

Welcome to issue no. 1 / 2011 of EWC News.

April 2011

Der EBR-Fachinformationsdienst

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

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

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



[Dieser Newsletter auf Deutsch](#)



[Cette newsletter en français](#)

Contents:

- [1. Home stretch for new EWC legislation](#)
- [2. Is Renegotiation of existing EWC agreements necessary?](#)
- [3. Transnational collective agreements](#)
- [4. Recent court decisions](#)
- [5. New EWC agreements](#)
- [6. Highlights from the EWC agenda](#)
- [7. Focus on mergers and takeovers](#)
- [8. Research results for employee representatives](#)
- [9. The view beyond Europe](#)
- [10. Interesting websites](#)
- [11. New publications](#)
- [12. Training and Consultancy Network " euro-workscouncil.net ": Examples of our work](#)
- [13. Current Seminar Schedule](#)
- [14. Imprint](#)

1. Home stretch for new EWC legislation

German Bundestag passes new EWC legislation

On 7th April 2011 the German Bundestag passed the new EWC legislation with the votes of the government coalition. The opposition abstained, since their proposed amendments were not taken into consideration. The bill was passed by the Federal Government on 15th December 2010 (see [report in EWC News 4/2010](#)), the first hearing before the German Bundestag took place on 17th March 2011. Following texts are available only in German:



- [Full text of the draft bill](#)
- [Minutes of the first hearing](#) (see appendix 12, starting page 227)
- [Press report on first hearing](#)
- [Video clip of second and third hearings](#)

Social-democrats demands for harder sanctions rejected

On 22nd March the SPD faction of the Bundestag proposed an amendment for not only tougher penalties for violation of EWC rights but also an entitlement to injunction and a guaranteed right of access to foreign business premises. The amendment was rejected on 6th April 2011 by the CDU/CSU and FDP majority in the committee on labour and social affairs. The government coalition wanted only a "word-for-word transposition" of the Directive. This freed the way for the second and third hearings one day later in the plenary session of the German Bundestag. The committee on labour and social affairs had already held a hearing with experts on 4th April 2011.

- [Full text of draft amendment](#)
- [Report on experts hearing](#)
- [Video clip of experts hearing](#)
- [Report on the committee vote](#)

Provisions for extensive training rights

The contents of the draft legislation was also the main focus of a conference organized by the training and consultancy network " euro-workscouncil.net " on 24th January 2011 in Hamburg. Ralf-Peter Hayen from the federal office of the German trade union confederation DGB described the strengths and weaknesses of the bill from a trade union standpoint. Of particular interest is the extensive right to training. In the future and independently of their country of origin, all EWC members of German companies will have an individual right to go for training following a resolution of the EWC, such as provided for German work council members according to German labor law. These provisions of the German EWC legislation have not been matched in any other EU country.

- [Background information on the DGB website](#)
- [DGB position on draft legislation](#)
- [Slides from Hamburg conference](#)
- [Interview with Ralf-Peter Hayen](#)

Current events on new legal situation for work council members

On 6th June 2011 the new legislation will come into force. On this very same day a EWC seminar will begin in Montabaur castle (Germany) with a view to examining the juristic aspects of the final legal text. A unique opportunity is also available at a works council conference on 30th June 2011 in Paris to discuss with a representative of the German Ministry of Labor. Interpreters will be available on request for both events, registrations are still open.



- [New EWC legislation seminar Montabaur - program](#)
- [Program of Paris conference with participation of the German Ministry of Labor](#)

Exceptional transposition of the EWC Directive in Austria



On 17th November 2010 the national assembly in Vienna (photo) voted on the revision of its code of labor law. A whole chapter is devoted to the European works council. The new legislation, which is considered to be one of the best in the whole EU, was published on 14th December 2010 following approval from the Upper House of Parliament on 2nd December 2010. 45 companies with their headquarters in Austria are concerned (of which 27 already have a EWC established). The changes come into force on 6th June 2011.

The Austrian legislation surpasses the European Union Directive on important points: such as a clearer definition of "transnational issues", EWC members have a right to access employment sites in other countries and all existing agreements conform without exception to the new standards of information and consultation. Following texts are available only in German:

- [National Assembly debate](#) (see agenda item 20, starting page 163)
- [Full text of amended labor law](#)

New legal situation in Belgium too

On 21st December 2010 the National Labour Council in Brussels adopted the text for the transposition of the new EWC Directive. In Belgium the parliament has no responsibility in the matter and labour law is actually developed by the social partners themselves within the Labour Council. The new rules come into force as an intersectoral, universally applicable collective agreement on 6th June 2011.



- [Full text of collective agreement](#) (in French)
- [Activities of the National Labour Council](#)

The Belgian legal situation is of great importance for the entire EWC landscape since Belgium stands, in terms of figures, in fourth place behind Germany, France and the UK. More than 100 European works councils operate under Belgian law, of which only 40 are Belgian companies. The remaining come from the UK, Switzerland, the USA and other parts of the world.

