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Training and Consulting

EWC News

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Der EBR-Fachinformationsdienst

The Academy for European Works Councils (EWC Academy) is there to inform you about the activities of European Works Councils and related subjects.

EWC News appears four times a year.
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1. Improved consultation procedures through court rulings?

Legal proceedings on transnational matters in six countries

There have never been so many legal proceedings concerning the rights of European and SE works councils as in the autumn of 2012. Under the old EWC Directive legal action was an extremely rare exception, with only a few rulings in France worth mentioning. The most significant was the injunction order which enabled the EWC of Gaz de France to stop its merger with Suez in November 2006. The merger could only be concluded following the completion of the consultation procedure in March 2008, with however substantial social benefits for the employees of both companies involved (see [report in EWC News 2/2008](#)).



- [Overview of older EWC court decisions](#)
- [The social guarantees in the Gaz de France case](#) (in French)

Triggering factor: workforce reduction or relocation

European works councils do not take legal action without good reason: the current cases are predominantly triggered by the announcement of short-term tough measures by central management without prior notice. The transformation of the European works council from a "song-and-dance act" into a fully recognized integral part of European Corporate Governance can be substantially accelerated by the recourse to legal action, even though a ruling may not always be necessary. Current cases show that the fact of merely filing a lawsuit can lead to dynamic improvements, which in turn rapidly lead to a better operation of the EWC.

The US automobile supplier Visteon (lawsuit from July 2011)



The proceedings for inadequate consultation of the EWC during the closure of a plant in Spain (see [report in EWC News 3/2011](#)) were concluded in a settlement before the Higher Labour Court in Cologne on 13th November 2012. Central management agreed to fully respect the standards of the new EWC Directive in the future. In practice they have already been complying since the beginning of the lawsuit. There is still however a dispute on whether the EWC is under German or British jurisdiction (see [report in EWC News 1/2012](#)).

Visteon is about to be split into three parts which are to be totally or partially spun-off from the group. Lengthy court proceedings would not have been a very meaningful option in the context of this pan-European restructuring. A new structure for the EWC is to be negotiated during the coming weeks. Possible scenarios are three independent European works councils or a structure with divisional committees such as that already existing in EADS, the aeronautics and arms manufacturer (see [report in EWC News 1/2012](#)). The EWC Academy has already been acting as adviser to the EWC since March 2011.

The Donata Holding SE (lawsuit from February 2012)



On 31st October 2012 the Ludwigshafen labour court declined jurisdiction on grounds of local incompetency. This is a consequence of the relocation of the SE headquarters from Ludwigshafen to Vienna in July 2011. The SE works council will now have to file a complaint to courts in Austria, and plans to do so at the beginning of 2013. In Austria this will be the second legal proceedings in SE matters. The first procedure was in conjunction with the transformation of the Strabag construction company into a SE and was settled by mutual agreement, in 2006, without a court ruling.

The Donata Holding SE is the parent company of the Coty cosmetics group. The SE works council is demanding consultation rights on a transnational restructuring (see [report in EWC News 1/2012](#)). It has also recently developed a business reporting system with support from the EWC Academy (see [report in EWC News 3/2012](#)).

The US IT group, Hewlett-Packard (lawsuit from October 2012)



The oral hearing for the lawsuit filed by the EWC (see [report in EWC News 3/2012](#)) took place before the labour courts in Brussels on 27th November 2012. It turned out that the procedure could have dragged on for a very long period with an outcome difficult to predict for both sides. The EWC and central management therefore agreed to settle the legal dispute on 18th December 2012. Central management agreed to one of the principal demands by guaranteeing, at the EWC plenary meeting in Amsterdam, to establish a fully-fledged EWC agreement according to the standards of the new European Union Directive within one year. This would bring an end to the legal uncertainty of the old "voluntary" agreement. Employee representatives had nevertheless to concede that in the future the EWC would no longer come under Belgian, but under British jurisdiction. A European trade union alliance against job-cuts was established on 19th October 2012 during a meeting held in Berlin.

- [Press report on the legal case](#)
- [Report on the establishment of the trade union alliance](#)
- [Full text of the trade union alliance agreement](#)

The Norwegian packaging company, Elopak (lawsuit from November 2012)



On 26th November 2012 the European works council of the packaging company, Elopak, filed a complaint with the Norwegian Industrial Democracy Board ("Bedriftsdemokratismnd") in Oslo. This is in fact a first instance arbitration board under

the supervision of the Ministry of Labour, dealing with labour legislation matters. Although Norway does not belong to the EU it was nevertheless obliged to transpose the EWC Directive as a member of the European Economic Area. There has never been a comparable legal case before in Norway.

