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## 1. Legal proceedings in EWC matters

### Two appeal cases settled out of court

The number of the court rulings concerning European works councils is extremely small. Up to now, no case filed by an existing EWC has ever gone as far as the European Court of Justice. The only court rulings ever passed in Luxembourg, were concerning the establishment of EWCs (including Bofrost, Kühne + Nagel). There was one exemplary court ruling in 2009, concerning the correct flow of a consultation procedure for mass redundancies in a multinational, however this was not related to a filing by the EWC (see [report in EWC News 3/2009](#)).



In spring 2016, there were legal proceedings underway in the higher courts for two companies and which concerned the violation of European works council rights in a context of very extensive restructuring. In both companies the dispute was settled out of court.

One case concerned the US company, Emerson Electric, whose EWC had filed a complaint to the first instance Central Arbitration Committee (CAC) in London. Although the judges ruled, in January 2016, that the law on Information and Consultation had been breached, they did not however impose any sanctions, as foreseen by the EU Directive. For this reason, the EWC appealed to a higher court (see [article in EWC News 1/2016](#)). This appeal was withdrawn in April 2016 after concessions made by central management.

### Five lawsuits before German labour courts

The second case concerned the Australian packaging company Amcor, whose legal cases were on their way to the German Federal Labour Court and were most likely due to be heard in autumn 2016 (see [report in EWC News 3/2015](#)). All disputes have now also been settled out of court. For Amcor, there were altogether five legal disputes between the EWC and central management up before the German labour courts (see [report in EWC News 1/2015](#)). Most recently even the right to training had been refused.

After signing an addendum to their EWC agreement, the EWC withdrew all current legal proceedings in May 2016. The text contains a more precise definition of the formerly contentious "transnational competence" of the EWC and a process for consultation procedures. In the future, for every measure that is planned, there will be two meetings with management and a further meeting of employee representatives with an expert for an evaluation and/or the preparation of any relevant consultation. In addition, it was decided to establish a EWC economics committee, to regulate the reporting method on EWC meetings for the various countries and to define training rights.

#### [Overview of relevant court rulings](#)

#### **Forthcoming event**

A legal seminar is being organised from 26 to 28 October 2016 in Dresden, where these court rulings will also be covered.

**TIPP !**

#### [Program and registration form](#)

## **2. Works councils chase tax-evaders**

### **Claim for profit-sharing for French workforce**



Since 1959, all companies in France with 50 employees or more are legally obliged to pay profit-sharing every year to the workforce. A collective agreement usually regulates the details. Payments are only made if the company makes a profit. Multinational companies have the possibility of shifting profits into other countries. How does this affect the legal profit-sharing in France?

On 2 February 2016, the French works council of Wolters Kluwer, a publishing and software group, won a year-long legal battle on profit-sharing. In 2007, the company headquarters in the Netherlands had charged its French subsidiary with around half a billion €s of intra-group debt and distributed a similar amount in special dividends to its shareholders. As a result, there will be no profits in France until 2022 and no profit-sharing for the workforce. The appeal courts in Versailles considered this to be a "fraudulent maneuver" and ruled that an expert should evaluate by end 2016, how much profit-sharing each employee should be back-paid for the years 2007 to 2015. Wolters Kluwer operates its own division on "Financial & Compliance Services" to support its customers through software and documentation in the appropriate compliance to regulations and laws.

In the meantime, there are further cases where works councils are taking legal action against multinationals for profit-sharing. Complaints were filed recently against the French subsidiaries of McDonald's and Nestlé. The McDonald's works council has commissioned Eva Joly, the Green party's European MEP and anti-corruption militant, to represent them before court. She accuses the group of "collectively organized money laundering" through their subsidiary in Luxembourg. The works council's filings have also provoked preliminary investigations by the French fiscal authorities against these companies.

#### [Collection of press articles on the subject](#)

## **3. Company disputes and conflict**

### **Unsatisfactory consultation in building materials manufacturer**

In a press statement released on 19 February 2016, trade unions criticized personnel policy at LafargeHolcim in the course of a merger and the lack of involvement of employee representatives. Central management of the group, which was founded in July 2015 and is based in Switzerland, had always assured that production locations would not be affected by the merger. Now



there are planned job-losses in several countries and a Shared services center is to be established in Slovenia.