EWC not chaired by employer

Although Belgian (as well as French) works councils are chaired by the employer, this does not apply to European works councils. Under Belgian law the EWC is a pure employee representative body whereas in France the EWC is chaired by the employer.

A German-Belgian works council conference will be held in Brussels on 29th-30th September 2011. The possibility will be given here to become acquainted with the legal situation in Belgium and the Belgian system of employee representation. The meeting will be simultaneously interpreted in four languages (German, French, Dutch, and English).



Other countries: current situation

- Portugal was the first country of the European Union to bring the new EWC legislation into force in November 2009 (see [report in EWC News 4/2009](#)).
- In the United Kingdom, despite the change in government, the draft EWC legislation, at that time prepared by the labor government, and brought before the House of Commons in April 2010 will not be amended further (see [report in EWC News 1/2010](#)).
- In Italy intensive discussions between the three large trade union confederations and the employers' associations have begun on the contents of the Italian legislation.
- In Sweden a draft bill was submitted by the government in October 2010.
- The Polish government has started a first impact assessment.
- In France no parliamentary procedure for the transposition of the new EWC Directive is planned. On 13th January 2011 the French government was authorized by the national assembly to make the changes to existing EWC legislation by decree.
- In Slovakia, the new EWC legislation was passed on 8th February 2011.
- In Spain the government voted a draft bill on 4th March 2011, which will come up for discussion shortly before parliament.
- On 15th March 2011 the parliament of the Czech Republic held a first hearing on the transposition of the new EWC Directive.
- On 29th March 2011 the new EWC legislation was passed by parliament in Denmark (see [full text of the law in danish language](#)).

2. Is Renegotiation of existing EWC agreements necessary?

On 6th June 2011 new EWC legislation or EWC collective agreements come into force in all countries of the European Economic Area (this includes the EU countries plus Norway, Iceland and Liechtenstein). In many cases it remains unclear to employee representatives what steps they must now take to benefit from the new standards.



The Directive is only applicable to one in every two European works councils

A first verification must be made as to whether the EWC agreement currently valid in the company at all comes under the scope of new Directive. The new legislation does not apply in following cases:

- The EWC agreement was concluded for the first time before 22nd September 1996 (Article

13 agreements). Furthermore it is completely irrelevant whether the agreement was changed in the following years or renegotiated.

- The EWC agreement was concluded for the first time after 22nd September 1996, but modified during the two-year transition period between 5th June 2009 and 5th June 2011.

431 European works councils were created under the provisions of article 13 of the old Directive. In a considerable number of companies changes were made to the EWC agreement during the transition period between June 2009 and June 2011. As a result more than half of the 978 European works councils in existence today **do not fall** under the new legislation.

Why has the majority been excluded from the new standards?



This results in fact from concessions made to employer organizations during the legislative procedure. The standards of the new Directive can only be legally imposed in the case of fundamental changes to company structure (e.g. mergers, spin-offs). In order to benefit from the improved rules, it is absolutely necessary to renegotiate the agreement. Somewhat different provisions may apply only to companies in Austria (see above).

When does the new legal situation apply automatically?

In the following cases, which concern approximately half of all European works councils, the new EWC legislation is automatically applicable:

- The EWC agreement was concluded after 22nd September 1996 and since then has undergone no change whatsoever or was last amended before 5th June 2009.
- A new or modified EWC agreement was signed after 5th June 2011.
- A default (subsidiary) EWC is in place, established without conclusion of a EWC agreement.
- An issue could be where the special negotiation body (SNB) signed a EWC agreement after the expiration of the three year negotiation period. This has not been envisaged by the legislator but exists in practice in isolated cases.

If the European works council falls under the new legislation, the renegotiation of the EWC agreement is not strictly legally necessary. It is advisable however for practical reasons to integrate the new standards into the text of the agreement and to document the employer's signed "commitment" to a better operation of the EWC. In particular this applies to the size and number of meetings of the steering committee.

- [European Trade Union Confederation leaflet on the subject](#)

Legal support material from Brussels

On 7th January 2011 the European Commission released an experts' report on the individual chapters of the new EWC Directive. It was edited by a team including both employer as well as trade union friendly representatives and can therefore be of great use as a reference for legally disputed cases. It can also be helpful during renegotiation of EWC agreements. In May 2010 the European Trade Union Institute in Brussels released its own legal evaluation (see [report in EWC News 2/2010](#)).



- [Full text of the European Commission's expert report](#)
- [European Commission brochure on new EWC Directive](#)

3. Transnational collective agreements

Textile group regulates long-term employment planning



On the 16th December 2010 in Rueil Malmaison near Paris a framework agreement was concluded covering the anticipation of employment matters in DBApparel, representing the first agreement of this kind in the

textile industry.

The agreement provides for the creation of an European works council task force for strategic personnel planning, in particular for restructuring ("Anticipation Task Force"). It consists of five employee representatives from different countries and meets twice annually. The agreement contains operational objectives for each individual country and defines a time window. A similar agreement was also concluded in June 2009 for the electronics company, Thales (see [report in EWC News 2/2009](#)).

