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1. Recent news from Brussels

New EU Directive includes expiry date for codetermination

New rules for cross-border conversions, mergers and divisions of companies are to come into force in three years' time. On 18 April 2019, the European Parliament adopted the "Company Law Package" which is a previously negotiated compromise on EU company law. At the beginning of this legislative initiative, the proposals made by the European Commission had triggered protests from the trade unions (photo). In principle, following the transfer of a company's seat to a country where codetermination does not exist, any existing supervisory board employee participation is to be permanently eliminated after four years.



Although there are minor improvements compared with the original draft, in the opinion of the trade unions the new Directive is not sufficiently precise and effective enough to prevent its potential abuse. It consequently opens up new loopholes for avoiding participation and favors the establishment of letter-box companies. Similar to the European Company (SE) Directive, there is also a lack of provisions for dynamically adapting the day after the company transfer, so that employee participation remains "frozen", also when (German) threshold values are subsequently exceeded. An obligation to establish a European works council such as in the SE Directive, is also missing.

An abuse procedure aims to ensure that the company conversion is not used to prejudice the rights of employees, to avoid social insurance contributions or tax liabilities or for criminal purposes. This encompasses shell companies or "dummy companies", which are specifically founded for the purpose of avoiding national or EU legal regulations. Nevertheless, since the "Polbud" ruling from the European Court of Justice in October 2017, companies are allowed to register themselves in another EU country where they do not have any business activities (see [report in EWC News 2/2018](#)). By these means they are free to choose locations as "places of refuge" from fiscal and labour constraints e.g. to avoid strong employee participation.

[Text of the Directive and further documents for download](#)

Competence for Employment and Social affairs to be separated



Ursula von der Leyen, the future president of the European Commission, announced her list of candidates on 10 September 2019. If the European Parliament approves these, the new commissioners will presumably take office on 1 November 2019 in Brussels. The former Directorate-General for Employment, Social affairs and Inclusion will then be dissolved and split into two separate Directorate-Generals. A new Directorate-General for employment will be headed by the Social Democrat, Nicolas Schmit from Luxembourg (photo), who has been minister for employment in his home country for

ten years. His portfolio will cover labour legislation and European works councils.

The social affairs policy will be transferred to a new Directorate-General, "An Economy that Works for People", which includes the institutional social dialogue with European trade unions. The Commissioner chosen for this responsibility is Valdis Dombrovskis, a former Prime Minister of Latvia who has already been a member of the European Commission since 2014.

2. Thatcherism in Romania

Almost no collective bargaining, but high increase in wages

In May 2011, a conservative government in Romania introduced the most extensive reform of collective bargaining since the fall of communism which has led to an unprecedented decline in trade union influence. Today there are no longer any industry-wide agreements in the private sector. Since May 2012, the social democrats are again in government in Romania but the reforms from 2011 have not been revoked. In the opinion of the unions, this has been prevented by the American Chamber of Commerce together with the Foreign Investors Council. An initiative for a counter-reform has failed (see [report in EWC News 4/2012](#)).



In 2010, 98% of all Romanian employees were still covered by a collective agreement. This proportion sank to 25% by 2015 and currently lies at around 15%. In the private sector 85% of all collective agreements are concluded by elected representatives and not by trade unions. Since 2011, trade unions can only negotiate for higher wages if more than 50% of the workforce are members. For the first time since 2011 a new industry-wide agreement was once again concluded in December 2018, namely in the banking sector.

The five competing trade union confederations are suffering from a heavy loss of members, with membership levels sinking from 33 to 23% over ten years. There are an increasing number of wildcat strikes, which are not controlled by the trade unions, e.g. in January 2018 in the ArcelorMittal steel plant in Galați, which resulted in an immediate wage increase of 15%. In January 2019 a wildcat strike in Complexul Energetic Oltenia, one of the largest power plant operators in Romania, was brought to an end by a 45% increase in wages. In May 2019, a five-day wildcat strike at the railway wagon manufacturer, Astra Rail Industries in Arad, resulted in a 20% wage increase. There have also been successful labour disputes without traditional unions in Slovakia (see [report in EWC News 1/2018](#)). One example of the impact of cross-border union action is the ten-week labour dispute at the Swedish household appliance manufacturer, Electrolux in Satu Mare (North Romania), which was concluded in May 2019 with a very good result.