Whereas central management started an information and consultation procedure for the Shared service center following the criticism, they refused to do so for the job-losses. These were purely national measures, not falling within the EWC's scope of responsibility. LafargeHolcim currently has two European works councils and a Special Negotiating Body. Until a new EWC agreement is reached, the two steering committees hold joint meetings. The criticism on unsatisfactory consultation procedures comes particularly from France, where Lafarge's EWC had always consulted thoroughly (see [report in EWC News 3/2014](#)).



### **British steel plants to be partly nationalised**

On 30 March 2016, central management of the Tata Steel group announced the sale of their British subsidiaries with 14,000 employees. This also includes Port Talbot in Wales (photo), one of the largest steel plants in Europe. The Indian group, Tata Steel, had acquired the plants in 2007, from the formerly state-owned British Steel. Cheap steel from China is currently putting an enormous pressure on prices. Every day the British plants are losing one million £s.

Since there are 40,000 direct and indirect jobs in danger, the government in London has intervened and - in complete opposition to its liberal economic policies - wishes to take a 25% equity stake to maintain steel production within the country. In addition there is the possibility for a loan of several hundred million £s. The British Steel Pension Scheme for 130,000 beneficiaries is also under debate. The sale of the long products division to a British financial investor was finalized on 1 June 2016. The new company with 4,400 employees bears the traditional British Steel name and also has a plant in Lorraine. The other British Tata Steel sites have not yet been sold, although there are a number of potential buyers.

[The Community trade union campaign](#)  
[Press releases from Unite trade union](#)

### **Caribbean locust rages in South Sweden**

On 31 March 2016, the 450 employees of Findus in Bjuv (Scania) discovered the plans to close their frozen food factory. Hundreds of farmers in the region are also concerned. The site was the historical nucleus of the Swedish company, which was acquired in November 2015 by Nomad Foods, a financial investor registered in the British Virgin Islands. He had also acquired the Iglo group in June 2015 and would like to build an international foodstuff group.



The CEO had personally made the trip from the Caribbean and immediately left Sweden afterwards. A few days later the Panama papers were disclosed to the public, a scandal concerning offshore tax evasion and illicit funds. In Sweden this provoked a country-wide debate on the intentions of Nomad Foods. As a consequence, the Swedish employment minister and other politicians drove to Bjuv to protest against the closure. The Prime Minister lodged a complaint against Nomad Foods.

In the meantime, the closure has been sealed for the end of 2016. On 14 June 2016, a social plan was concluded. Around half of the workforce will continue to be employed in nearby Malmö and the others are to receive from four to twelve months salary as severance compensation. Production will be relocated to Germany to the Iglo sites in Bremerhaven and Reken.

[Overview of the Panama papers](#)

## **4. New SE participation agreements**

**First SE works council in Belgium**



The IT company Econocom, from Brussels, started to operate as a European Company (SE) on 3 February 2016. This represents the first SE conversion in Belgium. Normally this requires negotiations on employee participation to take place in a Special Negotiating Body (SNB). However, in the case of Econocom, central management had reached an agreement with the European works council on 25 July 2015 to adopt the existing EWC agreement for the SE. Renouncing to a SNB had led to legal proceedings in the Austrian construction group Strabag in 2004.

The European works council, established in 2007, will now be called a SE works council. At that time the company had about 3,000 employees but, in the meantime, has grown to three times the size. The EWC usually meets three to four times annually and the select committee nearly every month. The practical operating conditions of the SE works council are therefore substantially better than in many SE agreements. In 2009, the EWC had concluded a transnational agreement on the social consequences of a relocation of business activities to Morocco.

[Press release on SE conversion](#)

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### Construction software supplier avoids supervisory board participation



The Nemetschek group from Munich has been operating as a SE since 22 March 2016. A SE participation agreement was concluded on 12 January 2016. Since there had previously been no rights to supervisory board participation for the 573 German employees, in the future the shareholders can continue to remain on their own on the SE supervisory board. Nemetschek has 1,500 employees world-wide and is rapidly growing. The 18 members of the Special Negotiating Body including five from Germany and three from Hungary, represented twelve countries.

A SE works council is established, which meets twice annually. It has a right of access to all sites within the European Economic Area. It is a direct contact partner for the workforce in countries with no employee representation. Since most of the countries have fewer than 100 employees and no works councils, it hereby fills in this gap. The steering committee is made up of at least five members.