DBApparel established its EWC under French law in 1996 and has been owned since 2005 by a US financial investor. The group manufactures and distributes underwear with more than 5,000 employees in France, Italy, Germany, Spain, the UK and Eastern Europe.

- [Full text of the agreement](#)

Job security in times of crisis

On 24th February 2011, in Paris, the European Metalworkers Federation (EMF) concluded an agreement with central management of Alstom, the French metal industry group, on job security in times of crisis. It covers 30 European countries and is valid for three years. It was initiated following the announcement of downsizing in the power plant manufacturing division.



In November 2010 an action day at German sites had forced negotiations (see [report in EWC News 4/2010](#)). Beforehand central management had stopped implementing any measures so that the consultation procedure with the European works council could be correctly concluded. There were also strong protests in Switzerland, where Alstom is one of the most important industrial employers (see [report in EWC News 3/2010](#)). Besides power plants Alstom also manufactures railway vehicles, such as the French high-speed train, TGV.

A comparable French agreement for Alstom from 2006 served as a basis for the pan-European agreement. Redundancies are to be avoided through a series of measures and employee skills further developed. Examples of good practice, e.g. Italian geographical mobility and reduced working hours in Germany, are integrated at the European level. The agreement takes a similar approach to that of the steel group, ArcelorMittal, from November 2009 (see [report in EWC News 4/2009](#)).

- [Press release on signing of the agreement](#)
- [Full text of the agreement](#)

Moratorium in power plant construction, clear-cuts in the railway vehicle production

All redundancies in Alstom Power have been frozen until the next EWC meeting on 20th April 2011. Following the nuclear disaster in Japan central management wants to examine possible development of new markets for conventional power stations and thus additional employment within Alstom. The moratorium does not however apply to Switzerland. Things look completely different in the transport division: at its' meeting, held on 22nd March 2011 in Paris, the EWC was informed about the slashing of 1,380 jobs in Germany, Spain and Italy of which half come from the German Salzgitter site. Additionally the bodywork is to be relocated to Poland, which would lead to further cuts. The following texts are available only in German:

- [Report on downsizing freeze](#)
- [Report on current situation in Switzerland](#)
- [Swiss trade union press release](#)
- [Report on job cuts in Salzgitter](#)
- [IG Metall Salzgitter information on Alstom](#)

European-wide agreement on personnel planning



The French energy group, Areva, signed an agreement on 1st April 2011 with the European Metalworkers' Federation (EMF) on personnel planning. In the future each employee in France, Belgium, Spain,

Germany, Sweden and the United Kingdom is entitled to 30 hours of further education per year. In addition the collective agreement provides for professional development and internal mobility.

Following a first anti-discrimination agreement signed in November 2006, the energy group undertook a project together with the EWC to examine its personnel policy in all European locations (see [report in EWC News 1/2009](#)). With this new agreement Areva follows the example of the French electronics company, Thales (see [report in EWC News 2/2010](#)).

- [Press release on signing of the agreement](#)
- [Full text of the agreement](#)

The secretary of the Areva European Work Council, Maureen Kearney, will give a report on the contents of the agreement at the conference to be held on 29th June 2011 in Paris.

TIPP !

- [The program of Paris conference](#)
- [Interview with Maureen Kearney on 2006 agreement](#) (in German)

4. Recent court decisions

German labour court strengthens British EWC members

The European works council of Avaya obtained an exceptional settlement on 13th January 2011 from the labour courts in Frankfurt (Germany). The legal dispute was triggered by a restriction to British EWC members' rights to time-off. The US company, offering telecommunication services and data networks, concluded a EWC agreement after a merger in 2007 under German law.



Since the difficulties in the United Kingdom could not be resolved otherwise, the Italian EWC chairman turned to the labour courts in Frankfurt/Main. An oral negotiation took place on 12th November 2010. Following the suggestions of the court, central management and the EWC reached an agreement that all EWC members are to have time-off "as is necessary" and not with a fixed time allowance. This also has an impact on the definition of performance figures for employees who are elected to the EWC. There can no longer be any appeal against this ruling which now applies to all European countries.

Although new time-off regulations for employee representatives have been in force since January 2010 in the United Kingdom (see [report in EWC News 3/2009](#)), in practice there are problems over and over again. The outcome of this labour dispute can therefore be taken as a role model for many European works councils.

- [Presentation on EWC work in Avaya](#)

Which language for the work council?

On 3rd March 2011, a Berlin labor court ruled that German works council members have the right to training delivered in their native language. The case actually concerned two US citizens who did not have sufficient knowledge of the German language. In order to exercise their mandate, they requested to participate in an English-language introductory seminar. According to the court the employer must bear the higher cost of the training.