The lawsuit is a consequence of the relocation of production from the German Speyer plant, where around one third of the workforce is to be dismissed, to the Netherlands and Denmark. Central management is denying the transnational nature of the matter, but has nevertheless started the information and consultation procedure with the EWC on 19th December 2012 in an extraordinary meeting held in Oslo. The renegotiation of the Elopak EWC agreement is also on the agenda. The EWC Academy provides support to the employee representatives. The following texts are available only in German:

- [Press release on the situation in Speyer](#)
- [Ver.di trade union report on Speyer plant](#)

Further legal proceedings



In the United Kingdom there was a legal dispute in 2012 concerning the European works council of easyJet (see [report in EWC News 3/2012](#)). The airline finally satisfied the demands of the EWC without it coming to a court ruling.



For the first time there is also a legal dispute pending in Finland. The board of arbitration of the Finnish Ministry of Labor ("Co-operation Ombudsman") is currently examining the appropriate timing for the EWC to be informed and which information is to be considered confidential. The decision is expected in spring 2013 and will have an effect on all Finnish companies where the new EWC Directive is applicable. The background to the case is unsatisfactory consultation procedures in an IT-company. The arbitration board is still a relatively new mechanism, since it was first established in July 2010.

- [The role of the Finnish arbitration board](#)

Upcoming event on the subject

The current legal cases will be an agenda item on the annual conference for European and SE works councils to be held on 28th January 2013 in Hamburg. Emphasis will be put on the example of Hewlett-Packard.

TIPP !

- [Conference program](#)

2. Practical tip: How long does a consultation procedure last?

The legislator speaks of "...within a reasonable time"

Under the old legal situation there was no defined timing for consultation, since it was only a matter of exchanging opinions and dialogue. This could be fully covered within one single meeting between breakfast and lunch time. The new legislation defines however the procedure much more clearly and divides it into steps.



- Step 1: Information phase (Management → EWC)
- Step 2: Consultation phase (EWC ↔ Management)
- Step 3: Elaboration of a position statement ("opinion") and adoption by the EWC
- Step 4: Implementation of measures by central management **following the communication of the EWC opinion**

Since the European works council has no power of co-determination, it can only play its role **before** the final adoption of an opinion. The employer is obliged to wait for this opinion statement otherwise it is in breach of the law. The transition from step 1 to step 2 is therefore crucial for the EWC. It is vital here to critically analyze and verify management figures for completeness. Phase 1 can only be considered complete once all information is at hand in order "to undertake an **in-depth** assessment of the **possible** impact and, where appropriate, **prepare** for consultations" (Article 2-f of the original text of the new EWC Directive). The legislator has expressly **not defined** a given

timing for this. If central management holds back information, the whole procedure is delayed.

The strength of the EWC lies in a thorough consultation phase

Once phase 2 has begun, it should be fully exploited to widely confront central management with the in-depth deliberations of employee representatives. It may be useful for example to establish working groups to analyze business figures and which may also include restructuring alternatives developed with the help of experts. As long as the opinion has not yet been formulated, the employer must give a motivated response to these alternatives. If more time is needed to counteract the suggestions, the whole procedure is extended.

For a rapid implementation of decisions, it is worthwhile for employers to involve EWC members at an early stage in any planning and to actually consider them not only as confidants or supervisors but as real partners to European Corporate Governance. This is the real key-point in the understanding of the concept of consultation, which originally stems from French industrial relations (see [report in EWC News 3/2011](#)). The formal adoption of an opinion statement is not only the expression of an opinion, but a legal act. It gives a green light for the implementation of management plans and brings an end to any further influence of the EWC.

We can conclude with the following advice:

- Tip No 1: No opinion should be given without substantial concessions from the employer.
- Tip No 2: Never define a fixed timing for the submission of an opinion in a EWC agreement; otherwise the employee side would lose all its means of pressure.
- Tip No 3: At all times promote transparency on exactly where one stands in the different phases of the information and consultation procedure. This is best achieved through clear votes when passing from one step to the next.
- Tip No 4: Define clear voting regulations within the standing rules of the EWC.

Upcoming event: How to consult properly?

Once a year, the EWC Academy organizes a seminar on this subject in Montabaur castle; the next date is from 2nd to 5th April 2013.

TIPP !

- [Consultation seminar program](#) (in German)

3. Focus on Industrial Action



Belgian Ford plant to be closed

For a long time Ford was considered as a socially responsible company, and more so than other car manufacturers. The closure of the Genk plant with its 4,300 employees before the end of 2014 came as a complete surprise when it was announced on 24th October 2012. Only two years ago Belgium had to get over the closure of the Opel plant in Antwerp with at that time 2,600 jobs (see [report in EWC News 3/2010](#)).