Fixed deadlines have been specified for the consultation procedure: the SE works council is to render its opinion within four weeks after a meeting, to which central management replies within a further four weeks. In exceptional circumstances this period may be extended by up to two months. Should central management not wish to act in accordance with the opinion of the SE works council, a further meeting takes place with a view to reaching an agreement.

[Press release on SE conversion](#)

[Full text of the conversion plan](#)

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### Independent SE for power generation spin-off



A Special Negotiating Body (SNB) was established for Uniper which is a newly founded company resulting from the spin-off of power stations from the energy group E.ON, in April 2015. They signed a SE participation agreement under German jurisdiction, on 12 January 2016 in Düsseldorf. They already have experience with this legal form, since E.ON has been operating as a SE since November 2012 (see [report in EWC News 4/2012](#)). On 14 April 2016, the new SE was registered in the Company registry. Uniper's supervisory board has full parity participation and four of the six employee representatives come from Germany and one

each from Sweden and the Netherlands. The appointment of a labour director who sits on the board is subject to thorough discussion with the employee representatives.

The SE works council has 16 members including six from Germany, which employs 58% of the European workforce. It meets twice annually. The steering committee is made up of six members. The agreement makes an explicit reference to ILO core labour standards. The consultation procedure has specified deadlines. After having received all information, an opinion must be rendered within two



weeks at the latest. The steering committee may request a final consultation meeting with central management, which is to be held within a further two weeks. The constitutional meeting of the new SE works council took place on 4 April 2016 in Düsseldorf.

[Press release on SE conversion](#)

## 5. New European works councils

### Automobile supplier does without Special Negotiating Body

A default European works council was established on 22 January 2016 at the European headquarters of Magna International in Oberwaltersdorf near Vienna. The central management of the Canadian-Austrian automobile supplier had consciously allowed the six month's deadline for convening the Special Negotiating Body to expire. This had been agreed with the German and Austrian works councils, the two largest countries and applicants for the establishment of the EWC. Negotiations on the functioning of the EWC are to be carried out until October 2016.



A provisional EWC first met made up of twelve members from six countries. Missing representatives from the total of 25 members are to be progressively elected. The steering committee is composed of five members: besides the German chairman there are two seats for Austria and one each for Spain and Bulgaria. A European works council, based on the subsidiary requirements of the Austrian EWC legislation, benefits from good operating conditions which go beyond minimum EU Directive standards in certain aspects (see [report in EWC News 1/2011](#)).

The establishment of a EWC in Magna International had already been requested initially by employee representatives from France, Belgium and Czechia in 2007. The initiative was not however pursued. At the time, instead of a European works council, Magna had established an "Employee Relations Advisory board", for the monitoring of an Employee Charter, unilaterally defined by the company. A default EWC was last established in the motor industry in November 2015, for CNH Industrial (see [report in EWC News 4/2015](#)).

[Report on EWC establishment](#)

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### EWC for filling stations on the Iberian Peninsula



A EWC agreement for Coca-Cola Iberian Partners was signed on 25 May 2016 in Barcelona, under Spanish jurisdiction. The new EWC is composed of ten members from Spain and one from Portugal. Since there are no central or group works councils in Spain, EWC meetings represent the only possibility for works councils to collaborate across sites. In addition, the EWC members have the right to meet with local work councils at any time. One plenary meeting is held per year. There are provisions for extraordinary meetings if at least 5% of the workforce is impacted by any measures. The select committee is made up of three members from different countries. It meets twice annually with central management. Training and experts are also provided.

The new EWC will however only exist for a short period, since three large filling companies, including Coca-Cola Iberian Partners, merged in August 2015 and are presently negotiating a EWC agreement under British jurisdiction. Only recently had Coca-Cola Iberian Partners made headlines throughout Europe, when the Spanish Supreme Court annulled the dismissal of 1,190 employees, in June 2014. The reason behind the ruling: a correct consultation procedure had not taken place with the Spanish works councils. This ruling eventually led to the reopening of a plant which had already been closed near Madrid (see [report in EWC News 3/2015](#)).

[Report on the signing](#)

[Report on the plant reopening](#)

## 6. EWC reinstated after forced break

### Major British bank must accept new EU Directive



A EWC agreement for HSBC was signed on 9 October 2015 in London thereby bringing an end to a long period with no works council. The European works council of Europe's largest bank, with over 250.000 employees, was in operation on the basis of a "voluntary" agreement, from 1996 to 2012. The representatives terminated it, since on several occasions, there had been no correct information and consultation procedures and legal proceedings in London under "voluntary" EWC agreements are in principle, not possible (see [report in EWC News 1/2014](#)).