- [Press release from the Berlin labour court](#) (in German)

In 1993 the regional labor Court in Hessen ruled that the works council has a right to German language documentation. Any English-language documents must be previously translated by the employer. In 1997 the local labor court in Frankfurt am Main also ruled that a works council has a right to translation and interpretation. Following texts are available only in German:

- [The Frankfurt labor court ruling](#)
 - [Further court decisions on transnational issues](#)
-

Right to strike strengthened in the United Kingdom



On 4th March 2011 an appeal court ruled in second instance on a local transport labor dispute in London. The RMT trade union was able to override the restraining order ruled in the first instance of January 2011 and hereby win their struggle for the right to strike. The legal dispute arose from doubts as to whether or not legal rules for the preparation and organization of strike ballots had been correctly carried out. These are subject to strict regulations put in place in the years 1979 to 1997 by the conservative governments under Thatcher and Major, and which are used by employers over and over again, as a means for prohibiting labor disputes on formal grounds.

- [Report on London judgment](#)
- [Full text of the judgment](#)

5. New EWC agreements

New EWC in food industry

A EWC agreement for Vaasan was signed on 7th September 2010 in Vantaa near Helsinki under Finnish law. The company is one of the largest manufacturers of bakery products in Finland and in the Baltic States.



Meetings are chaired by the employer with five Finish representatives, two representatives for each of the three Baltic States and one each for Sweden and Norway. Three plenary sessions are held every two years with at least three meetings of the steering committee which is composed of five employee representatives. The rules of the EWC agreement are still based on the standards of the old European Union Directive.

Worlds' second largest ophthalmic lens manufacturer establishes EWC



On 8th October 2010 in Aalen a EWC agreement was signed at the headquarters of Vision Care (photo), the ophthalmic division of Carl Zeiss under German law. A EWC has already existed within the group since 1996 for the glass manufacturer Schott in Mainz but not for the Holding. Vision Care had previously been a joint venture with a Swedish financial investor and was integrated only a few days beforehand into the Zeiss group.

The European works council consists of 14 members and represents 3,300 European employees. Three seats each are attributed to Germany and France, two each to Italy and Hungary and one further seat each to the UK, Ireland and Portugal. Countries with fewer than 50 employees are represented by one common representative. The steering committee is made up of four members. Noteworthy advantages of the agreement: the EWC can establish working groups, has access rights to all branch sites and benefits from precisely defined consultation rights in the case of restructuring.

French supply and transportation group adapts agreement

On 13th October 2010 Veolia Environnement updated its EWC agreement dating back from 2005. The European works council was expanded from 29 to 40 members. Since the company consists of several divisions (water, waste-disposal, energy and transport), a more precise definition of the prerogatives of the EWC in each of the individual sectors was made. The constitutional meeting of the new body was held on 14th December 2010 in Paris.



Its' consultation rights go beyond those provided for in the new EWC Directive. The tasks of the national committees for social dialogue have also been reinforced and they are now able to meet twice annually. These were created in countries where no central or group works council existed (e.g. Spain). This system was also of great practical importance in Germany since there is no national works council structure covering the individual divisions.

On 3rd March 2011 the merger between Veolia's transport division and Transdev, which was already announced in December 2009 (see [report in EWC News 4/2009](#)), was finalized. There is however, up to now, still no dispositions for a possible merger of the two European works councils.

- [Full text of the updated EWC agreement](#)

Further EWC agreements are available for download on a [special website](#).

6. Highlights from the EWC agenda

French EWC intervenes in Belgian labor dispute



On 12th November 2010 the Belgian management of Brinks, the US security service group, informed the local work council of the forthcoming liquidation of the Belgian company. This was caused by the trade unions refusal to agree on wage cuts and by the subsequent strike action in protest against the restructuring plan.

This situation provoked an extraordinary meeting of the EWC on 16th and 17th December 2010 in Paris. Although only one country was involved, central management recognized the prerogatives of the EWC and, within the consultation procedure, agreed to reveal detailed financial data from Belgium and to pay for a business analysis. In the case of Brink's therefore, the standards of the new EWC Directive are already in practice. Brink's has a default EWC in place since November 2009 under French law (see [report in EWC News 4/2009](#)).

EWC extraordinary meeting enforced by threat of legal action

The French media group Lagardère plans to sell their international magazine division with 5,000 persons employed in 45 countries. When this was reported in the press, the French group's work council made two unsuccessful demands for the convening of an extraordinary EWC meeting, according to a press statement from 17th December 2010.



- [Full text of the press release](#) (in several languages)

Once it became known, on 31st December 2010, that discussions on the sale would be carried out exclusively with the US media group Hearst, the EWC secretary threatened with legal action in a letter to central management on 18th January 2011. At the same time the competent French works council also threatened not to complete the consultation procedure, as long as the EWC was not sufficiently involved. French employers are only allowed to implement their plans once a consultation procedure has been correctly concluded, otherwise they risk to be stopped legally. As a result an extraordinary EWC meeting was convened for 9th March 2011. Lagardère has a EWC in place since 1996 under French law.

Metro accepts monitoring committee



On 16th and 17th February 2011 the newly elected EWC of the German retail group, Metro met in Düsseldorf. Although Germany employs more than one third of the world-wide workforce of 250,000, the EWC chair went to France. A representative from Germany was elected deputy chairwoman. Five further members make up the steering committee: one seat each to Germany, Belgium, Spain, Italy and Poland. Central topic of the plenary session was the planned relocation of the accounting to China, India and Eastern Europe. A EWC extraordinary meeting took place on 10th March 2011 to examine these plans in more detail. The body was established in 1996.