In July 2019 the country-wide average unemployment rate was only about 3,9%. However one third of all employees are only paid the legal minimum wage, which amounts to around 2,080 RON (440 €) since January 2019. To put a stop to the departure of university graduates abroad, a minimum wage of 2,350 RON (500 €) has been recently adopted for them. In the building industry the minimum wage amounts to 3,000 RON (635 €). The statistical average of net incomes in Romania is around 600 € which is twice as high as five years ago.

[Country report on labour relations in Romania](#)

[Trade union monitor Romania](#)

[Employee representation in Romania](#)

3. German codetermination sunk in an English seaside resort

First ever legal proceedings on codetermination in the SE limited partnership



microscopes.

The German group works council of Olympus filed proceedings with the Hamburg labour courts on 30 August 2019 to enforce the establishment of a special negotiating body (SNB). Management is refusing to establish a SE works council and to restore employee codetermination in the supervisory board. All workers' directors were removed from the supervisory board in 2013 in the course of the company's conversion to an SE. Olympus is a Japanese manufacturer of optical and digital technology for medicine and materials testing as well as of cameras and

In June 2013, the Olympus group undertook restructuring in Europe and several European Companies (SE) were founded without employees. The former Holding based in Hamburg was converted into an SE limited partnership (SE & Co. KG) and relocated to Southend-on-Sea, the seat of Olympus in Britain. In actual fact however, the Holding continued to be administered from Hamburg and operated as a pure "letter-box" company in England. The direct consequence was the dissolution of the German supervisory board, of which one third were works council members at the time. In October 2017, the Holding was relocated back to Hamburg. Since there were already more than 2,000 employees in Germany in 2013 and this is still the case today, full-parity codetermination would be applicable in the supervisory board. For the group works council, which is advised by the EWC Academy, the ruling of the Frankfurt-am-Main higher regional court from August 2018 represented an important reference (see [report in EWC News 4/2018](#)).

Precedent for an increasing number of SE conversions

In order to avoid any employee participation in the SE, an increasing number of German companies are founding employee-less "Management SEs", which enter into limited partnership (SE & Co. KG), e.g. transport companies such as Hellmann Worldwide Logistics from Osnabrück or the Nagel Group from Versmold, Kärcher, the manufacturer of cleaning equipment from Winnenden (each with around 12,000 employees), the waste management company Remondis from Lünen (32,000 employees), the machine manufacturer Voith from Heidenheim as well as a joint venture between the Rewe Cooperative from Dortmund and Rewe Group from Cologne. Business lawyers pretend that employee participation from the SE Directive would not be applicable in these cases. So far there have not been any court rulings on this issue.

However, by means of the SE Directive, the European legislator was explicitly aiming to ensure a high level of employee participation and safeguard against the loss of codetermination rights. As a precedent for the whole of Europe, Olympus is the first case in which a court must decide whether the entire workforce in Europe is to be assigned to an employee-less SE Holding since it exercises a "controlling influence" on its 30 subsidiaries. Although the legal details of the case are somewhat different, the outcome could turn out to be like the ruling for the Indus Holding, who have a full-parity supervisory board in place since February 2019 (see [report in EWC News 2/2019](#)).

[Current developments in the SE in Germany](#)

4. Recent Court Rulings

Federal Court of Justice reinforces full-parity codetermination

On 25 June 2019 the Federal Court of Justice in Karlsruhe ruled that a company with 1,500 permanent employees in Germany must establish a full-parity supervisory board. According to the codetermination act this is only required starting from 2,000 employees. Previously, the method for calculating this threshold was uncertain in companies where agency workers are employed on a large scale for less than six months. The Federal Court of Justice added the number of jobs regularly occupied by agency workers to the number of permanent employees. In the present case this represented from 600 to 800 jobs over long periods, and consequently the threshold of 2,000 was exceeded.