The EU Directive does not make any specific provisions for the termination of "voluntary" agreements. The only way forward is therefore through a Special Negotiating Body which has up to three years to negotiate a full-fledged EWC agreement. During this time however there is no European works council in place. HSBC was the first such case in the whole of Europe. A result was reached only a few days prior to the expiration of the negotiation period.

The EWC is composed of twenty members including eight British delegates and two French. It meets twice annually under the chairmanship of the employer and elects a six member select committee. They meet twice annually with management and hold additional internal meetings. Extraordinary meetings are organized for exceptional circumstances and select committee and central management agree beforehand, on a schedule for the respective consultation procedures. The EWC can invite one external trade union coordinator and designate a consultancy firm ("expert entity"). HSBC bears the costs for consultants and training courses.

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### Fast results for Finnish engineering group

A EWC agreement for Wärtsilä was signed on 29 January 2016 in Helsinki. The Finnish engineering group had a "voluntary" EWC agreement in place from 1996 to 2015 which was terminated by the employee side despite the ensuing dissolution of the EWC (see [report in EWC News 2/2015](#)). The subsequent steps had been constructively agreed upon with central management. The Special Negotiating Body was therefore able to come to a result within only eight months and hence limit the amount of time the works council was inexistent.



The EWC meets once annually and represents twelve countries, including Switzerland. A working committee composed of six representatives from the six largest countries meets twice annually with central management. Their most important task is to manage any consultation procedures for restructuring which will be carried out according to the new EU Directive in the future. The EWC has a right to training and experts. As is usual for Scandinavian companies, meetings are to be held in English and to a large extent without interpreters.

## 7. Updated EWC agreements



### US household appliance manufacturer merges EWCs

A EWC agreement for Whirlpool was signed on 18 March 2016 in Rome, under Italian law. The world's largest household appliance manufacturer with 100,000 employees took over its Italian competitor, Indesit, in 2014. The agreement is based on the new EU Directive and was negotiated by a Special Negotiating Body (SNB). The existing European works councils, both established in the mid-90's on a "voluntary" basis and under Italian jurisdiction, have now been dissolved. The Indesit EWC was converted into a World works council in 2013 (see [report in EWC News 4/2012](#)).

Consequently, the new EWC, called the "Whirlpool European Employee Committee (WEEC)" also

provides guest mandates for Turkey, Russia and South Africa. One plenary meeting is held in a different country each year. The employer chairs the meetings. The select committee also meets only once per year, as well as in exceptional circumstances. It is composed of seven representatives and two external trade union coordinators. The EWC agreement does not make any provisions for paid lawyers or experts for the analysis of business figures.

#### [Report on the signing](#)

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### **EWC pioneer voluntarily commits to EU Directive**

A EWC agreement which, for the first time is legally based on the EU Directive, was signed on 24 March 2016 at the Renault headquarters in Boulogne Billancourt, near Paris. The French car manufacturer had established its EWC in 1993, on a "voluntary" basis and amended or changed the original text eight times without ever altering its legal status. In the French legal context, modifications can only be made by original contracting parties, which could have given rise to legal problems after such a long time. In the case of Bouygues, the French construction group, such an old agreement was declared invalid by the courts in 2006 (see [report in EWC News 1/2007](#)).



Central management had agreed to the establishment of a Special Negotiating Body (SNB) in order to conclude an easily comprehensible text "in one shot" and hereby also subjected itself to the EU Directive. This includes in particular the new standards of Information and Consultation. As is common practice in France, the CEO chairs the meetings and may be assisted by up to four persons of his/her choice. Three levels of confidentiality have been defined.

One meeting is held per year for all 31 EWC members which include 17 from France and three each from Spain and Romania. The select committee made up of eleven members meets whenever necessary. Each year they visit another country where Renault has a presence in the context of a "Learning session" to familiarize themselves with the local cultural and economic environment. The EWC has an annual budget of 135,000 € including travel expenses for the general secretary, who has a full release from work. There is an additional 35,000 € for experts. Each member of the select committee has 400 hours annual release from work. The agreement also regulates the role of the World works council, which was established in March 2015 (see [report in EWC News 2/2015](#)). In addition to all EWC members, this includes nine more representatives from Russia, Turkey and other countries from outside Europe.