Production is to be relocated from Genk to Valencia (Spain), with a possible reinforcement of the German Saarlouis plant. Ford's European works council met on 7th and 8th November 2012 in Cologne. For this reason 200 employees made the trip from Genk to protest against the closure. There were subsequent outbreaks of violence similar to those usually occurring in Latin countries. At the time, production was at a standstill in Genk. Employees were blocking the delivery of newly manufactured vehicles. With the help of a mediator and after 24 hours of negotiations a solution was reached on 19th December 2012 including the resumption of production. However, a ballot of the workforce will first take place on the result of the agreement on 7th January 2013. The following texts are available only in German:

- [European works council press release](#)
- [Report on the demonstration in Cologne](#)
- [IG Metall trade union position statement](#)
- [Presentation of EWC work at Ford](#)

Hard austerity avoided

At Iberia, the Spanish airline, there was to be a work stoppage for the whole week before Christmas in protest against austerity measures planned by management. They had announced on 9th November 2012 to cut back 4,500 of the 20,000 jobs over the next three years with up to a 35% reduction in salary for the remaining employees.



Under the threat of a strike, management was rapidly willing to negotiate. Before an arbitration board on 17th December 2012, both sides agreed to start negotiations on the restructuring plan and to provisionally refrain from any industrial action. The workforce reduction is to be stretched over to the end of 2017 and implemented mainly through early-retirement systems. Aircraft maintenance and handling are not to be spun-off from the company.

Spanish trade union taken to court in London

Iberia merged with British Airways in January 2011. The International Airlines Group (IAG), which is the holding created by the merger, has its headquarters in London. On 30th November 2012 it was announced that IAG is to sue the Iberian pilots' trade union for damages resulting from strike action in December 2011. The lawsuit was however filed not in Madrid, but with a court in London, where the group's management is obviously banking on a greater chance of success. The choice of London as a jurisdiction had already made headlines in 2004 in the case of Viking Line, the Finnish Ferry company (see [report in EWC News 4/2007](#)).

- [Report on the results of the conciliation](#) (in Spanish)
- [Report on the lawsuit against the pilots' trade union](#) (in German)

Catering and Facilities management group stops layoffs



The British Compass Group announced mass redundancies for their Italian sites on 25th September 2012. 824 of the 7,941 employees were to lose their jobs. However, the consultation procedure was not correctly initiated and trade unions demanded negotiations on the basis of a collective agreement in force. Following nation-wide demonstrations of Compass employees on 30th November 2012, the Ministry of Labour in Rome intervened and a meeting was convened on 5th December 2012. Management hereby expressed its willingness to temporarily suspend any mass redundancies and to look for alternatives

together with the trade unions.

- [Report on the events](#)
- [Report on the meeting with the Ministry of Labour](#)

4. National labour legislation on the move

Do Thatcher's strike laws violate human rights?

More than twenty years after the resignation of the "iron lady" her restrictive legislation on strikes is being examined for the first time as an offence against human rights in an international court. A lawsuit filed two years ago by the National Union of Rail, Maritime and Transport Workers (RMT), came before the European Court of Human Rights on 27th August 2012. To be able to commence the proceedings, British government has been asked to supply further information to Strasbourg.



The RMT trade union considers that freedom of association is unduly restricted by two regulations:
1. the obligation to communicate to the employer before any strike ballot, which employees with which qualification are invited to the ballot
2. the prohibition of solidarity strikes (secondary action).

In March 2011, RMT succeeded, in a much-publicized third instance court ruling, to counter a decision from a lower court which prohibited a local London public transport strike (see [report in EWC News 1/2011](#)). The trade union Unite also filed a case in Strasbourg. After a strike against British Airways in 2009 travel concessions had been withdrawn from the striking employees. British labour legislation offers no protection against such discrimination which Unite regards as a violation to freedom of strike as part of collective bargaining.

Political debate makes waves on the Thames

The affair is being followed with a great deal of sensitivity in London in this period of major discontent with the government's austerity policy. Conservative politicians want to limit the current right to strike even further and if necessary the country should withdraw from the European Union Charter of Fundamental Rights. The situation could become explosive for the British government if a full hearing comes before the Court in the course of 2013. The Labour Party has publicly taken its distance from the lawsuit, since from 1997 to 2010, when they were in government, the Thatcher legislation remained to a large extent in force and unamended. Therefore Labour will virtually be also on trial.

Should the court rule in favour of the trade union, this would be a severe slap in the face for the entire political class in the United Kingdom, from the Conservatives through to Labour. The Thatcher legislation would then have to be amended on orders from Strasbourg. Even a withdrawal from the EU could not prevent this, since the Court of Human Rights is not an organ of the European Union, but of the Council of Europe. In a similar case, in April 2009, it had upheld of a lawsuit against Turkey (see [report in EWC News 2/2009](#)). According to analysis from the European Trade Union Institute in Brussels, when it comes to the level of employee participation, the UK has been bottom of the class in Western Europe for years. Employee participation is only weaker in Bulgaria and the Baltic States than in the motherland of Manchester capitalism (see [report in EWC News 2/2009](#)).