Agency workers only count if they work more than six months for the same hiring company. Up to now it was unclear whether only those workers who are employed longer than six months on a job count, or whether a job position must be occupied longer than six months - possibly by alternating agency workers. Now the court ruling makes it clear that it is the number of the jobs which counts. For this reason, in the future an increasing number of companies will exceed the threshold for codetermination and have employee representatives on the supervisory board unless they are converted beforehand into a European Company (SE). The number of agency workers can also play a role during a SE negotiation, as was recently demonstrated in a construction company - an industry with a particularly high level of contract labour (see [report in EWC News 4/2018](#)).

[Federal Court of Justice press release](#)
[Full text of court ruling](#)
[Evaluation by Hans-Böckler Foundation](#)

Second appeal court ruling in English EWC legal history



On 31 July 2019, the Employment Appeal Tribunal for England and Wales (comparable to the Regional Labour Court in Germany) rejected the appeal against a Central Arbitration Committee (CAC) ruling from February 2018 concerning the US company Oracle (see [report in EWC News 1/2018](#)). The company's European works council had filed the case and although it was able to enforce some issues in the first instance, it was unable to do so on the question of sanctions for infringements to the law. The first appeal court ruling in the EWC legal history of England was in the Manpower case in March 2019 (see [report in EWC News 2/2019](#)).

The appeal court filing referred exclusively to the central issue for every European works council: does the central management have to wait until the EWC has rendered its opinion before any mass redundancies? This has not yet been decided by the European Court of Justice. There is only a court ruling from September 2009, according to which the consultation procedures must be completely finalized before any works contracts can be terminated (see [report in EWC News 3/2009](#)). Although this was not a decision related to a European works council, the judges in Luxembourg however would probably decide similarly for a EWC case. In France there have been judgments which have explicitly approved interim injunctions against central management (see [report in EWC News 1/2008](#)) and a similar practice has developed in Spain (see [report in EWC News 2/2014](#)).

The court in London rejected the restraining injunction, as previously ruled several times by courts in Germany and in the Netherlands. There was not even a fine imposed such as in France in February 2019 (see [report in EWC News 1/2019](#)). In a report from May 2018, the European Commission had evaluated, "that EWCs are in a weak position to enforce their rights and that in most member states no dissuasive or proportionate sanctions are imposed". Furthermore, the employers' associations no longer absolutely deny this situation (see [report in EWC News 2/2018](#)). The issue is to be discussed at a meeting of representatives of the 28 Ministers of Labour in October 2019 in Brussels.

[Full text of appeal court ruling](#)
[Report on the ruling](#)

5. New court proceedings filed by employee representatives

Once again US company at odds with EWC legislation

The European works council of the US automobile supplier, Dana, filed legal proceedings before the Essen labour courts on 10 September 2019. The central management in Switzerland is refusing to disclose information on its plans to restructure its plastics division. These measures will have an effect on several countries in Europe, and particularly the workforce in Hungary will be affected. Dana's EWC operates under German jurisdiction and the plant in Essen is the representative agent within the EU. The EWC agreement was completely revised in 2014 (see [report in EWC News 4/2014](#)). Since then, the employee representatives are advised by the EWC Academy.



There are also different perceptions between EWC and central management concerning the relocation of parts of the accounting department to a new Shared service center in Lithuania. Since March 2019, advisors from the EWC Academy have been examining the very sparse economic documents which have been communicated (see [report in EWC News 1/2019](#)). For this reason, the EWC had invoked the arbitration board which the EWC agreement provides for resolving any disputes. This met on 28 May 2019 in Zurich, but came to no conclusion regarding the extent of documents to be communicated. Out of the small number of legal proceedings on EWC matters throughout Europe there continues to be an above average number of US companies involved. Packaging companies are a second group with many legal disputes.

Another packaging company at odds with EWC legislation



The European works council of the Austrian company Mayr-Melnhof Packaging has filed legal proceedings before the Vienna Labour and Social court since 16 September 2019. It was not consulted on the introduction of a pan-European digital system for monitoring the performance of production workers. In order to justify more precisely its right to information and consultation, the EWC submitted a legal opinion, whose conclusions however were ignored by central management. They furthermore refused to bear the costs incurred. Mayr-Melnhof Packaging is the only company in Austria whose EWC is operating on the subsidiary requirements without an agreement ("default EWC"). Negotiations on a new agreement for the EWC which was established in 1996 had failed at the end of 2017 (see [report in EWC News 2/2018](#)).