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### **EWC under British jurisdiction after company restructuring**



On 24 May 2016, a revised EWC agreement under British law was signed for the US automobile supplier Visteon, in Kerpen near Cologne. A fundamental change in company structure had made necessary the renegotiation of the EWC agreement and the convening of a Special Negotiating Body. In 2014, Visteon had taken over the electronics division of the US conglomerate Johnson Control and spun-off its air-conditioning technology under the umbrella of Hanon Systems in 2015. A dedicated EWC for Hanon Systems was already established in November 2015 (see [report in EWC News 4/2015](#)). Furthermore, the Interiors

Division no longer belongs to Visteon, since it was sold to a financial investor.

The EWC has been operating under German jurisdiction since its establishment in 2001, following the spin-off of Visteon from the Ford group. So far the meetings have usually been held in Germany. In the future they are to be relocated to the European headquarters in Chelmsford near London. This issue was already discussed before the labour courts in Cologne (see [report in EWC News 1/2012](#)). The new agreement makes provisions for internal company conciliation before the EWC can take any legal action. Once this fails, the company bears all costs incurred by the EWC for any legal proceedings in London.

Plenary meetings of the EWC take place once annually. The select committee is composed of five



members from different countries and meets three times annually with central management. A schedule for consultation procedures is also provided. The EWC's opinion is to be rendered, if possible, within twenty working days following the communication of all information, and central management's response within a further twenty days. During this time there are to be no dismissals.

## 8. Transnational company agreements

### Belgian chemicals group increases profit-sharing

A new framework agreement on profit-sharing was signed between Solvay's central management and its World works council, on 4 March 2016 in Brussels. It builds upon an agreement from May 2015, when a profit-sharing agreement covering the workforce in the entire world was concluded for the first time (see [report in EWC News 2/2015](#)). The agreement reflects the corporate social responsibility of the Belgian company, the so-called "Solvay Way".



The volume of profit-sharing has been increased from ten to twelve million € and is linked to key figures. 80% of the payment depends on the achievement of financial objectives, 20% on sustainable development targets. The total amount is divided between the individual countries according to their respective payrolls. Every employee receives the same fixed amount, resulting from the volume of his country. Solvay's European works council had already signed a Charter for sustainable development in 2008 (see [report in EWC News 4/2008](#)).

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### French energy company regulates social consequences of restructuring



An agreement providing social restructuring guarantees was signed on 8 April 2016 in Paris between the central management of Engie (formerly: GdF Suez) and three European trade union federations. The initiative came from the European works council which had established a special negotiating body for the purpose. A pan-European agreement on the improvement of the quality of life at work was concluded in a similar manner in November 2014 (see [report in EWC News 4/2014](#)).

This social agreement is built on earlier agreements from 2010 (see [report in EWC News 1/2010](#)). In the future, a social evaluation will be carried out for each restructuring project together with employee representatives and followed by negotiations on social guarantees. The company provides a fund of 100 million € annually for any skills-training required in the context of restructuring. The agreement provides aid for voluntary mobility: a relocation bonus of one month's gross salary, removals expenses covered etc. In the case of job losses, each employee is to receive three job-offers, corresponding to his profile and personal situation. The agreement also provides for establishing a network of training centers covering energy transition. A new follow-up committee made up of 17 representatives monitors compliance to the agreement, including also the secretary of the European works council.

[Report on the signing of the agreement](#)  
[Company press release and video](#)  
[Trade union flyer on the agreement](#)  
[Full text of the agreement](#)

## 9. The view beyond Europe

### Trade unions concerned about US logistics group

Employee representatives from five European countries and the USA met in Paris on 6 April 2016, with a view to developing a common strategy for dealing with XPO Logistics. This once tiny US logistics company was bought by a private businessman in





2011, who then started an aggressive merger program. Within a few years he had bought up 16 other logistics companies and increased company turnover from 177 million to 15 billion \$. Today XPO Logistics has 84,000 employees and is the world's second largest provider of contract logistics. In the light of these developments, trade unions are anxious about the future of the company and employment policies. On 10 May 2016, they held a protest at the company's General Assembly of shareholders in the US State of Connecticut, since the company owner had refused to meet with them.



[Report on the meeting](#)

[Report on the protests](#)

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### Global trade union meeting for Italian metallurgy group



A global trade-union network was established for Finmeccanica, the Italian arms and technology group, at a meeting held in Rome, on 18 and 19 April 2016. The group was founded on 1 January 2016, as a result of the merger of several formerly state-owned companies. The delegates agreed on an action plan to demand recognition of their network as a dialogue partner of the central management on a global level and for the conclusion of an international framework agreement on social standards.

