A Bavarian family business sets standards for the metal industry



On June 8th, 2009 after only two-months of constructive negotiations, a participation agreement was signed in Marktheidenfeld covering the 2,600 employees of the future Warema SE (photo). The family business is present in five European countries as the market leader for technical sun-protection products and further foreign branch offices are to be created after the transition to SE.

Employee representation on the supervisory board remains at 1/3rd but the number of seats is increased. This is the first time that an SE agreement provides for elections across the whole European workforce. The new European works council has rights which go far beyond the legal default regulations. In addition an annual works meeting may be convened in branch offices which do not yet have a local works council. The European works council can promote the conclusion of transnational agreements and to resolve disputes may call on a mediation board which is similar to the in-company arbitration board of the German Works Constitution Act.

Prof. Dr. Ulrich Zachert and Dr. Werner Altmeyer from the training and consultancy network "euro-works council.net" assisted as experts throughout the negotiations in coordination with IG Metall trade union. The following texts are available only in German:

- [Press release from IG Metall](#)
- [Press report on the SE agreement](#)

---

### Check list for the negotiation of SE agreements

In the May 2009 edition of the magazine "Arbeitsrecht im Betrieb" a contribution co-authored by Prof. Dr. Ulrich Zachert and Dr. Werner Altmeyer from the training and consultancy network "euro-works council.net", highlights the course of events in the SE negotiations for the adhesive manufacturer tesa (see [report in EWC News 4/2008](#)). Furthermore the article includes a check list for the SE transition process as a valuable guideline for special negotiation bodies.

- [Full text of the article](#) (in German)

---

### First supervisory board based on Merger Directive



The supervisory board of the insurance company Münchener Rück was reformed under new rules on April 22nd, 2009. The German co-determination law no longer applies to the Munich based company since it reached a participation agreement under the EU merger Directive on December 12th, 2008. Münchener Rück is the very first company in Europe to have gone down this path.

The procedure is similar to the transition to a European Company (SE): firstly a special negotiation body (SNB) is formed to negotiate participation rules with central management for a period of up to six months. The difference with the SE is that the negotiation concerns exclusively the supervisory board. The normal procedure from the EWC Directive applies for the European works council. There can therefore be simultaneously two special negotiation bodies working in parallel: one for the supervisory board and one for the European works council. The Münchener Rück supervisory board continues to be made up of 20 members, of which ten are employee representatives (one from Spain, all others from Germany). A EWC has been in place since 2001 for the subsidiary Ergo, but not for the holding.

## 9. New data on Worker Participation

## Indicator for comparison of worker participation between countries

Which countries in Europe have comparatively higher or lower standards for worker participation? Scientists from the European Trade Union Institute (ETUI) in Brussels have come up with the answer using the "European Participation Index" (EPI) which was made public on March 19th, 2009. The classification was carried out using a points-system. The results show that mainly countries in the north and in the centre of the EU; Scandinavia, Netherlands, Germany, Austria and France, have stronger worker participation. Top of the class is Sweden. Germany reaches only 7th position due to a drop in coverage of wage agreements and trade union membership.



Many Mediterranean countries, the Anglo-Saxon cultural area and practically all of Eastern Europe, belong to the countries with weak worker participation rights. Lithuania ranks bottom of the class. Each of these two country groups represents approximately half of the economic weight of the entire EU. The index also provides indirectly a reference to which countries one could expect the tendency for stronger or weaker support for the functioning of a European works council.



### Alarming poor results for Britain

The United Kingdom scored the fewest points in worker participation in Western Europe. Worker participation is only weaker in Bulgaria and the three Baltic states than in the birthplace of Manchester Capitalism. British employees are to a far stronger extent abandoned to the mercy of their management than is commonplace or acceptable within the EU. Since many Eastern European countries will gradually progress towards the EU average, it is only a question of time before Britain ranks Europe's worst in class.

This situation can be highlighted by another difficulty: whereas 26 EU countries have expressly committed to the introduction of works councils, the British Labour government was the only that could not convince itself to do it. The obstacles to the recognition of employee representation in British companies are so great that one can clearly talk of an outright lack of democracy. Already in 1994, the European court of justice in Luxembourg had to call the British government to order and to force them to modify royal decrees. Subsequently parts of the conservative opposition have regularly demanded the break-away from the EU.

This situation furthermore encourages companies from countries with strong worker participation to treat British employees unfairly. One example is the German publishing house Holtzbrinck: whose subsidiary Macmillan was forced to pay in 2007 the first fine in Britain for the breach of minimal standards in worker representation (see [report in EWC News 2/2007](#)). It is not surprising to see the functioning of UK based European works councils greatly hindered in such an environment. They often have working conditions far worse than that of councils from continental Europe (see [report EWC News 4/2008](#)).

- [Further information on the country comparison](#)
- [Detailed data on the EPI](#)

---

## Current figures on co-determination in German supervisory boards

**Hans Böckler  
Stiftung**

Fakten für eine faire Arbeitswelt.