In April 2019, the situation continued to deteriorate, when the employer announced that in the future, he would only finance plenary meetings and no longer any select committee meetings. The legal filing therefore also claims for the costs for advisory services and for interpreters and travel, which have been incurred over the last months but not yet paid. For a "default" EWC all the costs of the day-to-day operations have to be borne by central management, since the EWC does not have its own budget. The dispute is setting a legal precedent, which has so far never been seen in the EU in this form. Two more court cases are also running in parallel in Germany (see [report EWC News 2/2019](#)). The employee representatives are being advised by the EWC Academy.

Forthcoming event

The recent court cases will be discussed during our legal workshop to be held from 15 to 18 October 2019 in Berlin. Last-minute registrations are still possible.

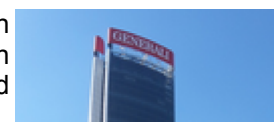
[Program and registration form](#)



6. Pan-European company agreements

Joint Declaration on Diversity and Inclusion

At a meeting held on 5 September 2019 in the new Generali tower in Milan (photo), the European works council and central management of the Italian insurance group signed a Joint Declaration to promote diversity and



inclusion in all European subsidiaries. The goals also include a better balance between private and professional life (Work Life balance) and an inclusive environment with full support for the disabled. The EWC had already concluded a European contract on teleworking in May 2017 (see [report in EWC News 3/2017](#)). Other transnational company agreements have been concluded in the insurance industry, such as in the German Allianz group for combating work-related stress (see [report in EWC News 2/2011](#)).

[Report on the signing](#)

[Full text of the declaration](#)

[Short self-presentation of the EWC](#)

French environment group reinforces equality



An agreement which is valid throughout Europe was signed between central management and two European Trade Union Federations on 16 September 2019 at the headquarters of Suez in Paris. The French company has 89,000 employees worldwide in the field of water management and recycling of waste. In the future all job positions are to be accessible to both men and women, sexual harassment is to be combatted and with a view to reconciling family and working life, paternity leave, flexible working hours as well as working from home are to be promoted. After the spin-off of the environment division from the former parent company as a result of its merger with Gaz de France, Suez established its own European works council in July 2013 (see [report in EWC News 3/2013](#)).

[Report on the signing](#)

7. Bumpy road to establishing EWC following merger

American-French cultural conflict at oil industry service provider

On 25 April 2019, the group management of TechnipFMC concluded a EWC agreement with the special negotiating body (SNB) for its 14,400 employees within the European Economic Area under British jurisdiction. The negotiations were a consequence of the merger between the French plant constructor Technip and the US company FMC Technologies. For the 5,400 French employees, the relocation of company headquarters from Paris to London in January 2017 meant the dissolution of its group works council and the end of employee participation on the administrative board. The former state-owned company established a EWC under French jurisdiction in 2004, but this was merely functioning as a pure "song and dance routine". Since its establishment there has only been one consultation procedure, i.e. for the merger with FMC. The EWC had to render its opinion within eight days and was only communicated documents which had already been released to the stock exchange.



The SNB negotiations

Central management had communicated a draft agreement to the SNB on 22 August 2018, which fell below the minimum standards of the EU Directive in regard to the consultation procedure and which did not provide any interpreters for meetings. However there was no majority for it in a tied vote (nine for, nine against). The future EWC has fewer members than those required by EU Directive subsidiary provisions. Out of 14 seats, three are allotted to France and two each to Norway and the United Kingdom. The EWC meets twice per year at varying company sites and elects a three-member steering committee which meets four times annually. Consultation procedures take place only when more than 50 employees and/or 15% of the workforce in a country are affected by restructuring. A separate consultation is initiated for each project above this threshold. EWC members have a time-off work allowance from three to twelve days depending on function, in addition to the time for meetings. Apart from an annual one-day training for the entire EWC, representatives may register themselves individually for external courses.

Beverage bottler breaks off negotiations



On 22 May 2019, the management of Coca Cola European Partners (CCEP) withdrew from the negotiations for a EWC agreement which had been running unsuccessfully with the Special Negotiating Body for approximately three years. A new "default" EWC will therefore be established under British jurisdiction. The publicly listed company based in London has 23,500 employees in 13 West European countries, where it bottles beverages from the Coca Cola Company under license. It resulted from the merger of several companies in 2016.