While many other companies have already concluded international framework agreements with trade unions, in 2005 Metro limited itself to unilateral management principles. Now it has been announced that central management is ready to create a parity-based monitoring commission with the EWC.

- [Full text of Metro principles](#)

7. Focus on mergers and takeovers

Deutsche Bahn acquires British transport group

In August 2010 the state-owned German Rail (Deutsche Bahn) bought the private British transport group Arriva, which operates bus and railway services in twelve EU countries. The acquisition was approved by the European Commission under the condition that the German subsidiary, with around 3,100 employees, would be sold. As a result, since December 2010, the railway company PEG, the operating company of Metronom and other parts of the German Arriva group belong to the Italian state railway FS and to a financial investor in Luxembourg.



Arriva established a EWC in 1999 under British law. Deutsche Bahn was the first German company to have a default EWC established in 2005 without negotiation of a EWC agreement. One year later central management signed an agreement on the standing rules and responsibilities of the EWC. The legal status of the European works council is therefore comparable to that of the US company, Brink's (see [report in EWC News 4/2009](#)).

At its' last meeting, held from 19th to 21st October 2010 in Berlin, the EWC of Deutsche Bahn decided to negotiate with central management on a new distribution of mandates. Up to now both European works councils continue to work separately in parallel to each other. From now on, a few members of the steering committees participate in each other EWC meetings respectively.

- [Report on last meeting of Deutsche Bahn EWC](#)
- [Standing rules of Deutsche Bahn EWC](#)

Hostile takeover - trade union for, works council against



Who negotiates on job security during a takeover: the works council or the trade union? The forthcoming acquisition of the largest German construction group, Hochtief, by the Spanish infrastructure group, ACS, brought this fundamental conflict of German industrial relations into the spotlight of the public at the turn of the year 2010/2011.

While the works council was fighting with Hochtief's management against the takeover, the IG BAU trade union was holding "secret negotiations" (quote from the works council). The IG BAU union justified this as follows: The works council is the dialogue partner of the employer. However trade unions are responsible for discussions with investors.

The result is an agreement signed on 21st December 2010 with the potential new owner, and according to which, company headquarters will remain in Essen (Germany) and no employees will be made redundant until the end of 2013. The IG BAU trade union is recognized as the exclusive wage bargaining party and HR directors are to be appointed only after agreement of the trade union. ACS explicitly excludes the transformation into a European company (SE). In January 2011 labour lawyers discovered that the agreement is not legally binding. Nevertheless the conflict between trade union and works council could be settled on 21st January 2011. The following texts are available only in German:

- [Press report on conflict between works council and trade union](#)
- [Position of IG BAU](#)
- [Full text of the agreement between IG BAU and ACS](#)
- [Report on the settlement of the conflict between trade union and works council](#)
- [Press report on job security agreement](#)

In the meantime ACS has acquired more than 43 per cent of Hochtief. In the shareholder's meeting on 12th May 2011 a divided vote for the seats on the supervisory board is to be expected. Hochtief's EWC, established in 1996, would be dissolved after a merger. Since ACS does not yet have a transnational employee representation body, a EWC would have to be set up there. The situation is similar to that of the cement company Buzzi Unicem at the time (see [report in EWC News 2/2008](#)).

German Telecom sells US subsidiary

The 40,000 employees at T-Mobile in the USA can sigh in relief. Soon they will be part of the AT&T group, which is known for its fair treatment of employee rights. Deutsche Telekom announced the sale on 20th March 2011 in Bonn, which is however contested on anti-trust grounds. Although the closure of call centers and branch offices is to be expected, there were positive reactions from the trade unions involved.



- [Press report on the sale](#) (in German)
- [Position of the US trade union CWA](#)

While Telefónica accepted world-wide social minimum standards in an international framework agreement signed with the trade unions (see [report in EWC News 4/2007](#)) and France Télécom established a World works council in June 2010 (see [report in EWC News 2/2010](#)), central management of Deutsche Telekom have refused to take on any social responsibility outside Europe. As recently as September 2010, central management came under criticism from a human rights organization for the violation of international labour standards in the USA (see [report in EWC News 3/2010](#)). As a consequence the International Trade Union Confederation (ITUC) started a campaign in T-Mobile in the USA on 4th March 2011 with its own web site in four languages.

- [Website of T-Mobile campaign](#)

8. Research results for employee representatives

Health and Care groups in EWC focus



On 5th January 2011 the European trade union federation, EPSU, published a study carried out by the University of Greenwich in the health and care sectors. Privatizations and the opening up of the market have increasingly

led to the expansion of multinational companies into elderly and child care services, clinics, rehabilitation centers and other health services.

The study identifies ten EWC-eligible companies, of which only two have created a European works council. Scandinavia is a regional focal point of the industry. Some of the companies mentioned are owned by financial investors. In June 2006, the Swedish clinics group, Capiro, created the first EWC in the private health sector.

