

Step by step EWC guidelines for restructurings: from information to litigation

- Webinar – 1 October 2020 – Frédéric Turlan / fturlan@etui.org

Breaking news

Continental schließt Werke in Deutschland – 7000 Arbeitsplätze betroffen

Continental veröffentlicht Details zu seinem Sparprogramm.
Das Ausmaß ist nicht nur erschreckend für die Mitarbeiter.
Es ist auch ein Warnsignal für die gesamte Branche.



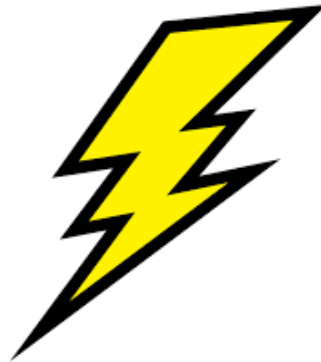
Roman Tyborski

25.09.2019 • Update: 25.09.2019 - 16:18 Uhr • 6 Kommentare • 38 x geteilt



Continental schließt Werk in Mühlhausen

Der Autozulieferer Continental in Hannover verschärft seinen Sparkurs. Betroffen ist auch ein Werk in Thüringen. Geplant ist die Schließung des Werks in Mühlhausen bis Ende 2022.



Fermeture du site de Béthune : l'annonce choc de Bridgestone

Le fabricant de pneus japonais a soulevé l'indignation en annonçant la fermeture de son usine de Béthune (Pas-de-Calais) qui emploie 863 salariés. Le gouvernement et les élus locaux crient à «la trahison».



EMCC

European Monitoring Centre on Change

Factsheets

The restructuring events database contains factsheets with data on large-scale restructuring events reported in the principal national media in each EU member state. It has been in existence since 2002.

The map displays the most recent cases. Nation-wide cases are displayed next to the country name.

Recent restructuring cases



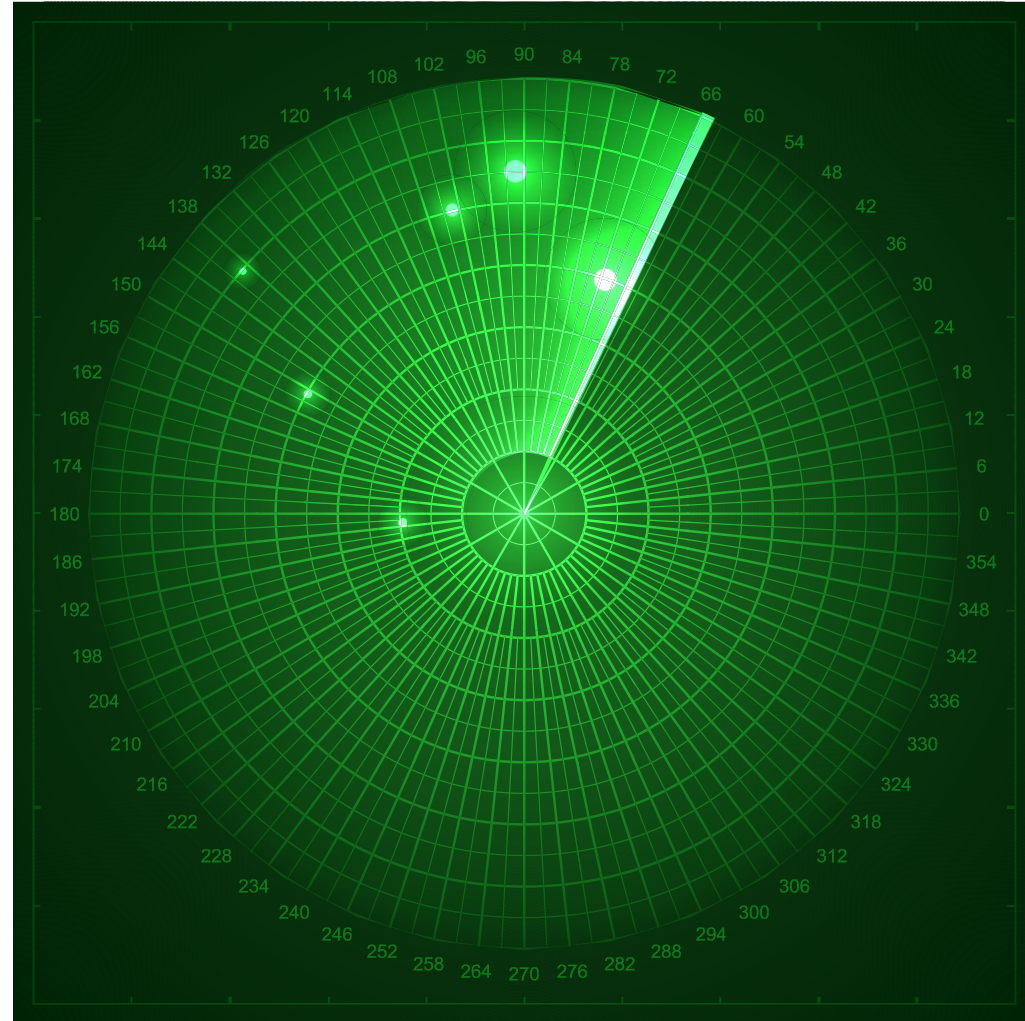
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“It should not be a surprise!!”