There are several European works councils connected with the US beverage manufacturer. The Coca Cola Company and the Coca Cola Enterprises bottling company had each established a EWC under Belgian jurisdiction independently from one another in 1998. In May 2016, Coca Cola Iberian Partners established a EWC under Spanish jurisdiction (see [report in EWC News 2/2016](#)). These latter two have now been dissolved and the Coca Cola Erfrischungsgetränke in Germany, which up to now was represented in the Coca Cola Company's EWC, will now be transferred into the CCEP's EWC. The Coca Cola Hellenic Bottling Company for Italy, Austria and Eastern Europe is not involved in the merger. It is the only company in Europe with a European works council under Greek jurisdiction (see [report in EWC News 3/2012](#)).

The breakdown of EWC negotiations in US companies is now becoming more frequent, most recently in the IT group Hewlett Packard Enterprise (see [report in EWC News 2/2019](#)). The contentious issue for CCEP was the competence of the European works council in restructuring. It was only to be involved if at least 468 employees are affected in two countries. This was unacceptable for SNB members, since there is already continuous restructuring today and 2,500 jobs have been lost since the founding of CCEP. However in the absence of a EWC agreement this issue will carry over into the practical work of the EWC and could easily end up in a legal dispute.

[Report on the breakdown of negotiations](#)
[SNB Statement on the breakdown of negotiations](#)
[Trade union demands to the group's management](#)
[Campaign on human rights' abuse in the Coca-Cola group](#)

8. New SE conversions

Brexit forces East German clinics group into an SE

On 10 May 2019 the KMG Kliniken SE was incorporated in the register of commerce in Neuruppin. The health group which was founded in 1991, has 5,200 employees in four East German Federal States, but has no foreign subsidiaries. So what sense is there in its conversion to a European Company (SE)? Back in 2010, the expanding company had already reached the threshold of codetermination law. In order to avoid a full-parity supervisory board the company headquarters were relocated from Bad Wilsnack (Germany) to the offices of a London based law firm. The threat of Brexit however has driven the clinics group back to Germany, whereby the SE legal form was used to safeguard against any employee participation.



An SE agreement was signed by the special negotiating body (SNB) and the "English" board of directors at a meeting held on 10 October 2018 in Güstrow (Germany) and on 20 November 2018 the employee-less London based Holding was converted from the PLC legal form into an SE. An SE works council will only be established when there are more than 50 employees abroad. Until this time, the German group works council performs its duties as was likewise agreed to for the call center operator Amevida in 2015 (see [report in EWC News 1/2015](#)). To a large extent the agreement quotes from the SE legislation subsidiary requirements, however neither the board meeting agendas nor the documents for the annual general meeting are communicated to the

works council. Fixed deadlines have been defined for the double consultation procedures which are typical for a SE.

[Press report on company headquarters' relocation back](#)
[English register of commerce documents](#)

Shared services bundled into a new SE



Deutsche Telekom Services Europe SE was incorporated in the register of commerce in Bonn on 20 August 2019. This subsidiary of the former state-owned group covers company-internal services for finance, purchasing and human resources with approximately 3,300 employees in the following countries: Germany 1,900, Slovakia 900, Romania 400 and Czechia 100. Deutsche Telekom has almost 100,000 employees in Germany and 48,000 in the rest of Europe, who have been represented by a European works council since 2004. The SE works council ("DTSE Committee") is domiciled at the EWC.

The small service company had established its own special negotiating body, which signed an SE agreement on 25 March 2019 in Bonn. The new DTSE committee is composed of nine members including six from Germany and meets once per month. Video conferences are possible, but at least five face-to-face meetings are held annually. The agreement contains an exact flow for the multi-level consultation procedure and provides for a three-member arbitration board for any disputes.

Codetermination in both the supervisory board and SE works council

Although there are fewer than 2,000 employees in Germany, there is a full-parity SE supervisory board. This includes six employee representatives: three works council members and two external union representatives from Germany as well as an employee representative from Slovakia. The second particularity are the codetermination rights for the DTSE committee. After a pilot phase of one year, national employee representatives may transfer their negotiation rights to the committee, if it involves a transnational matter. There is also an interesting appendix to the SE agreement, which prevents any reduction in earnings for representatives, if they are subject to performance or objectives based remuneration (with a precise mathematical model).