- [Full text of the legal case](#)
- [Background from the legal viewpoint](#)
- [Press report on the conservatives' reaction](#)
- [Human rights organization press report](#)

Social-democrat swing in Romania



Political change in Bucharest has had a definite effect on labour legislation. Romania has been governed since 7th May 2012 by a social-democratic prime minister, whose party obtained an absolute majority in parliamentary elections held on 9th December 2012. On 10th May 2012, the new minister of employment already submitted a draft bill modifying legislation on social dialogue. It improves the protection against dismissal for local employee representatives, obliges employers to provide office space and facilities and enforces the right to strike, by abolishing compulsory arbitration before any industrial action. The legislation, passed in May 2011 by the preceding conservative government, was the most extensive reform of the collective bargaining system since the fall of communism. It had led to discord between, on the one hand, the government and on the other, the trade unions and employers' associations as well as to an increase in independently organized collective bargaining parties (see [report in EWC News 4/2011](#)).

- [Report on independently organized collective bargaining](#)
- [Contents of the new legislation](#)
- [Workplace representation in Romania](#)

Upcoming event: Seminar in Romania

A seminar is being held in Bucharest from 20th to 22nd March 2013. It is of particular interest to works council members from companies with sites in Romania.

- [Program and registration form](#)

TIPP !

Social-democratic swing also in Slovakia

A new, trade union-friendly labour code will come into force on 1st January 2013 in Slovakia. It replaces controversial rulings of the former conservative government and reflects the new parliamentary majority. The country has had a social-democratic government in place since April 2012 just as prior to 2010.



The legislation, in force since September 2011 and which, on the employer's request, obliges trade unions to bring proof that they have a membership of 30% of the workforce before being recognized for collective bargaining, has been completely eliminated (see [report in EWC News 3/2011](#)). The re-introduction of severance payments, longer notice periods and more rights for agency workers are also part of the changes. Employee representatives get co-determination rights for the introduction of flexible working hours.

- [Overview of the reform](#)
- [Details of the labour code reform](#)
- [Main features of employee representation before the reform](#)

5. Current developments on EU level

Surprisingly large majority demands legislative initiative



In a meeting held in Brussels on 19th November 2012, the European Parliament's employment and social affairs committee voted in favour of a report from the Spanish Socialist, Alejandro Cercas, on the rights of employees faced with restructuring. There was a cross-party majority of 35 votes for with two votes against and three abstentions. The goal is a European Union Directive on minimum standards for anticipating workforce planning, social plans and severance agreements.

The request will be on the agenda of the European Parliament's plenary session on 14th January 2013 in Strasbourg. If there were also a majority there (which can be expected considering the clear committee voting results), the European Commission would have to submit a draft Directive within three months or justify in detail the reasons for their lack of action. During a conference held on 15th November 2012 in Brussels, the Commissioner for employment, social affairs and inclusion, the Hungarian Social Democrat László Andor (see [report in EWC News 1/2010](#)), had already indicated his support for the initiative. On the other hand employers' associations are massively opposed to it. For works council activities it is probably the most important legislative initiative on the European level since the revision of the EWC Directive in the year 2008 (see [report in EWC News 4/2008](#)).

- [Full text of the Cercas report](#)

Break down of negotiations on working time Directive

The European Trade Union Confederation (ETUC) has been struggling for one year with European employer's confederations over the details of a planned revision of the working time Directive. Negotiations broke down on 14th December 2012. The most important discord was to what extent on-call and standby periods are to be considered as working hours. The European Court of Justice has passed several rulings on the subject.



The present working time Directive has been in force since 2004. It defines minimum standards to which all European Union countries must comply (rest periods, summer holidays, maximum weekly working hours, night and shift work). The revision process began in 2008 and is still underway.

Social Democrats in the European Parliament are now requesting draft legislation from the European Commission – the same procedure which led to the successful revision of the EWC Directive in 2008 (see [report in EWC News 4/2008](#)).

- [Press release of the German trade union confederation DGB](#) (in German)
- [Press release from the Social Democrats in the European Parliament](#)
- [Full text of the 2004 Working Time Directive](#)

Upcoming event on the subject

Current developments in EU labour legislation will be presented in a seminar taking place from 15th to 19th April 2013 in Strasbourg. In addition to a visit to the European Parliament there will also be a discussion with a Member of Parliament.

TIPP !

- [Strasbourg seminar program](#) (in German)

6. Transnational Company Agreements



Improved occupational health and safety

Central management and the European works council of Rheinmetall, the German automobile supplier and arms firm, concluded an agreement on occupational health and safety at a meeting held in Vienna on 20th June 2012. It provides for the establishment of steering committees for health and safety at all sites covered within the scope of the EWC agreement.

The basic operating conditions will be negotiated between local management and local employee representatives and clearly documented. The steering committee is to define and supervise key performance indicators, training programs are to be financed and a systematic monitoring will be carried out. Central management communicates half-yearly reports to the EWC select committee, which can also be called upon when there is a conflict in the local committees. Some time ago the EWC established its own working group on occupational health and safety.