The establishment of a EWC is also on the agenda. There are European work councils for the helicopter manufacturer, AgustaWestland, since 2008 (see [report in EWC News 3/2008](#)) and since 2010, for the electronics company, Selex (see [report in EWC News 2/2010](#)), two subsidiaries, not however for the whole group.

[Report on the meeting](#)

[Full text of action plan](#)

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### Global trade union alliance for Ericsson

Over 40 employee representatives from 15 countries met on 26 and 27 April 2016, at the headquarters of UNI, the Global Trade Union for services in Nyon (Switzerland), in order to establish a global network for Ericsson. The Swedish telecommunications and IT-group with 115,000 employees, has been requested to start a dialogue with the new trade union alliance. The representatives have elected a working group to coordinate further activities. The trade union alliance could be the first step towards a World works council. Ericsson already has a European works council in place since 1995, under Swedish jurisdiction and as such, belongs to the pioneers in Scandinavia.



[Report on the meeting](#)

## 10. Interesting websites

### Online resource pool on social dialogue in the EU



For years now, the European Trade Union Confederation (ETUC) has been working in the social dialogue institutions together with the employers' associations and the European Commission (see [report in EWC News 3/2013](#)). Many of the documents from this work on social-political issues are available on a dedicated website.

[Resource pool on social dialogue](#)

## European Cost of Living comparison

The Institute of Economic and Social Research WSI of the Hans Böckler Foundation presents a comparison of the prices of consumer goods on its website. It shows some strange findings: for example Gouda cheese in Germany costs less than in Holland, its country of origin. Prices for cigarettes are extremely high in Great Britain and butter is cheaper in Germany than it is in the neighboring East European countries. Altogether, the German price level corresponds almost exactly to the EU average, earnings however lie above it. The purchasing power of German employees is consequently substantially higher than in many of the higher-wage neighboring countries.



[Cost of living statistics](#)



### Fair working conditions in the transport industry

Five per cent of all employees in the EU work in the transport sector. Railways, air traffic, buses and trucks as well as the ports and the entire logistics branch all belong to it. No other economic sector has inherently such a strong international focus. Trade unions are pushing for fair working conditions and sustainability in the industry, and are campaigning through a European Citizens' Initiative.

[Fair Transport website](#)

[Position paper on the future of European transport](#)

[Background report on the citizens' initiative](#)

## State control over precarious temporary employment

Since 2006, labour providers in the United Kingdom must obtain a license if they operate in the agricultural or horticultural industries or in the processing of fish and seafood or related packaging companies. This aims at preventing the exploitation of precarious employees by so-called "gangmasters". A government agency supervises the legal standards. It was created by the labour government, at the time, following the drowning of a group of illegal Chinese workers - surprised by the tide - during mussel harvesting.



**Gangmasters  
Licensing Authority**

[Government agency website](#)

[The role of the agency](#)

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

## 11. New publications

### Legal classification of EWC and SE agreements



This thesis, which was published in February 2016, analyzes the legal status of European agreements on employee involvement. The foundation was laid in 1994 by the EU Directive on the European works council. This was followed in 2001 by the EU Directive on employee involvement in the European Company (SE) and in 2003 in the European Cooperative Society (SCE). Since 2005, the EU Mergers Directive secures supervisory board employee participation for all cross-border mergers. In all four legal instruments, priority is given to a negotiated solution. Default provisions are provided should negotiations fail but these are used in practice as a "framework" for negotiations. The author has examined in detail, the legal status of the Special Negotiating Body (SNB), which as a contracting party with the employer has created a new type of transnational collective

[Further information on the book](#)

[Table of contents of the book](#)

[Online order](#)

## British and German collective bargaining

This thesis, published in May 2016, evaluates the possibility of transnational collective bargaining agreements and compares the legal systems in the United Kingdom and Germany. The book is ideally suitable as a reference book for an in-depth understanding of the respective legislations governing collective bargaining and labour disputes. Both bargaining coverage and effect are evaluated for both countries and linked to the regulations on trade union rights. According to the author, the decisive obstacle for transnational collective agreements is the lack of a harmonized enforcement mechanism. Currently, there is still no legal regulation whatsoever on the subject, at the EU level (see [report in EWC News 3/2013](#)).