Packaging manufacturer from North Rhine-Westphalia gallops away from codetermination

An SE agreement for the Jokey group was concluded on 21 January 2019. The family business from Wipperfürth has been operating as a European Company (SE) since 26 August 2019. The 15 production plants with 2,000 employees manufacture synthetic packaging in twelve countries, including France, Poland, Czechia and Spain. Altogether four companies were converted into an SE and four special negotiating bodies established, which finally agreed on a common SE agreement. There has been no European works council in place so far and codetermination on the SE boards of directors has been excluded permanently.



The future SE works council has twelve members from five countries with production sites. Smaller countries with sales offices and fewer than 30 employees do not get a seat. The SE works council meets once annually and elects a steering committee with four members. In exceptional circumstances it is at first informed and then consulted at the latest two weeks later. If central management does not take into consideration the opinion of the SE works council, a second consultation is provided (which is typical for SE legislation). It is to be always informed, before the concerned employees are informed of any planned restructuring. The members of the steering committee have a right of access to all subsidiaries in the European internal market. If they so wish, individual representatives may participate in meetings by video conference, but maintain however the right to physical presence. Voting is also possible by video conference.

[Press release on SE conversion](#)

9. The view beyond Europe

Industrial safety at Japanese tire manufacturer



The global trade union network for Bridgestone held a meeting on 11 and 12 June 2019 in Johannesburg (South Africa) under the chairmanship of the Japanese Rubber Workers Union. The chairman of the European works council also participated, and gave a report on the digitalization of manufacturing processes in the eight European plants in France, Hungary, Italy, Poland and Spain as well as on improvements in industrial safety. Local employee representatives from the South African tire plant are promoting occupational training for employees so that they can adapt to modern machines and production methods.

[Report on the conference](#)

French telecommunications group reinforces equality in Africa

On 17 July 2019, the group management of Orange (formerly France Télécom) signed a gender equality agreement covering all of its 149,000 employees worldwide. It explicitly includes the right to disconnect from work related electronic communications out of working hours and regards domestic violence as a topic in the workplace. Outside of Europe, Orange is particularly present in Africa and in the Middle East. There has already been an international framework agreement on social standards with the trade unions since 2006 and a Global works council was later established in 2010 (see [report in EWC News 2/2010](#)). Particularly noteworthy is the global agreement on occupational health and safety concluded in 2014 (see [report in EWC News 4/2014](#)).



[Report on the signing](#)
[Full text of the gender equality agreement](#)

Digitalization as part of a global framework agreement



For the first time, the Crédit Agricole cooperative banking group concluded an international framework agreement on fundamental social standards and trade union rights on 31 July 2019 in Paris. It provides for a paid maternity leave of 16 weeks in 47 countries worldwide and aims at preventing the negative effects of new technologies on employees and on their working conditions. It is the first global agreement in the finance industry with a chapter dedicated to digitalization. The European works council established in 2008 (see [report in EWC News 1/2008](#)) was also involved in the elaboration of the framework agreement.

[Report on the signing](#)
[Full text of the agreement](#)

10. Interesting websites

Digitalization and employee involvement in restructuring

The effects of digitalization on labour relations are examined in the Diresoc project which is carried out by research institutes in eight countries and sponsored by the EU. The goal of the project which is coordinated by the University of Liège, is to promote innovative practice for socially responsible restructuring. It focusses on four industries; tourism, banking and insurance, postal services and logistics as well as the processing industry. Several countries have already been examined in more detail and European works councils have



been invited to take part in an on-line questionnaire.

[Project website](#)

[Examples from Czechia, Denmark, Germany, Italy and Spain](#)

[Detailed report on eight countries for download](#)

[The on-line questionnaire](#)

Overview of daily European press



Every working-day a pan-European network of news correspondents selects the most important comments, essays and reflections from more than 500 newspapers, magazines and blogs in 32 countries (EU, Switzerland, Russia, Ukraine and Turkey) and translates relevant texts. There are short introductions to explain the current context of each debate and the original text is just one click away. The website is available in five languages and is operated by the German Federal Center for Political Education in Bonn.