On June 17th, 2009, the Hans Böckler Foundation presented new statistics concerning German co-determination. The evaluation shows that almost 700 companies are controlled by a supervisory board which is composed of half shareholder and half employee representatives. This covers also seven companies constituted as European Companies or SE. The statistics do not include companies with fewer than 2,000 German employees. These have supervisory boards with only 1/3rd employee representatives. The following texts are available only in German:

- [Further information about the evaluation](#)
- [The figures in detail](#)

## 10. Interesting web pages

## Blog for threatened IT staff

Since the merger of the IT service provider Electronic Data Systems (EDS) and Hewlett-Packard (HP) in August 2008, the workforce in Europe have been battling against planned redundancies (see [report in EWC News 1/2009](#)). In April 2009 the European Trade Union Federations, UNI and EMF, put in place an Internet Blog for up-to-date information on the situation. On July 1st, 2009, a solution was found in EDS Germany which limits the number of redundancies.



- [Blog for HP and EDS employees](#)
- [Web page of the German trade unions in HP and EDS](#) (in German)

## New EWC Platform from Italy



With financial support from the EU, trade unions from Italy, France, Spain, Romania and Bulgaria have put together an internet platform for European works councils called the "EWC bridge" (Pont des CEE). It provides background information which can be downloaded in three languages.

- [The web page of the EWC platform](#)

## Polish EWC web page

The trade union confederation Solidarność has provided a web page for European works councils in Polish on the Internet. Besides reports on meetings and a download zone for EWC agreements there are also translated excerpts from the EWC News.



- [The Polish EWC web page](#) (in Polish)

## Spanish groups in Latin America



In Panama on March 10th and 11th, 2009 a meeting was held of the working group which is supported by the Spanish trade union confederation UGT and which acts as an observatory for Spanish groups in Latin America. Documents and activities, mainly about the banking, telecommunications and energy industries, are available for download on a new webpage.

- [The web page of the observatory](#) (in Spanish)

We have arranged numerous further interesting links in a [link collection](#).

## 11. New Publications

### Industrial relations and social dialog in Web 2.0

Additional language versions of an analysis on the opportunities and risks of Web 2.0 on trade union activities, has been available since May 2009. The report starts off with the example of the strike organised by the Italian IBM works council on Second Life (see [report in EWC News 3/2007](#)) and goes on by explaining some of the Web 2.0 tools and the positive experiences of



trade unions from all over the world. The disadvantages as well as consequences in the workplace are also part of the study which is available in four languages.

- [Download of the analysis](#)
- [Additional studies from the IT area](#)



### Taking Stock on Transnational Framework Agreements

A new report from the Dublin based European Foundation for the Improvement of Living and Working Conditions was published in June 2009 and deals with transnational framework agreements at a global and European level . The authors, including Dr. Reingard Zimmer of the training and consultancy network " euro-workscouncil.net ", examine the contents of such agreements and the role of European works councils.

- [Summary of the report](#)
- [Full text Download](#)

### Legal implementation of Code of Conduct and Ethics Guidelines

Many groups with headquarters in the USA want to implement their ethic guidelines also in Europe (see [report in EWC News 1/2009](#)). However, such codes of conduct often do not restrict themselves to work activities but contain also behavioural obligations for the employees which largely infringe on their private lives. This was illustrated several years ago by the example of Wal-Mart. A book, published in June 2009, is available for European works councils wishing to inform themselves about the compliance of such ethical principles with the German labour law. The book is available only in German.

- [Further information on the book](#)
- [Online order](#)



### Positive and negative consequences of European Works Councils



This working paper published in June 2009 by the European Trade Union Institute (ETUI) in Brussels investigates a subject which still remains largely unanswered: how does the existence of European Works Councils benefit the different groups of stakeholders within the company. The analysis was not able to establish any significant disadvantages for shareholders or investors whereas the effect was obviously positive for both employees and managers.

- [Download of the working paper](#)

We have compiled additional technical literature on a [special page](#).

## 12. Training and Consultancy Network " euro-workscouncil.net ": examples of our work

### Intercultural training for energy group

The European works council of the French nuclear group Areva met in Elewijt near Brussels from March 23rd to 25th, 2009 and focused on an intercultural awareness training for the EWC members with support from the training and consultancy network " euro-workscouncil.net ". This was the first plenary session after the completion of the ODEO project ("Open Dialogue through Equal Opportunities") devoted particularly to equal treatment of men and women and on better integration of handicapped persons (see [report in EWC News 1/2009](#)).



---

## EWC trainings in French finance institutes



On March 26th and 27th, 2009, the newly founded European works council of **Crédit Agricole** met in Paris for a first training which was co-organized by the training and consultancy network "euro-works council.net". Crédit Agricole signed their EWC agreement only in January 2008 as one of the last largest French banks (see [report in EWC News 1/2008](#)). Three trainers were available for the total of 54 workers representatives from 18 different EU countries in which the finance group maintains branch offices.