- [Report on the study contents](#)
- [Full text of study](#)

European-wide survey on employee representation

On 20th January 2011, the European Foundation for the Improvement of Living and Working Conditions in Dublin released the results of a survey on information and consultation procedures within companies. It is based on detailed reports from 26 European countries. A EU Directive from 2002 made it mandatory to inform and consult the workforce. This led to the very first legislation on the establishment of employee representation bodies in the United Kingdom and in Ireland, as well as in central and Eastern Europe.



- [Full text of the EU Directive on information and consultation](#)
- [Full text of survey](#)
- [Summary: the most important survey results](#)
- [The 26 country reports for download](#)

New European Union report on the development of the labour relations



Once every two years since the year 2000, the European Commission publishes a report which examines the development of social dialogue, trade unions, bargaining policy and labor legislation in the European Union. The 2010 edition was released on 3rd March 2011 in Brussels. An emphasis was placed on shop-floor agreements resulting from the financial market crisis and those dealing with restructuring. A further subject in the report: in 2008 only 31% of all European employees were members of a trade union while still two thirds of the jobs are covered by collective agreements.

- [Report abstract](#)
- [Full text of the report](#)

9. The view beyond Europe

Swedish electrical group strengthens social dialogue

On 13th December 2010, Swedish trade unions signed an international framework agreement with central management of Electrolux in Stockholm, guaranteeing fundamental labor standards for 50,000 employees worldwide.



Of noteworthy interest is an annexed protocol, which excludes any encouragement of "yellow" trade unions by the employer as well as the activities of "trade union busters". In this respect, the domestic appliance manufacturer, to which AEG also belongs, demonstrates a greater social responsibility than for example Deutsche Telekom or Deutsche Post (see [report in EWC News 3/2010](#)). Union busters are predominantly used in the Anglo-Saxon cultural circles to prevent the establishment of employee representation (see [report in EWC News 3/2010](#)).

- [Report on the signing of the agreement](#)
- [Full text of the framework agreement](#)
- [Full text of annex protocol](#)

EWC chairman supports employee representation in South Africa



From 24th to 26th January 2011 the chairman of the Umicore EWC visited the Port Elizabeth site together with union representatives. Concrete proposals for the improvement of social dialogue between plant management and employee representatives were discussed. The findings of the visit are to be discussed in April 2011 with central management in Brussels. The Belgian materials technology group had agreed in September 2007 in an international framework agreement to the establishment of such a monitoring committee (see [report in EWC News 3/2007](#)).

- [South Africa trip report](#)
- [Full text of the framework agreement](#)

General Motors on the road to World works council

Following the failure of the planned sale of Opel to the automobile supplier Magna (see [report in EWC News 3/2009](#)) and the closure of the Antwerp plant at the end of 2010 (see [report in EWC News 3/2010](#)), the European works council members are working even closer together with their colleagues outside Europe.

The revival of transatlantic co-operation was the focal point of a conference organized in Rüsselsheim (Germany) on 22nd and 23rd February 2011 (photo). Apart from the conclusion of an international framework agreement on social minimum standards a demand was made to



transform the European works council into a World works council.

- [Conference report](#)

Framework agreement in publishing terminated



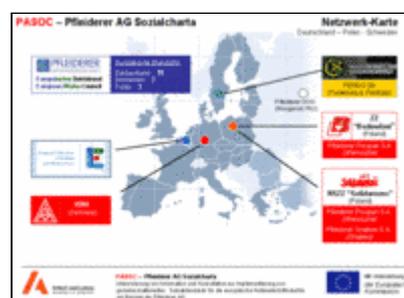
In February 2011, the European Federation of Journalists (EFJ) terminated the framework agreement it had concluded with the German newspaper group WAZ in July 2007 (see [report in EWC News 2/2007](#)). According to the EFJ, the only agreement of its kind in the media sector, did not meet with expectations particularly in Eastern Europe. Employee representatives for the WAZ group in Romania, Bulgaria and Macedonia are now to be accompanied directly from the EFJ in a pilot project, without waiting for the support of company headquarters in Essen.

- [EFJ press release](#)
- [Background report on western media groups in the Balkan States](#) (in German)

10. Interesting websites

European Works Council in wood processing

The EWC of Pfeleiderer, a wood processing group, is presented on the Pasoc project website. This project started in October 2009 and sponsored by the European Union, was aimed at strengthening co-operation between employee representatives from Germany, Poland and Sweden. A short term goal was the conclusion of a Social Charter with central management, which took place in November 2010 (see [report in EWC News 4/2010](#)). Following texts are available only in German:



- [Presentation of Pfeleiderer's EWC](#)
- [Latest Pfeleiderer EWC newsletter](#)
- [Full text of project description](#)
- [Pasoc project results](#)

Social-democratic foundation supports trade union politics



The Friedrich Ebert Foundation runs a network of offices in 34 European countries. Trade union subjects are part of their political activities with a special emphasis on central and Eastern Europe. The foundation is also active with trade union matters on a global level, in particular in Latin America.