[Press review website](#)

[One example: The Brexit dossier](#)

Digitalization in the European services sector

With financial support from the European Commission the trade union federation UNI Europe has carried out a two-year research project on "Shaping Industrial Relations in a Digitalising Services Industry". The project has elaborated a set of research reports and presentations which are available for download in several languages on a project website.



[The project website](#)

Swiss trade union wants to prevent wage dumping

Equal pay for equal work in the same place - this is the underlying principle of freedom of movement of people in the internal market. The posting of workers Directive is in particular intended to ensure this (see [report in EWC News 4/2017](#)). Although Switzerland is not an EU Member state, it nevertheless participates to a large extent in the internal market and transposes EU law by means of so-called "flanking measures". In order to speed these up and to avoid any loopholes, the EU is seeking to conclude a framework agreement with Switzerland, which would also include the ability to litigate before the European Court of Justice. Both the framework agreement and the freedom of movement for people are controversial topics in Switzerland (see [report in EWC News 4/2016](#)). The trade union UNIA is running a campaign on maintaining the social progress of EU legislation and has developed its own website on the subject.



[The campaign website](#)

[Background information on the campaign](#)

[Up-to-date report on the framework agreement](#)

[Fundamentals of planned framework agreement](#)

11. New publications

Proposals for labour legislation for dependent self-employed

In April 2019, the European Trade Union Confederation (ETUC) in Brussels published a study on new forms of employment, which are becoming increasingly widespread through on-line platforms. Two

NEW TRADE UNION
STRATEGIES FOR

professors have examined the social and labour legislations from the perspective of "who is an employee?", in Austria, Belgium, France, Italy, Sweden, Spain, Germany and in the United Kingdom. The report also deals with the collective labour laws of the self-employed as well as the legal obstacles to collective bargaining. For 2018, there are examples of outstanding initiatives, as well as court proceedings in several countries (see [report in EWC News 3/2018](#)). In the meantime the European Court of Justice has become involved, as was announced on 18 September 2019. The judges in Luxemburg are to clarify for the labour courts of Watford (near London), the status of a parcel delivery worker at Yodel, a British logistics company.

[Short description of the study](#)

[Download of the study](#)

[Report on the involvement of the European Court of Justice](#)

What are the results of transnational social dialogue?



This book which was published in late May 2019, presents the results of a research project from University of Bremen, which analyses the impact that pan-European social agreements have. Besides the agreements concluded by the social partners, which are negotiated between unions and employers' associations on a European level (see [report in EWC News 2/2016](#)), there are also agreements which involve European works councils. The research workers have analyzed the text of agreements from data bases and interviewed 53 experts. Their work mainly concentrated on four topics; workplace health and safety, information and consultation in the EWC, protection against discrimination in the workplace and reconciling family and working life. All such transnational agreements operate on uncertain legal territory, since they are neither company agreements nor collective agreements. Demands of the European Parliament for legal safeguards have still not been implemented (see [report in EWC News 3/2013](#)). In

addition to the research report there is also a thesis on industrial safety legislation.

[Further information on the book](#)

[Research report - online order](#)

[The thesis on industrial safety legislation](#)

[Thesis - online order](#)

Guide for conducting efficient and objective negotiations

Negotiating techniques are a key skill for works councils in their everyday work. This manual which was published in August 2019, is directed at this target group and covers various aspects of conducting negotiations. The indispensable ingredients include a professional preparation, bargaining behavior at the negotiating table and discipline within one's own delegation, body language, dress-code, appropriate reactions to unfair tactics, assertiveness and willingness to find solutions. It is also important to avoid secondary battlefields, to overcome deadlocks and to improve one's own chances. There is a dedicated chapter on negotiation situations, when the employer side demands sacrifices, e.g. by workforce downsizing.



[Further information and online order](#)

Challenges for the automobile industry in Central and Eastern Europe



In August 2019, Friedrich Ebert Foundation published this comprehensive study (104 pages) as part of a project which examines the employment situation in the automobile industry in Czechia, Slovakia, Hungary and Romania. What will Industry 4.0 and the transition to electric mobility mean for low wage countries? What is the outcome of social dialogue and employee representation locally? The car industry is of central importance in all four countries and is one of the largest industrial employers nowadays. At the same time the sites are dependent on decisions taken elsewhere in the parent companies. The authors highlight country by

country, how this transformation will affect employment in the industry and what latitude the local players really have to act. In addition a regional automobile workshop was held in May 2019 in Prague. A detailed analysis of the automobile industry in Germany was carried out in another study in March 2018 (see [report in EWC News 3/2018](#)).