Anders Carlson, Chairman of Bombardier EWC

- Regular communication between EWC members; between EWC members (and deputy members) and the steering committee.
- Regular monitoring carried out by the chairman / steering committee of the EWC.
- National delegates (and deputy delegates) are key to spotting "weak signals".
- Institutional information to stakeholders, company newsroom, press... give a global overview.
- You will know more than your management!!!

1. Monitoring: “*keep your eyes open*”



“Ask questions to the management”

Hedi Ben Sedrine, Chairman of AXA EWC

- Ask questions to management: How much? When? Where?... Before or at least during the first meeting.
- Try to gain confidence to obtain the maximum of information.
- Invite the management to be open to social dialogue.

2. *Do not panic!!*

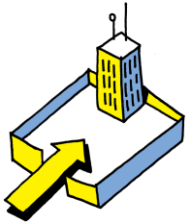


“Remind the management of your rights”

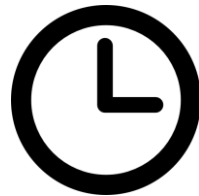
Jean-Philippe Charpentier,
Chairman of Verizon EWC

- Check your information and consultation rights, provision about exceptional circumstances, transnationality...

- Check provisions about means:



- Access to site;
- Expert;
- ETUF coordinator;
- Time-off;
- Communication resources (questionnaire, pool);
- Setting up a workshop;



3. Read your EWC agreement !

ACUERDO DE CONSTITUCIÓN DEL COMITÉ DE EMPRESA EUROPEO DEL GRUPO NH-HOTELES

En Madrid, a 9 de Octubre de 2015, siendo las 16:30 horas y reunidas las personas reseñadas al final del presente documento, ostentando cada una de ellas la representación que se indica,

MANIFIESTAN

1. Que con fecha de 24 de Diciembre de 1994 se aprobó la Directiva 94/45 del Consejo de la Unión Europea, sobre constitución de un Comité de Empresa Europeo o de un procedimiento de información y consulta a los trabajadores en las empresas y grupos de empresas de dimensión comunitaria, Directiva cuya transposición al Derecho Interno español fue realizada por la Ley 10/1997 de 24 de Abril. Dicha Directiva fue posteriormente derogada por la Directiva 2009/38/CE, de 6 de Mayo, actualmente en vigor.

Handwritten signatures and initials are present on the right side of the document, including a large 'X' at the top, several cursive signatures, and the initials 'E.L.U.' near the bottom right.

“It caused a chain reaction”

Caroline Blot, federal secretary for international affairs, at FGMM-CFDT

- Information to the EWC members
- Information from EWC members to national I/C bodies
- Information to the national TU and European Trade Union Federation (ETUF)
- Centralize their feedbacks.

4. Circulate information



- A French TU delegate from CFDT warned its federation (FGMM-CFDT) about a restructuring announcement in France.
- FGMM-CFDT informed IndustriAll Europe about the restructuring.
- IndustriAll Europe informed its affiliates within the Honeywell group.
- It received information about reorganizations in Austria, German, UK...
- Enough factual information for the EWC chairman to send a letter to the management to launch an information and consultation meeting.

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“Make noise”

- Trade unions (network)
- National works council
- European Trade Union Federation
- European Parliament deputies
- European Commission (DG Employment or Competition).
- Other EWCs
- Press
- Expert
- Lawyer

5. Find support



“We are just asking for our rights”

Jean-Philippe Charpentier,
Chairman of Verizon EWC

- **In case of I/C rights failure, use the litigation channel:**
 - Identify the competent court (not the Court of Justice of the EU)
 - Vote to allow the EWC to go to court;
 - Vote to nominate a lawyer
 - Ask the lawyer to send a letter to the management
- > **In many cases, management opens discussion at this stage, if not...**
 - Involve the national I/C bodies that could also go to court;
 - Communicate (litigation is not good for CSR)
 - Go to court!!

6. Pressure and litigation

