

EWCS IN TRANSPORT

MORE AND BETTER WORKER
PARTICIPATION NOW!

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FOREWORD

Transport and logistics are not among the sectors with the most European Works Councils (EWCs). Yet, a number of large multinational companies already have an EWC and in the past years, ETF has seen an important increase in the number of EWCs within the sectors it covers. This is unsurprising considering the cross-border nature of many of the large companies within transport. There is also potential for many more.

For ETF, setting up an EWC is not an objective in itself. Rather, in a time when the transport sector faces unprecedented challenges, including globalisation, technological change, labour fragmentation and corporate consolidation, EWCs should serve as a critical instrument for defending workers' rights and promoting social dialogue and democracy at work at all levels. They can also be a powerful tool to cope with restructuring processes that normally take place at national and local level, but also have repercussions and relevance on a transnational level. Hence balancing the frequent asymmetry of power between management and workers' representatives.

From a trade union perspective, EWCs are interesting when they meet certain criteria and can ensure that the rights and interests of workers are integrated into the corporate decision-making processes. This is only possible with a strong trade union presence and will to take on an active role in this platform. It is therefore our role to ensure that we invest the space available.

EWCs can be very complex to navigate. This is why ETF, with the support of Syndex, created in 2019 this toolkit to support its affiliated organizations, trade union representatives and EWC members. As part of an EU co-funded project, this toolkit has been now updated to take into account recent developments, including Brexit, COVID, the current revision of the EWC Directive and the newly adopted directives on Corporate Sustainability which add challenges, but also opportunities.

As decided during its last ordinary congress in 2022, ETF is committed to reinforce its support to EWCs and its coordination role. We will therefore continue working in that vein with our affiliates and in coordination with the ETUC and the other sectoral European Trade Union Federations.



Livia Spera
ETF General Secretary

CHAPTER 1

MORE AND BETTER EWCs IN TRANSPORT

SETTING UP A SPECIAL NEGOTIATING BODY AND AN EWC

Before requesting to negotiate the set-up of a new EWC, several prerequisites must be met:

- a. ETF and its affiliates should check whether the trade union representation is enough to ensure that the EWC does not become a management puppet and
- b. several legal thresholds must be met. To do so, it is recommended to conduct a mapping process covering in particular the company operations and social relations before moving on to the next step.

TRADE UNION POLICIES: IS AN EWC NEEDED?

Before starting the process of establishing a new EWC, it is necessary to ask the question: What is the case in favour of establishing an EWC? Are there any arguments against forming an EWC? Are there representative unions operating in the company and are they ETF affiliates? What national law will be used in the event of a SNB being set up, and an EWC eventually being established?

EXAMPLE OF AN IDENTIFICATION SHEET TO BE USED TO ASSESS THE FEASIBILITY AND OPPORTUNITY FOR ESTABLISHING AN EWC

The objective of this sheet is to balance the pros and contras for the establishment of an EWC

Company name and sector of activity	+	-
Employee numbers in EU and EEA		
Country of HQ and potential applicable law		
Unions represented and affiliation to ETF		
Company culture of supporting social dialogue		
Company visibility in the sector and possible multiplier effect		
Past or potential restructurings		
Other:		

WHAT IS AN EWC FOR?

AN EWC IS A TRANSNATIONAL BODY THAT SHOULD BE USED:

- › For information and consultation of workers by management. EWCs are very helpful to receive strategic information and to challenge management decisions.
- › For social dialogue to anticipate changes like restructurings.
- › As a trade union platform for coordination purposes because EWCs are one important piece of a constellation of leverages for workers' representatives and trade unions to raise their claims and be stronger together across borders.