[Further information on the book](#)

[Table of contents of the book](#)

[Online order](#)

## Where do European works councils stand today?



A report from the European Trade Union Confederation (ETUC), which evaluates the functioning of European works councils, was published at the beginning of June 2016. The most important improvements, which the new EU Directive demonstrates in practice, include the more comprehensive measures for training. There is also a qualitative improvement in the material means and equipment and an increasing professionalization, in particular within the steering committees. However this trend is not to be observed in all companies. The number of well-functioning EWC bodies has not grown since the Directive's revision, in 2009. The late or insufficient consultation for major restructuring continues to represent a major issue. The report includes quotes from a selection of full-time union officers ("EWC Coordinators"), who participate as external advisors to EWC meetings. There is however, not one single quote from an elected works council member.

[Download of the report](#)

## What do managers think of European works councils?

This study, published at the beginning of June 2016, looks at the viewpoint of the Human Resources managers who are actually responsible within their company for collaborating with the European works councils. The study was carried out by research workers from two Belgian Universities on behalf of the European Trade Union Institute (ETUI). Although the EU Directive from 2009 has led to changes in the wording of EWC agreements in some companies, the predominant majority of the managers asked, did not see any practical change in co-operation with their EWC, as direct consequence of the new Directive. The managers observed a "learning curve" and a mutual development process within the EWC. In the interviews they confirmed however, that the EWC was only involved in the implementation phase of restructuring and not up-front in the strategic decision making process. According to the unions, this is in contradiction with the intentions of the legislator.



[Further information on the study](#)

[Study download](#)

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

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



### Introductory seminar in Montabaur Castle

15 works council members attended the annual basic seminar organized by the EWC Academy from 29 March to 1 April 2016. The establishment of a European works council still lies ahead for some of the participants whereas others required information on how to correctly run a consultation procedure. Another seminar part covered industrial relations and collective bargaining systems in the most important EU Member States. The next seminar in Montabaur Castle will take place from 18 to 21 April 2017.

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### EWC conference in London

Participants from eight countries took part in a conference for European works councils which was held for the fifth time running on 8 and 9 April 2016, in London. The discussions focused around consequences of a Brexit and on changes in the United Kingdom's labour laws. A report on the recent Central Arbitration Committee's (CAC) court ruling in the Emerson Electric case was given by the filing EWC's lawyer (see [report in EWC News 1/2016](#)).



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### Training for French Pharma works council



On 19 May 2016, the EWC Academy delivered a training for the French works council members of ICON Clinical Research at the headquarters of the French subsidiary in Nanterre near Paris. The pharmaceuticals company from Ireland is preparing to establish a European works council. The next steps were discussed in more detail on 20 May 2016 with representatives from France, Germany and the Netherlands, in a meeting in Nanterre. A training for the German works council had already taken place in February 2016.

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### Training for the Vorwerk European works council

The annual plenary meeting of the Vorwerk EWC was held from 31 May to 3 June 2016, in Hamburg. EWC Academy delivered training on the EWC rights under the new EU standards. This German group is based in Wuppertal and does business in a range of household appliances, carpets and cosmetics. The EWC agreement covers nine EU Member States, Switzerland and Russia. It was updated in May 2012 (see [report in EWC News 2/2012](#)).



## 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 680 employee representatives from 250 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.



### 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 a 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 the Legal Department at the DGB Confederal Administration office in Berlin and a fine connoisseur of the subject.



[Program and registration form](#)

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

20 to 25 November 2016 in Dublin

[Further information on our language courses](#)

Detailed program available on request.

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### 9<sup>th</sup> Hamburg conference for European and SE works councils

As every year, a two-day conference is being organised in January

Monday, 30 January 2017:

Current trends in the EWC landscape with practical examples

Tuesday, 31 January 2017: Topic to be defined

[Retrospective: Report from the Hamburg conference of 2012](#)

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### EWC seminar in Montabaur Castle (also suitable for SE works council members)

Our annual seminar in Montabaur Castle is being organized from 18 to 21 April 2017 (near high-speed train station half way between Frankfurt and Cologne). The following topics are offered in parallel:



- EWC initiation seminar (for beginners)
- From a "song and dance act" to a full-fledged consultation body (for advanced)

[Report of this seminar from April 2012](#)

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### In-house events

An overview of possible topics for in-house events can be found below:

[Topics for In-house seminars](#)

[Topics for specialized lectures](#)

## 14. Imprint

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