- [Full text of the agreement](#) (in French)

Volkswagen limits agency work

Volkswagen's central management signed a "Temporary Work Charter" with its Global works council, the European works council and the international trade union federation, IndustriALL, on 30th November 2012 in Munich. It defines basic principles such as equal pay at all sites of the German car manufacturer throughout the world. Temporary employment is to be used in moderation and not to be abused as a means for cost reduction. Volkswagen had also concluded a world-wide charter on labour relations in October 2009 (see [report in EWC News 4/2009](#)).



- [Company press release](#)
- [Report of the IG Metall trade union](#) (in German)
- [Presentation on charter contents](#) (in German)

Upcoming event on agency work

A pan-European agreement on agency work has also been in force since May 2010 in the Belgian chemical group, Recticel (see [report in EWC News 4/2010](#)). This example will be presented at the Hamburg EWC conference on 28th January 2013.

TIPP !

- [EWC conference program](#)

7. Updated EWC agreements

British Security Solutions provider integrates new EU standards



A revised EWC agreement for G4S was signed on 13th June 2012 in London. The company, with its 625,000 employees in 130 countries, is one the largest service providers for cash transport and security technology in the world. The EWC operates on the basis of an old "voluntary" agreement under British jurisdiction. However the definitions for information and consultation from the new European Union Directive have now been fully integrated. It also includes a right to training for each individual EWC member, in particular language courses.

The EWC is to be expanded from 30 to 33 members from 23 countries, with Slovenia and Malta getting a seat for the first time. The role of the steering committee is also to be enhanced. The steering committee may investigate if any irregularities arise during the election of representatives in individual countries or if EWC members are dismissed. For the first time travel expenses for EWC meetings will be paid in advance, which is a great relief especially in Eastern Europe.

- [Report on new EWC agreement](#)

French Construction Company with extended consultation procedure

The Bouygues EWC agreement was updated on 16th October 2012 in Paris. It now contains the definitions from the new Directive for the information and consultation procedure as well as for transnational matters. Structure and distribution of seats in the EWC were taken unchanged from the 2008 agreement (see [report in EWC News 2/2008](#)). France provides half of the 24 delegates. They meet once annually under the chairmanship of the employer and have a right to four days training.



At its own discretion the EWC may delegate tasks to its five-member board. If extraordinary circumstances arise, the board may demand a meeting with the employer within six days and even decide whether to convene an extraordinary meeting of the entire EWC within twelve days. The EWC agreement explicitly prohibits local or national representatives from delegating participation rights to the EWC, which is aimed at preventing pan-European solidarity and a strengthening of the EWC.

The Bouygues European works council has already existed since 1995. In 2006, the previous EWC agreement was declared invalid by a French court following a lawsuit filed by the CGT trade union against it (see [report in EWC News 1/2007](#)). A Special Negotiating Body was established and a new agreement negotiated and finalized in February 2008. It is thanks to this, that the company now has to fully comply with the new EU Directive.

First Italian EWC agreement based on new legislation



At a meeting held in Robilante in the Italian Maritime Alps on 21st November 2012, the EWC agreement of Buzzi Unicem was updated to the standards of the new EU Directive. The cement manufacturer took over the German Dyckerhoff group in 2004 and established a European works council in 2008 mainly centered on Germany and Italy. This is the very first Italian EWC agreement to be concluded on the basis of the new Italian law in force since August 2012 (see [report in EWC News 3/2012](#)).

Nothing has changed in the allocation of seats in the EWC, but all representatives will have an

annual right to two days training. The reference to the new Italian transposed legislation includes the improved definition of the information and consultation procedure. The European works council which existed already between 1996 and 2008 under German jurisdiction was dissolved after the merger with Dyckerhoff (see [report in EWC News 2/2008](#)).

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

8. European works councils change their structure

New EWC established following merger

A EWC agreement for Veolia Transdev was signed on 16th July 2012 in the Paris suburb of Issy les Moulineaux under French jurisdiction. The Transdev European works council, established since 2006, will be dissolved and the representatives from the transport division of Veolia Environnement will leave their EWC (see [report in EWC News 1/2011](#)). Veolia Transdev resulted from the merger of these two French partners in March 2011 (see [report in EWC News 4/2009](#)). Since Veolia Environnement only holds a minority share in the new company since October 2012, the establishment of Veolia Transdev's own EWC was inevitable. In Germany the railway companies Bayerische Oberlandbahn, NordWestBahn and regional bus companies all belong to Veolia Transdev.