[Download of the study](#)
[Report on the workshop in Prague](#)

12. The EWC Academy: Examples of our work

Forthcoming acquisition in the car industry

The EWC steering committee of the US automobile supplier Wabco met on 12 September 2019 in Brussels. There are plans for the takeover of this truck brake manufacturer by ZF Friedrichshafen for the beginning of 2020 and the EWC Academy was commissioned to evaluate the acquisition. With 149,000 staff worldwide, ZF is one of the largest German automobile suppliers and with Wabco it would like to establish itself as a system supplier for electric mobility and autonomous driving. Wabco has 16,000 employees and has had a EWC in place since 2008 under Belgian jurisdiction (see [report in EWC News 3/2008](#)). The EWC Academy acted as expert to the EWC in 2015 for the information and consultation in the run-up to two plant closures (see [report in EWC News 4/2015](#)).



[Press report on the planned acquisition](#)
[Works council's opinion on the planned acquisition](#)

Austrian wood processing company plans to enlarge EWC



The European Forum of Egger held its annual meeting from 24 to 26 September 2019 in Brilon (Germany). With over 1,200 staff, the sawmill is one of the largest employers of High Sauerland region. The Egger family-owned business from Tyrol had established its European Forum in 2003, which now represents around 7,000 employees in five EU Member States. The training organized by the EWC Academy was aimed at gaining a better understanding of the different labour relations' systems in these countries as well as in Poland. The Egger group has constructed a new plant in Biskupiec (Warmia-Masuria), which is to be integrated into the European Forum.

Revised EWC agreement for US pharmaceutical wholesaler

Discussions on amendments to the EWC agreement started between the central management of Alliance Healthcare and its European Works Council's limited committee during a meeting held in El Prat de Llobregat (near Barcelona) on 2 and 3 October 2019. The EWC is a mixed body chaired by the employer and governed by English law. It was established in 2007 and is therefore subject to the new EU Directive. It represents 17,000 employees in nine countries, including 6,000 in the United Kingdom and 3,600 in France. The employee representatives are advised by the EWC Academy.



13. Current Seminar Schedule

The EWC Academy and its forerunner organization have been holding conferences and seminars for the members of European works councils, SE works councils and Special Negotiating Bodies

since January 2009. So far, 816 employee representatives from 285 companies have taken part including many of them for several times. This represents around 25% 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](#)



Legal EWC workshop

The next workshop on EWC legislation is being held from 15 to 18 October 2019, this time in Berlin. It covers the legal subtleties of a EWC agreement, past EWC case-law and the application of the new EU standards in cases of legal doubt. One of the speakers will again be Ralf Ralf-Peter Hayen, Head of Legal Dept. at the DGB Confederal headquarters in Berlin and a fine connoisseur on the subject.

[Workshop Program](#)

12th Hamburg conference for European and SE works councils

As every year, our annual conference is being held on 27 and 28 January 2020. To start with, the latest developments in the EWC and SE landscape will be presented together with recent court rulings. The agenda includes case studies ("best practice") from various companies. Amongst other topics, this time the EWC chairman of Unilever will give a report on the pan-European Future of Work framework agreement which was concluded by EWC and central management in March 2019 (see [report in EWC News 1/2019](#)).



[Conference program](#)

[Flashback: Report on the last Hamburg conference](#)

EWC and SE seminar in Montabaur Castle



Our annual introductory seminar for the members (or future members) of European and SE works councils as well as Special Negotiating Bodies is being organized from 14 to 17 April 2020 in Montabaur Castle. The castle is situated close to the ICE railway station half-way between Frankfurt and Cologne. The following seminar modules will be covered at two levels in parallel:

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

[Program of modules for both seminars](#)

[Report on previous introductory seminar in Montabaur](#)

In-house events

Please find an overview of possible topics for in-house events below:

[Example in-house seminars](#)

14. Imprint

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