

# Getting a grip: multilevel actions and purposes.

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**ETUI ETF UNI Webinar on restructuring for EWCs**

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# The EU Acquis: the great equaliser?

**Workers  
Participation rights  
are contained in**

**Collective  
labour law**

**Individual  
employment  
law**

**Health and  
safety  
protection  
legislation**

**Company law**

**Over 35  
Directives!**

## AT LOCAL, NATIONAL, EUROPEAN LEVELS

### Regular and ad hoc

- **Information**

- on the company's activities and economic situation;
- details of the employment situation, especially if jobs are at risk;
- management plans to deal with job losses or changes in work organisation.
- information must be given early enough and in a way that enables employees' reps to study the data and prepare a response.

- **Consultation**

- with the appropriate level of management, in good time
- Workers' reps must be able to meet with employers, get a response to their questions and opinions, and receive an explanation of company thinking

## I&C in health and safety : General

- Consultation in good time on any measures substantially affecting health and safety, and on the organisation of workers' H&S training.
  - they must be consulted;
  - they must be able to make proposals;
  - the right to ask employers to draw up and implement plans for mitigating or removing hazards at work;
  - submit comments when authorities carry out inspections;
  - adequate time off, without loss of pay, and the resources they need.

## H&S Process rights; information, consultation, participation

- ICP rights apply to minimum safety and health requirements for the use of work equipment and personal protective equipment
- H&S reps have access to all the information they need
  - including risk assessments, preventive measures and reports from inspection and health and safety agencies.
- Obligation to inform workers' reps about any incident, what caused it, and how they are dealing with the situation
- Access to generalised lists about exposures and risks  
They must know the steps taken to reduce or eliminate these risks, so that they can check that safety procedures are being applied, particularly when changes occur at the workplace

## Collective redundancies

- Obligation to **launch consultations** with workers' reps, with the aim of reaching an agreement, about ways of avoiding redundancies, reducing the number of workers affected, and mitigating the consequences
- Right to all the **relevant information**, in writing, the reasons, the number of workers normally employed and to be made redundant, and the time scale. Often the right to support from external experts
- **Involvement of public authorities** and checks by workers' reps
  - Employers must also forward these details in writing to the competent public authority, plus details of consultations with workers. Workers' reps should get a copy of this notification and be able to submit comments to the authority.

# National frameworks for dealing with restructuring

ETUI study  
forthcoming

I&C rights and negotiation practice and rights vary.

- Who gets what information?
- Who negotiates with whom?
- When?
- About what?
- What labour market policy context
- With what resources?
- What timeframe?
- What legal fallback?
- What third parties are involved?
- What access to enforcement?

ETUI is currently compiling an overview of national rights and practices in dealing with restructuring.

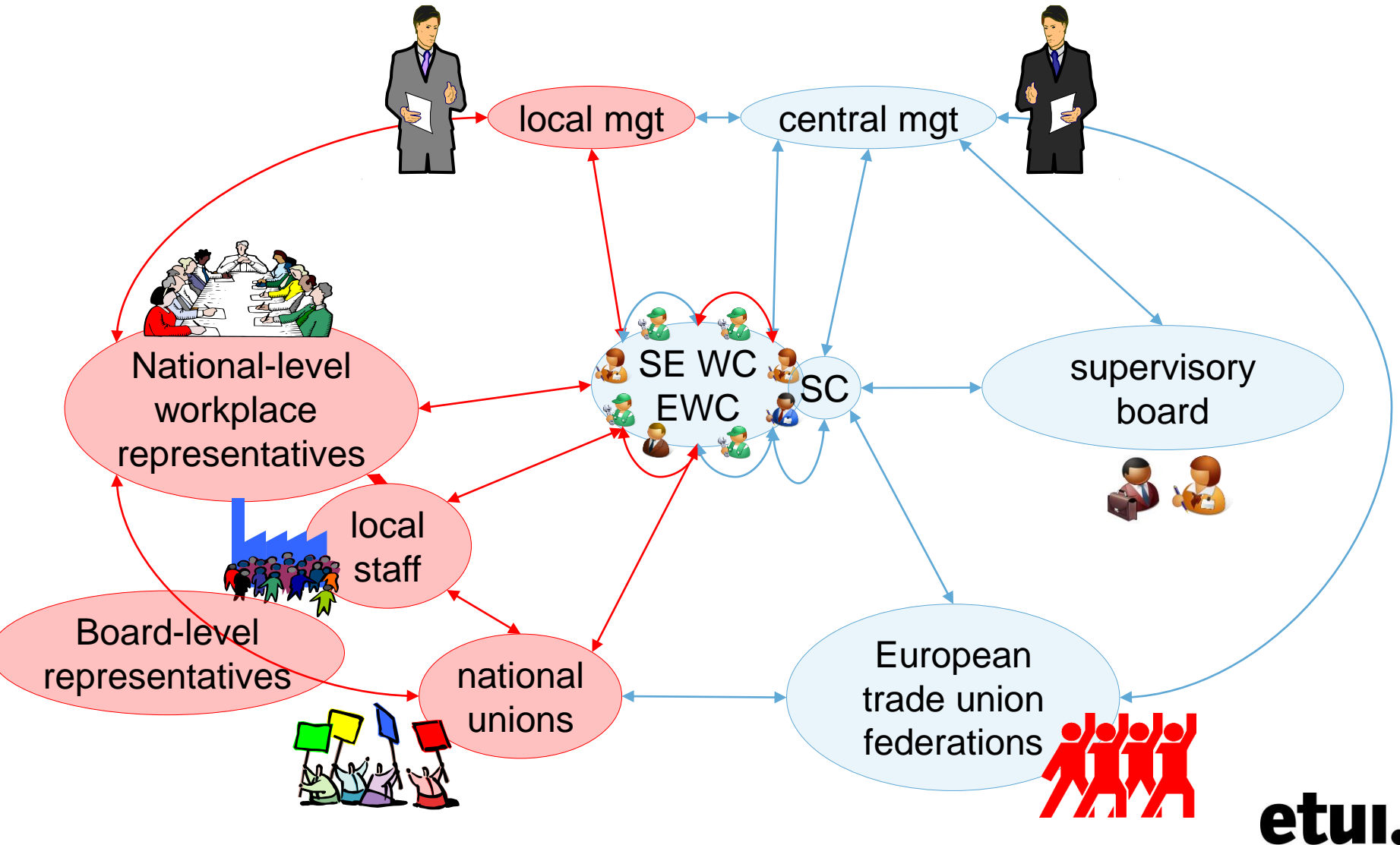
## **Challenge of accessibility vs depth**