The EWC agreement goes beyond the minimum regulations of the new EWC Directive, by defining the transnational competence more comprehensively. Plenary meetings take place twice annually. Each EWC member has an annual right to one week of training plus foreign language training in one of four languages. The EWC secretary and deputy have an annual time-off work allowance of 100 hours plus 30 hours for each extraordinary meeting (the meeting time is not included). The EWC has its own annual budget amounting to 8,000 Euros for internal communication and small translation work. Since more than half of the 77,000 European employees work in France, the country has nine seats. The Netherlands has five representatives and a further eleven countries have one seat each. Following texts are available only in French:

- [Full text of EWC agreement](#)
- [CFDT trade union website for Veolia Transdev](#)

French energy group mergers European and national group works council



On 8th October 2012 a revised EWC agreement for Total was signed which combines the French group works council and the European works council. In its last meeting, on 7th November 2012, the group works council voted its own dissolution, causing some protests from the more radical trade unions. The idea of combining the EWC and group works council was already considered as a conceivable option during the transposition of the EWC Directive into French legislation in 1996, but was then dropped by the legislator. In France this would be quite feasible,

since the entire philosophy of the EWC Directive is tailored around the French system of industrial relations.

For Total employee representatives the reorganization means reinforcement both on a European as well as at the French level. The EWC will not only operate under the standards of the new European Union Directive, but will be organized into divisions and have its own economics committee. The three divisions Upstream, Refining and Sales have their own "strategic committees" comprised of 17 to 23 members and represent a form of European divisional works councils, similar to those in EADS, the aircraft and arms manufacturer (see [report in EWC News 1/2012](#)). Membership in the economics committee of the French group works council has been opened up to other countries and will be comprised of 16 members in the future. There will be furthermore a committee for social responsibility and sustainable development. France is allotted half of the seats in the EWC and in all committees, although 64% of the European workforce is employed in France. Out of the 46 EWC members, 23 are from France, Germany and Belgium are allotted four seats each and the United Kingdom three. The EWC secretary has a complete time-

off work allowance to perform duties. Following texts are available only in French:

- [Report on the signing of the agreement](#)
- [Analysis of pan-European company agreements negotiated in Total](#)

Future SE works council for German energy group

E.ON has been operating as a European company (SE) since 15th November 2012. Before, an employee participation agreement between central management of the Düsseldorf based company and the special negotiating body (SNB) was concluded on 10th October 2012. The SNB was made up of 25 employee representatives from 19 countries including six from Germany and two from the United Kingdom. In May 2009, the E.ON Energy Trading subsidiary had already been transformed into a European company (see [report in EWC News 2/2009](#)).



E.ON's European works council, established in 1996, will be replaced by an SE works council. All European countries will be represented, also including those which did not have a seat on the previous EWC. Besides information and consultation on transnational matters the role of the SE works council also includes the election of six employee representatives to the supervisory board. This will have four seats allotted to Germany (including a full-time trade union official from ver.di) and one mandate each allotted to Romania and the Netherlands. The reduction in the size of the parity-based supervisory board from 20 down to twelve members was heavily criticized by the trade unions. However this has become common practice during the SE transformation of large groups, the last example being the Bilfinger Berger construction group (see [report in EWC News 3/2010](#)).

In-fighting between E.ON employee representatives

Faced with an announced reduction of 11,000 employees from the 75,000 world-wide workforce (alone 6,000 from Germany) there had previously been internal disputes within the German group works council over the best strategy to adopt. In an extraordinary meeting held on 11th October 2012, the group works council passed a vote of no confidence in its militant chairman and elected a new leader, more prone on dialogue with the employer. The national officer of ver.di trade union for the company was also replaced.

- [SE transformation press release](#)
- [Report on the conclusion of the SE participation agreement](#)
- [Report on the internal conflict in the German works council](#) (in German)

9. From framework agreements to global works councils

French media group agrees on world-wide minimum standards



An international framework agreement was signed in the Paris suburb of Boulogne Billancourt, on 10th October 2012 for the television broadcaster Eurosport which belongs to TF1 private media group. Eurosport broadcasts in 59 countries and 20 languages, predominantly in Europe and Asia. For years they have already had good relations with UNI, the global union of skills and services. The framework agreement does not only secure minimum standards for the broadcaster's employees, but also includes suppliers and contractors.

- [Report on the signing](#)

Social responsibility of German automobile supplier

The international framework agreement which was signed during the ZF Friedrichshafen's European works council meeting held on



17th October 2012 is to have a particularly positive impact in Brazil. It is an enhancement to the principles for social responsibility, which were concluded in an agreement in 2011 with the central management of the automobile supplier based on Lake Constance. The German representatives have already been striving since 2007 to create a network extending outside Europe. In the meantime two representatives from Brazil have been attributed permanent seats on the EWC. ZF Friedrichshafen is the third largest German automobile supplier with 72,000 employees in 27 countries. Following texts are available only in German:

- [Report on the signing of the agreement](#)
- [Report on networking in Brazil](#)

Italian domestic appliance manufacturer creates World works council



Indesit has gone one step further. The third largest manufacturer of electrical household appliances in Europe signed an agreement on 15th November 2012 at its company headquarters in Fabriano (central Italy) which transforms the EWC, established in 1993, into a World works council. From the 1st January 2013 four representatives from Russia and one from Turkey will join the 16 member EWC. The company had already committed in 2001 to minimum social standards in an international framework agreement with the trade unions and which was monitored by the European works council. Both tasks are now officially combined within one body, without restricting any of the rights from the Italian EWC agreement.

