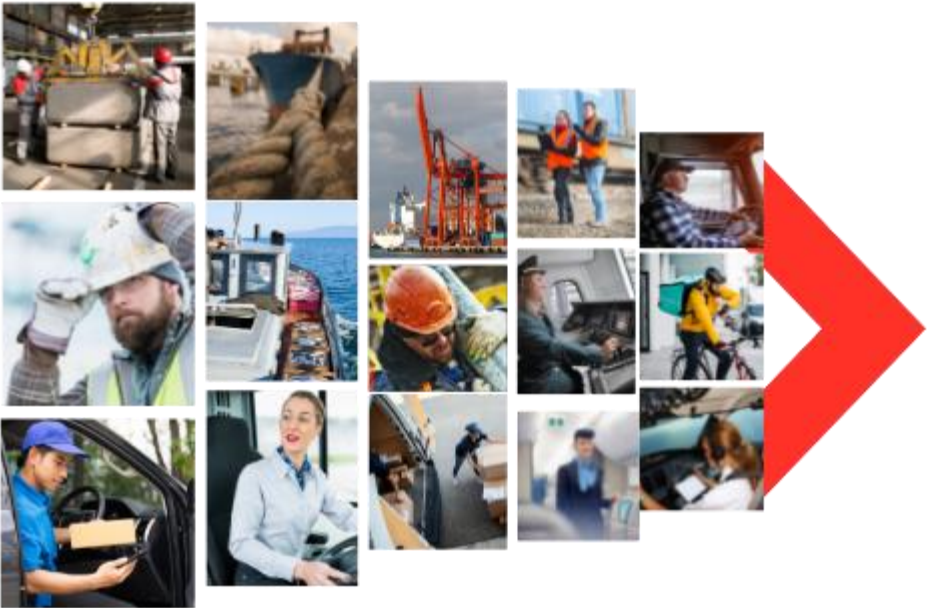




Self-training tool n°1 :
The basics of an EWC





Part 1 (theory) :
**The principles of
an EWC**



What is the purpose of an EWC ?

To be
INFORMED

...

... and
CONSULTED

...

*...at a European level on
transnational topics*



Legal basis

« Art 1 - §2. To that end, a European Works Council or a procedure for **informing** and **consulting employees** shall be established in every Community-scale undertaking and every Community-scale group of undertakings (...) »

Directive 2009/38/EC



1. WHAT DOES “INFORMED” MEAN?

‘information’ means transmission of data by the employer to the employees’ representatives in order to enable them to acquaint themselves with the subject matter and to examine it

Information shall be given :

- *at such time,*
- *in such fashion and*
- *with such content*

as are appropriate to enable employees’ representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings.



Be demanding with the information requested!



1. WHAT

2. WHAT DOES "CONSULTED" MEAN?

'consultation' means the establishment of dialogue and exchange of views between employees' representatives and central management or any other appropriate level of management

Consultation must take place at such time, in such fashion and with such content to **enable employees' representatives to express an opinion** on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and **within a reasonable time**, which may be taken into account by the company

 Ask the management for a **written answer** to the EWC opinion



1. WHAT

2. WHY

3. WHAT DOES “TRANSNATIONAL” MEAN?

Location of the project: *at least in 2 European Countries*

↳ *Transnational project*

Impact of the project :

if a national project may directly or indirectly impact at least 1 other EU country. For instance, by impacting the finance of the group, it is likely a transnational project

↳ *Transnational project*



BE CAREFUL: management will often try to reduce the scope of “transnational” projects



What is the legal basis of an EWC ?

The EWC
European
Directive

National
legislation

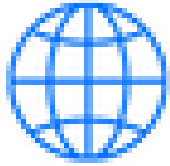
Your EWC
agreement

Case law



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