**Guiding criteria:** enough information to get workers' reps into discussion with one another about how to:

- strategically combine their rights
- Share strengths
- Compensate for weaknesses
- Join forces across borders
- Coordinate local strategies

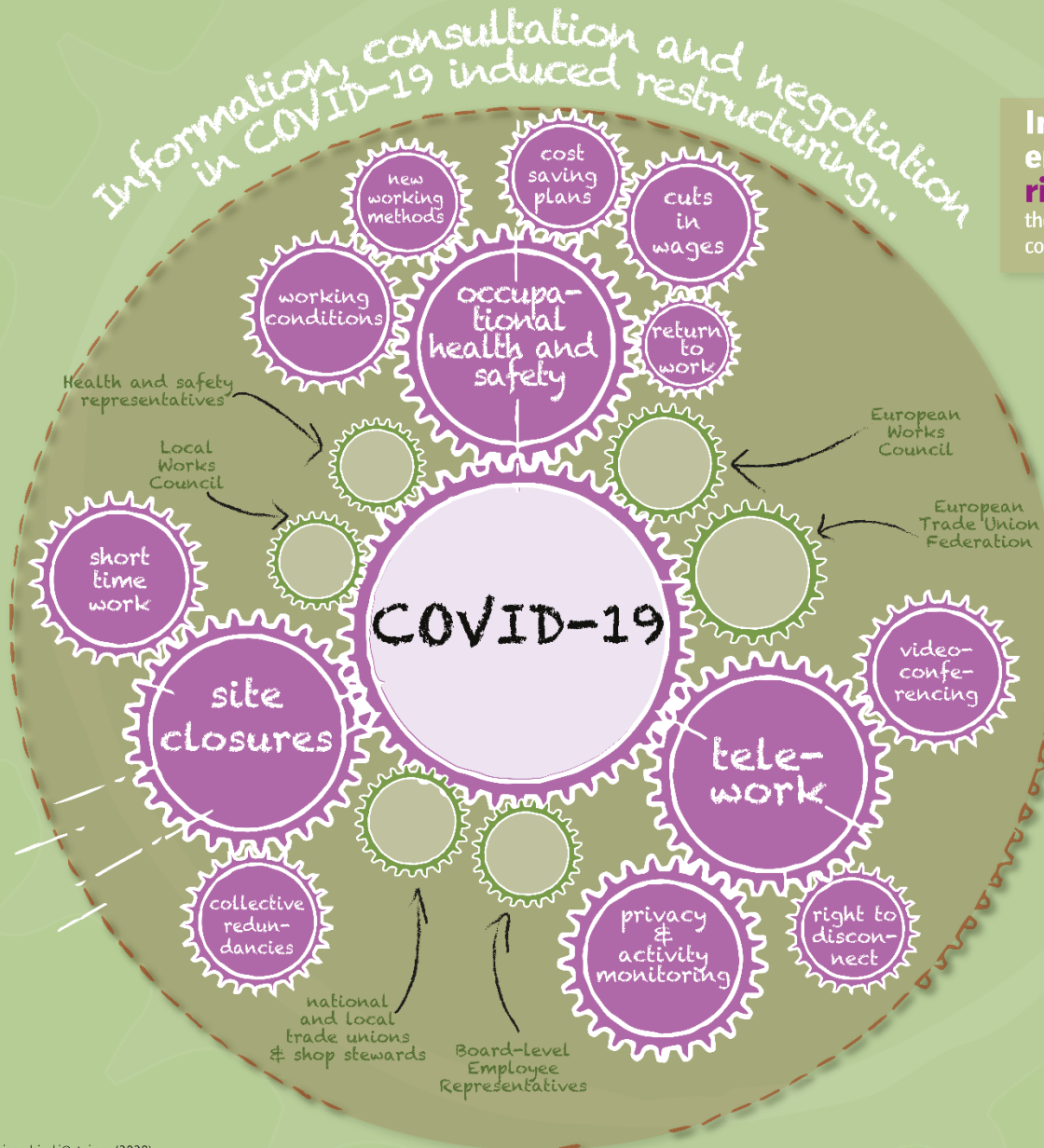
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# Linking the European and the national level





# COVID-19 induced restructuring and workers' rights



In restructuring, also pandemic induced, **employee representatives have the right to know and have a say** in the restructuring plans, the steps, health and safety measures and their potential consequences, especially concerning working conditions.

**COVID-19 cannot mean a quarantine of workers' rights to information, consultation, participation and collective bargaining**

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