- [Report on the signing](#)
- [Full text of the World works council agreement](#)
- [Full text of the international framework agreement](#)

10. Interesting websites

Italian EWC project publishes results

In the course of 2012, the CGIL trade union in Lombardy carried out a project sponsored by the EU, on the improved use of European works councils' information and consultation rights (ICARUS). The results of the empirical survey of EWC members are published on a dedicated website. Trade unions from Germany, France, Spain, Romania and the United Kingdom were also involved in the ICARUS project. The website contents are available in several languages.



- [ICARUS project website](#) (in Italian)
- [The final report with survey results](#)

Campaign within global delivery services



The website originally dedicated to DHL workers (see [report in EWC News 3/2009](#)) has expanded in the meantime to cover the FedEx, TNT and UPS groups. There is now a blog for each of these companies. A newsletter reports on current events in eight languages. The goal of the campaign is to defend trade union rights and working conditions.

- [The campaign website](#)
- [Leaflet with background information](#)

- [Newsletter archives](#)

Posting glossary

The occupational posting of workers to another country raises a whole set of questions: What taxes have to be paid there? What does the labour legislation stipulate? How is the social security organized and when does home legislation still apply? Such questions are answered in the posting glossary of the Raphael-Service, which belongs to the catholic welfare organization Caritas.



- [The posting glossary](#) (in German)

School holidays in other EU countries



On its website the European Commission provides a current list of school holidays in 34 European countries including Turkey. Special regional differences such as in Germany, Belgium and the United Kingdom, are also taken into account. There is also a calendar of University lecture-times.

- [The school holiday calendar](#)
- [The academic calendar with lecture times](#)

We have arranged numerous further interesting websites into a [collection of links](#).

11. New publications

Occupational health and safety in the building industry

A handbook developed in a joint project by European level trade unions and the building industry's employer associations was published in June 2012. It contains a check list for the initial introduction of an occupational health and safety management system and twelve instruction cards on how to fully use and further develop an already existing system. The handbook may be of particular interest to EWC members since it is available in twelve languages.



- [Handbook download](#) (in English)
- [Download of other language versions](#)



Industrial relocation guidelines

It has become common practice to relocate parts of a company abroad to reduce costs. Off-shoring projects do not however always come up to expectations. The Hans Böckler Foundation released these guidelines in September 2012, to assist works councils, particularly in medium sized companies, in developing feasible alternatives to industrial relocation with the employer. Volume 1 contains empirical results from interviews which highlight the practical decisional process; volume 2 describes the stages, methods and fundamentals of a location decision. It finishes with suggestions on how to conduct any negotiations. The publication is available only in German.

- [Further information](#)

Trade unions in Japan

In November 2012, the Friedrich Ebert Foundation published a short 13-page comprehensive analysis of trade unions in Japan. It contains a review on their history, describes the essential aspects of labour legislation and collective bargaining, and shows how trade unions are dealing with the economic crisis and their relationship with the Democratic Party, which was in government from 2009 to 2012. Although the unemployment rate is only 4.5%, nowadays more than one third of all employment contracts can be considered as precarious – and the trend is rapidly increasing. In 2010 only 18.5% of all employees were unionized, a further decrease has however been avoided in recent years.



- [Pamphlet download](#) (in German)

Upcoming event: works council members in Japanese companies

Employee representatives from firms with Japanese parent companies are holding a seminar from 15th to 17th May 2013 in Hamburg, to exchange their special working experiences. Both EWC members and local works council members may participate.

TIPP !

Industrial relations in Switzerland



A dissertation was published in December 2012 describing the historical development of labour relations and the effect of the European process of integration. Today, less than half of all employees in Switzerland are protected by a collective agreement and wage bargaining covers less than one third. A Participation Act, in force since May 1994, regulates the establishment of employee representation bodies. However the hurdles are just as high as in the United Kingdom. Although entry to the European Economic Area was rejected in a popular vote in 1992, the adoption of EU legislation is making good progress through bilateral agreements. Today, Switzerland is already represented in most European works councils. However in June 2012, an initiative for the adoption of the EWC Directive did not secure a majority in the Parliament (see [report in EWC News 2/2012](#)). The book is available only in German.

- [Further information](#)
- [On-line order](#)

Upcoming event: Works council conference in Zurich

Employee representatives from companies with headquarters in Switzerland or those having large sites there are meeting from 11th to 13th September 2013 in Zurich.

TIPP !