- [Social Europe – topic portal](#) (in German)
- [Trade union co-operation in central and Eastern Europe](#) (in German)
- [World-wide trade union policy](#)
- [The committee on Labour - Shopfloor - Politics in Germany](#) (in German)

Working abroad?

The information network for labour mobility in the construction industry has been on-line since 8th February 2011. Altogether 16 countries are individually presented, including Switzerland. On this website construction workers are able to get information on the most important aspects of working conditions in their destination country.



- [Labour mobility website](#)

News from Belgium



This French language website presents information on Belgian social and economic policy and shopfloor issues. The site is maintained by the socialist metalworkers' trade union of the FGTB in Liège.

- [Belgian metalworker trade unions' website](#)
- [Belgian trade union information in German](#)

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

11. New publications

Trade unions and collective labour law in Poland

A 630 page dissertation was published in January 2011 which provides an in-depth analysis of labour relations in the largest and most economically important Eastern European country acceding to the EU. After an overview of the historical development of the Polish trade union movement two individual chapters deal with the radical change process of the 1980s and the emergence of today's structures starting from 1990. Poland has been slower than the other European Union acceding countries to put in place a legal basis for works councils. The works council legislation in force today was only first introduced in July 2009 and the practical experience is still often lacking (see [report in EWC News 3/2009](#)). The book is available only in German.



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



Collective bargaining in Germany and France

This publication on labour legislation, released in January 2011 has not been written from an employee standpoint. Nevertheless the author provides an up-to-date legal insight into the changes in collective bargaining rights for the two economically leading countries of the European market – hard facts which may also offer an important source of information for the union friendly public. Whereas in France the legislator has recently strengthened collective bargaining unity as a result of the painful break-up of the trade-union bargaining landscape, in Germany, the Federal Constitutional Court cancelled bargaining unity in June 2010 (see [report in EWC News 2/2010](#)). Both countries therefore continue to develop their collective bargaining system in exactly opposite directions. The book is available only in German.

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

Hungarian trade unions after change of government

In January 2011, the Friedrich Ebert Foundation published an updated review of the Hungarian trade union movement. A national right-wing, and trade union-hostile coalition has been governing in Budapest since May 2010. Altogether the six union confederations represent only a membership rate of 12%. Collective agreements apply only to approximately 40% of the Hungarian workforce. The influence of trade unions in companies is small. Already in 1992, Hungary was the first country in central and Eastern Europe to have introduced works councils, which, to a large extent, had to manage on their own due to weak union presence. The Friedrich Ebert Foundation review now



formulates some propositions for the reorientation of Hungarian trade unions. The following texts are available only in German:

- [Download of the updated review](#)
- [The fundamentals of the Hungarian employee representation](#)
- [Further publications from Friedrich Ebert Foundation's Budapest office](#)



Card game – source of outrage

While in Germany board games like "Works council snakes and ladders" support employee participation, the French card game "transition plan" caused an uproar. Each of the 52 cards represents an employee. The winner is the person who is first to dismiss all of his employees, so that the company can be closed and relocated outside France to a totalitarian low wage country. It is really so simple to become a successful manager and to finish the game as the winner.

French trade unionists are already proposing that the game should be included in the curriculum of business schools: "to denounce that capitalism has gone mad". The card game is manufactured by an ecological and sustainable oriented game publisher from Brittany.

- [Press release on card game](#) (in German)
- [Video of card game](#) (in German)
- [Card game order and press reviews](#) (in French)

We have arranged further technical literature on a [literature webpage](#).

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

European Work Councils Conference in Hamburg for the third time running



Over 50 employee representatives from 29 different companies met together with trade union officers, lawyers and scientists from five countries in the annual EWC conference held on 24th and 25th January 2011 in Hamburg. For the first time the meeting was simultaneously interpreted in English and French. More than a third of the participants came from the metal and electrical industry, companies in the chemical and pharmaceutical sector and logistics were also strongly represented. In addition participants came from insurance, food manufacturing, telecommunications, retail and market research.

During the first day focus was put on the German transposition of the EWC Directive (see above). Afterwards experts from the bearing manufacturer, Schaeffler (see [report in EWC News 1/2008](#)) and the electronics group, Nokia Siemens Networks (see [report in EWC News 3/2010](#)) reported on experiences in their European works councils.

The second day was then totally devoted to labour relations in the United Kingdom with practical examples from the insurance company Alliance and the telecommunications company BT. A report on the subject was given by the German AiBplus technical magazine in its 2/2011 edition. Following texts are available only in German:

- [Report on the seminar in AiBplus magazine](#)
- [Report on the 2009 EWC conference](#)
- [Report on the 2010 EWC conference](#)

Automobile supplier on the road to EWC renegotiations

The European works council of the US group, Visteon, would like to integrate the standards of the new Directive into their EWC agreement. For this purpose, Dr. Werner Altmeyer from the training and consultancy network "euro-works council.net" was nominated as expert by the steering committee in a meeting on 15th March 2011 at the European headquarters in Kerpen near Cologne (photo). A new agreement is to be drafted before September 2011 and then negotiated with central management. Visteon, one of world's largest automobile suppliers, was spun off from the Ford group in the year 2000 and has its own EWC in place since 2001 under German law.