The investment bank **Caceis** born in 2006 from the merger of two fund companies and which plays a leading role on the French market has recently established its European works council. Members were prepared for their duties with the help of the training and consultancy network "euro-works council.net" in Paris on April 29th and 30th, 2009 (see photo at the historical corporate headquarters on the Seine riverside). Apart from France, another six European countries are represented in the council with a majority of foreign delegates from Luxembourg.



---

## EWC constitutional meeting with car supplier



For the U.S. company Wabco a EWC agreement was signed under Belgian legislation in October 2008 (see [report in EWC News 3/2008](#)). Negotiations were made necessary since the braking system's manufacturer had been spun off from its previous group and introduced onto the stock market. The new EWC was established with the assistance of Dr. Werner Altmeyer of the training and consultancy network "euro-works council.net" in Brussels from April 6th to 9th, 2009. The representatives of the previous group have always been able to rely on this support since the foundation of the first EWC in 2001.

---

## ver.di/GPA newsletter: Issue 1/2009

Another issue of the German Austrian EWC newsletter of ver.di and GPA concerned primarily with the new EWC Directive was published on March 31st, 2009.



Further articles cover the European works councils of German Post and UniCredit, the new SE agreement of the market research company GfK, an EWC project in the safety industry as well as Internet and literature tips for works councils. The newsletter is co-authored by the training and consultancy network "euro-works council.net" and is available only in German language.

- [The EWC newsletter 1/2009 of ver.di+GPA](#)
- [Subscription to the EWC newsletter of ver.di+GPA](#)

---

## New cooperation partner in France



The ASTREES institute (Association Travail, Emploi, Europe, Société) in Paris devotes itself to euro-political questions particularly in the area of the industrial relations. Apart from studies, meetings and publications, one of the main priorities of ASTREES is the delivery of EU projects for European works councils and training of employee representatives. On June 17th, 2009, ASTREES released a new study on how European works councils deal with restructuring. In the future ASTREES and the training and consultancy network "euro-works council.net" will combine their strengths to enforce German French ties. The following texts are available only in French:

- [The ASTREES web page](#)

- [Full text of the EWC study](#)

### 13. Current seminar schedule

Registration is possible for the following seminars and workshops:

#### **Customization of old EWC agreements**

Workshop for European works councils  
12 -- 14-10-2009 in Montabaur

#### **Project work in the EWC on the example of "Health-Mapping"**

Workshop for European works councils  
12 -- 14-10-2009 in Montabaur

- [Further information about these events](#)
- 



**EWC work - Basic knowledge and practice**  
**Ver.di federal head office workshop**  
02 -- 4-9-2009 in Berlin

- [Further information about this workshop](#)
- 

#### **Europe for IG Metall trade union officers**

Institutions, political background, European works councils  
14 -- 16-10-2009 in Bad Orb

- [Further information about this workshop](#)



#### **Seminars from the Institute for further education of works councils (ifb)**



Institut zur  
Fortbildung von  
Betriebsräten KG

Since 1998 the ifb has been offering seminars for European works councils which were developed in conjunction with the training and consultancy network "euro-works council.net".

**Basic seminar: The path to the European Works Council**  
20 -- 23-10-2009 in Würzburg

**Advanced seminar: Practical knowledge, EWC special**  
17 -- 20-11-2009 in Nuremberg

- [Further information about the basic seminar](#)
  - [Further information about the advanced seminar](#)
- 

#### **Further education at Ruhr University**

The academy of the Ruhr University, Bochum offers the following module as a part of a further education series for trade union officers and works councils members:

#### **Qualifying for Europe, the European Works Council**

Concepts, dissemination, practical experiences, development prospects  
30 -- 31-10-2009 in Bochum

- [Further information about this module](#)





## Exchange of experience for European Works Councils Workshop of IG BCE trade union

24 -- 26-03-2010 in Bad Münders  
(further information will follow soon)

---

### In-house events

Please find a survey of possible subjects of in-house events here:

- [Topics for in-house training](#)
- [Topics for in-house lectures](#)

### 14. Imprint

EWC News is published by:

Training and consultancy network "euro-betriebsrat.de" GbR  
Von-der-Tann-Straße 4, D-20259 Hamburg  
[www.euro-betriebsrat.de](http://www.euro-betriebsrat.de) (German)  
[www.euro-workscouncil.net](http://www.euro-workscouncil.net) (English)  
[www.euro-ce.org](http://www.euro-ce.org) (French)

Authors collaborating on this issue:  
Werner Altmeyer, Bernhard Stelzl, Ulrich Zachert, Reingard Zimmer

Distributor of the German version: 12,361 readers  
Distributor of the English version: 1,604 readers  
Distributor of the French version: 1,309 readers

Newsletter archive: [www.ewc-news.com](http://www.ewc-news.com)

You can [obtain](#) or [cancel](#) EWC News here.

We are always pleased to receive comments and suggestions in relation to this newsletter as well as reports on your EWC activities. Please write us at: [info@euro-workscouncil.net](mailto:info@euro-workscouncil.net)