12. The EWC Academy: Examples of our work

Second EWC conference in London

With 44 participants from nine countries the attendance to the EWC Academy conference held on 25th and 26th October 2012 in London was stronger than in the previous year. The focus was put on labour relations in the United Kingdom and EWC topics from a British standpoint. Due to the large demand there will be another conference organized next year in London. In the autumn of 2013, the EWC Academy will also be offering a seminar on the better use of consultation rights for English-speaking employee representatives.



- [Report on second London EWC conference in October 2012](#)
- [Report on first London EWC conference in the previous year](#)

Five-day in-house seminar at Airbus



The EWC members of Airbus met from 10th to 14th December 2012 in their company training center near Bordeaux. The seminar, organized by the EWC Academy, dealt in detail with labour relations in the participating countries (Germany, France, Spain, UK). Further emphasis was put on optimization of the consultation procedure. The EWC members developed hereby a flow chart, which is to be

discussed with central management in the next meeting. Airbus has a European divisional works council under the umbrella of the EADS holding (see [report in EWC News 1/2012](#)).

US automobile supplier: new term of office for the EWC

The European works council of Dana began its new term of office with a meeting held from 10th to 14th December 2012 in Essen. The EWC Academy delivered several days of training on EU labour relations and analyzed, with the representatives from seven countries, the essential points to be renegotiated in their EWC agreement, which had not been updated since the establishment of the EWC in 2000. Under the new EU Directive the number of members in the EWC would almost double.



Some impressions from other seminars



- Left: Professor Dr. Wolfgang Däubler described the most important aspects in the renegotiation of EWC agreements in Rheinfels Castle, St. Goar on 10th October 2012.
- Middle: Women representatives met on 15th and 16th November 2012 in Hamburg for an exchange of experience on EWC and national works council Gender Mainstreaming.
- Right: Participants from the coaching session with Klaus Franz, the former EWC chairman of General Motors, on the rooftop of the Hamburg seminar hotel on 22nd November 2012.

13. Current training schedule



Training schedule brochure 2013

The EWC Academy and its forerunner organization have been organizing and delivering conferences and seminars for the members of European works councils, SE works councils and special negotiation bodies since January 2009. So far 450 employee representatives from 183 companies have taken part including many of them for several times. This represents around 18% of all companies in Europe with an established EWC. For 2013 a new brochure is now available, giving an overview of planned dates. Additional events and topics are in preparation.

- [The 2013 training schedule for download](#)

- [Further information on individual dates](#) (in German)

5th Hamburg Conference for European and SE works councils

As every year since January 2009, a two-day conference is being organised in Hamburg covering the following topics:

Monday, 28th January 2013: Current trends in the EWC landscape - new court rulings and examples of EWC work

Tuesday, 29th January 2013: Visit to the Airbus plant in Hamburg and presentation by members of the Airbus EWC



- [Program and registration form](#)
- [Report on the last Hamburg conference](#)

Social Networking in works council work



An international seminar on Web 2.0 is being held from 4th to 6th February 2013 in Hamburg. The networking of works councils with colleagues at home and abroad, direct communication with management and specialists facilitate a more rapid exchange and a better access to relevant information. What kind of rules should be developed? What is the practical experience on both sides of the German border?

- [Program and registration form](#)

Basic business economics in international companies

Works council members must be able to critically analyze performance metrics, analytical accounting systems, location studies as well as profitability reports. This can only be accomplished with a basic knowledge of business economics. The basic business economics seminar held from 18th to 22nd February 2013 can be recommended not only for EWC members, but also for employee representatives on economic committees or supervisory boards.



- [Program and registration form](#) (in German)

European works council conference in Bucharest



From 20th to 22nd March 2013, works council members from German and other West-European companies with sites in Romania have the opportunity to gain an on-the-spot insight into industrial relations and the economic situation, to discuss with Romanian employee representatives and to make contacts. The example of Nokia will be presented: after the closure of the German factory Bochum, a plant was opened in Romania, but nevertheless closed four years later (see [report in EWC News 3/2011](#)).

- [Program and registration form](#)

"Song and dance act" or fully-fledged European works council?

A seminar is being held in Montabaur castle (photo) from the 2nd to 5th April 2013 which highlights the new legal situation of information and consultation in relation to restructuring. How can a European works council concretely put into practice the consultation procedure and prepare a legally water-tight opinion? The seminar is also suitable for SE works council members.



EWC Initiation seminar

An introductory seminar will again take place in parallel. It is directed to newly elected EWC members and to works council members seeking information on the establishment of a EWC. It is also suitable for SE works council members.

- [Program and registration form for both Montabaur seminars](#) (in German)

Language courses: Business English for German-speaking works council members

Two language courses are planned in 2013: from 4th to 7th February 2013 in Hamburg and from 2nd to 8th June 2013 in Eastbourne.

- [Hamburg program](#)
- [Eastbourne program](#)
- [Further information on our language courses](#)

In-house events

Please find a summary of possible topics for in-house events here:

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

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