EWC training in energy group



The European works council of RWE met in Dortmund from 16th to 18th March 2011. Part of the plenary session was a seminar delivered by the training and consultancy network "euro-works council.net" and covering industrial relations in the countries where the energy group from Essen has branches. In former times RWE had a representation structure with divisional European works councils which have now been bundled into one EWC for the entire group (see [report in EWC News 1/2008](#)).

Pharmaceutical group: handling restructuring better

The European works council of the Swiss Roche group met from 29th to 31st March 2011 in Brussels. The 27 representatives from 14 countries analyzed how they could optimize their influence over transnational restructuring together with Dr. Werner Altmeyer from the training and consultancy network "euro-works council.net" who was appointed as expert to the EWC in March 2009 (see [report in EWC News 1/2009](#)).



13. Current Seminar Schedule



Training program brochure for 2011

The training and consultancy network "euro-works council.net" has been organizing and delivering conferences and training seminars for the members of European works councils, SE works councils and special negotiation bodies since January 2009. So far 221 employee representatives from 106 companies have taken part (representing about 11% of all companies in Europe with an established EWC). The majority of participants came from Germany and France, but a further nine countries were represented. For the year 2011 a training brochure is now available in German, giving an overview of the planned events:

- [2011 training program for download](#)

Seminar on EWC legislation and economics

On 6th June 2011 the new EWC legislation will come into force. We would therefore like to offer a prompt opportunity for a detailed examination of the legal text in its final version. To this end a EWC legislation seminar will take place on 6th and 7th June 2011 in Montabaur castle.



A EWC seminar on financial data will follow, highlighting the new legal situation under the aspect of restructuring. How should the European works council prepare an opinion and so conclude the consultation procedure? This seminar will be held from 7th to 9th June 2011 in Montabaur castle and is also appropriate for SE works councils. Both events may be booked together or separately.

English and French interpretation will be available on request.

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

EWC Initiation days

For newly elected European works council members or for work council members seeking information on the establishment of a EWC, we are again offering an introductory seminar. It will take place from 7th to 9th June 2011 in Montabaur castle.

- [Program and registration form for the EWC initiation seminar](#) (in German)

English language courses for works council members

19. – 25.06.2011 in Eastbourne (on the English channel coast)

13. – 18.11.2011 in Esher Place (near London)

- [Language courses program](#) (in German)
- [Language courses registration](#) (in German)
- [Further information on our language courses](#)

French-German Conference in Paris



A second conference for works council members from Germany and France is to be held in Paris from 29th June to 1st July 2011. The new French EWC legislation will be presented along with reports from experienced French and German EWC members on their work.

Why a conference in Paris?

The philosophy behind information and consultation in the EU Directive on European works councils as well as employee participation in the European Company (SE) is closely tailored around French industrial relations. An exact knowledge of the subtleties of the French model is indispensable for growing a European works council from a song and dance act into a fully fledged representative body. Participation to the conference is possible according to the provisions of the new EWC legislation on training. Simultaneous interpretation will be provided in German, English and French. Following texts are available only in German:

- [Report on French employee participation](#)
- [Conference program and registration form](#)

German Belgian EWC conference in Brussels

28th and 29th September 2011

German British EWC conference in London

27th and 28th October 2011

- [More information on these events](#) (in German)

Renegotiation of EWC agreements

Following the coming into force of the new EWC legislation it is advisable in many companies to renegotiate the EWC agreement. To this end we are offering a workshop to enable an exchange of experience and to make a critical analysis of participant's EWC agreements. The workshop will be held from 10th to 12th October 2011 in Eisenach on the Wartburg castle (photo). English interpreters will be available on request.



- [The Wartburg workshop program](#) (in German)

Seminars of the Institute for Further Education of Works Councils (ifb)



Institut zur
Fortbildung von
Betriebsräten KG

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

Basic seminar: The European Works Council from A to Z
07. – 11.11.2011 in Munich

Advanced seminar and idea exchange
21. – 25.11.2011 in Stuttgart

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

Workshop for SE works council members

In 2011 the training and consultancy network "euro-works council.net" will be organising another SE workshop. Since the number of SE works councils is still relatively small, the next date will be coordinated with any interested participants by telephone. Anybody interested should please fill in and return the following questionnaire.



- [SE works council questionnaire](#) (in German)

In-house events

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

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

14. Imprint

EWC News is published by:

Training and consultancy network "euro-betriebsrat.de" GbR
Von-der-Tann-Straße 4, D-20259 Hamburg
www.euro-betriebsrat.de (German)
www.euro-works council.net (English)
www.euro-ce.org (French)

Authors collaborating on this issue:
Werner Altmeyer, Sandro Maier, Bernhard Stelzl

Distributor of the German version: 14,938 readers
Distributor of the English version: 2,057 readers
Distributor of the French version: 2,172 readers

Newsletter archive: www.ewc-news.com

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

We are always pleased to receive comments and suggestions in relation to this newsletter as well as reports on your EWC activities. Please write us at: info@euro-works council.net