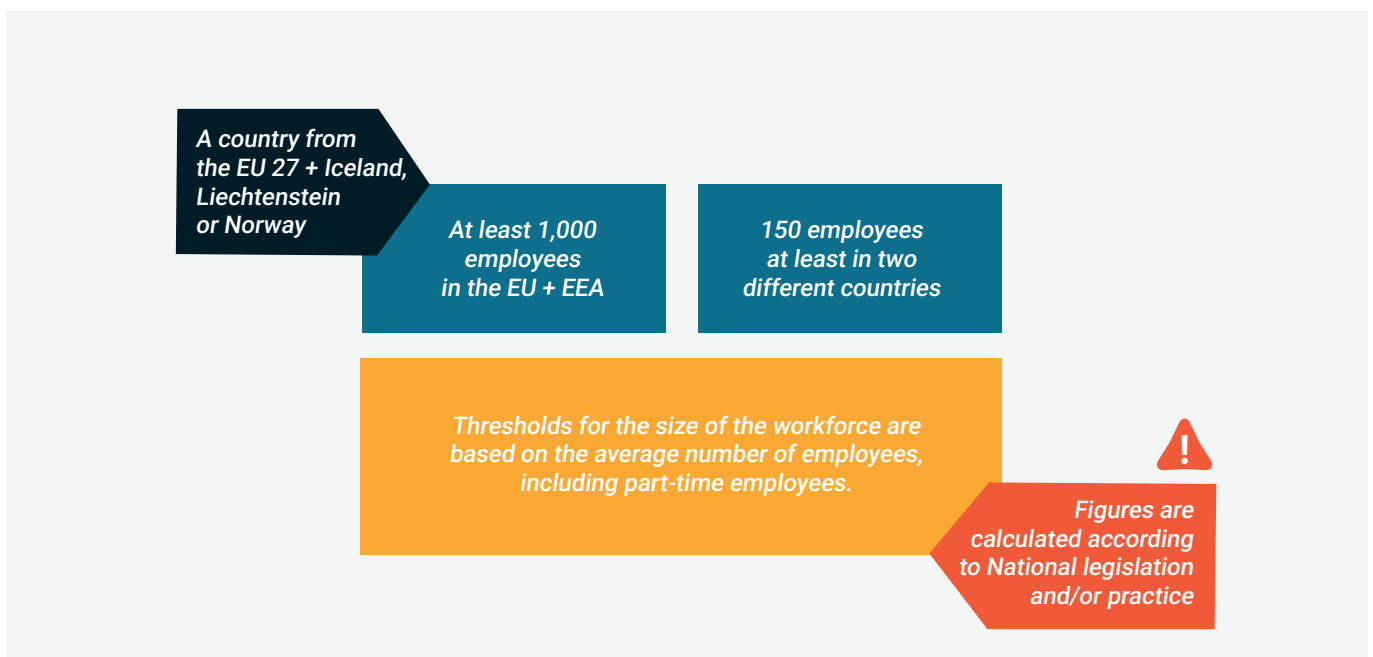
An EWC is not a negotiation team (except for the EWC agreement!)

AN EWC WITHOUT TRADE UNIONS ON BOARD IS:

- › a) weak
- › b) a potential tool at the service of management to challenge trade unions

GOOD PRACTICE: BEFORE ESTABLISHING AN EWC, CONDUCT A MAPPING OF THE COMPANY. ETF CAN HELP YOU IDENTIFY RESPECTIVELY THE COMPANY'S MAIN LOCATIONS, OPERATIONS AND TRADE UNION CONTACTS.

LEGAL REQUIREMENTS TO SET UP AN EWC

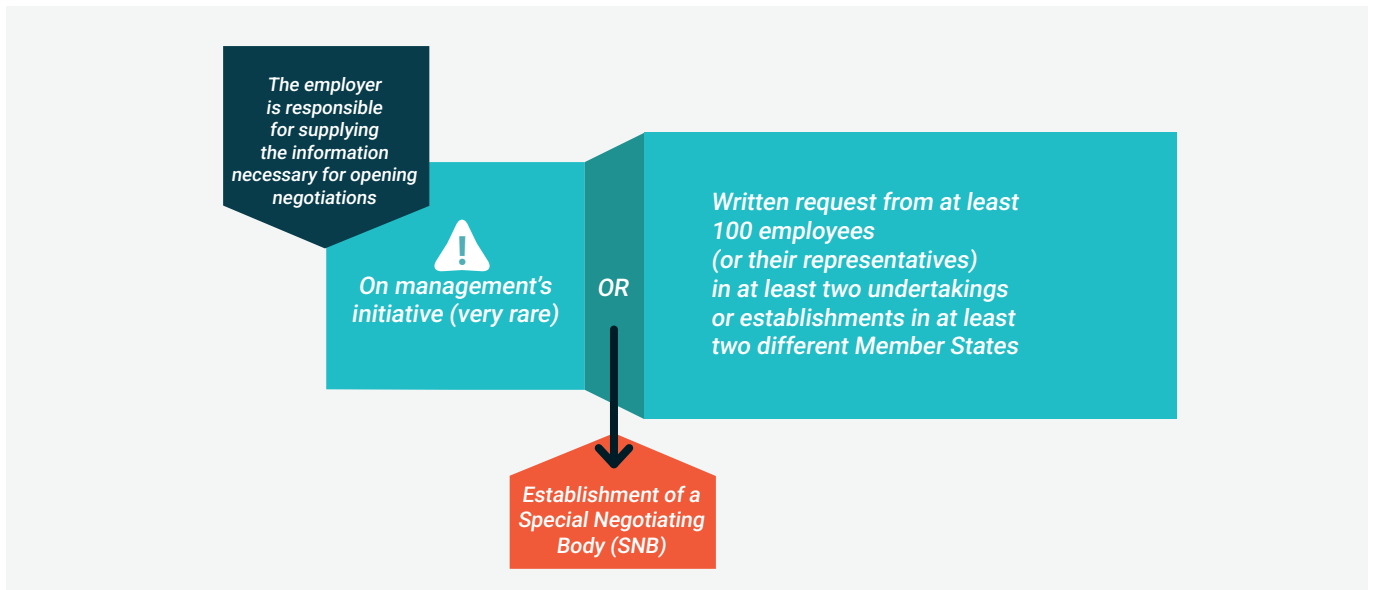


ESTABLISHING AN EWC IN 4 STEPS

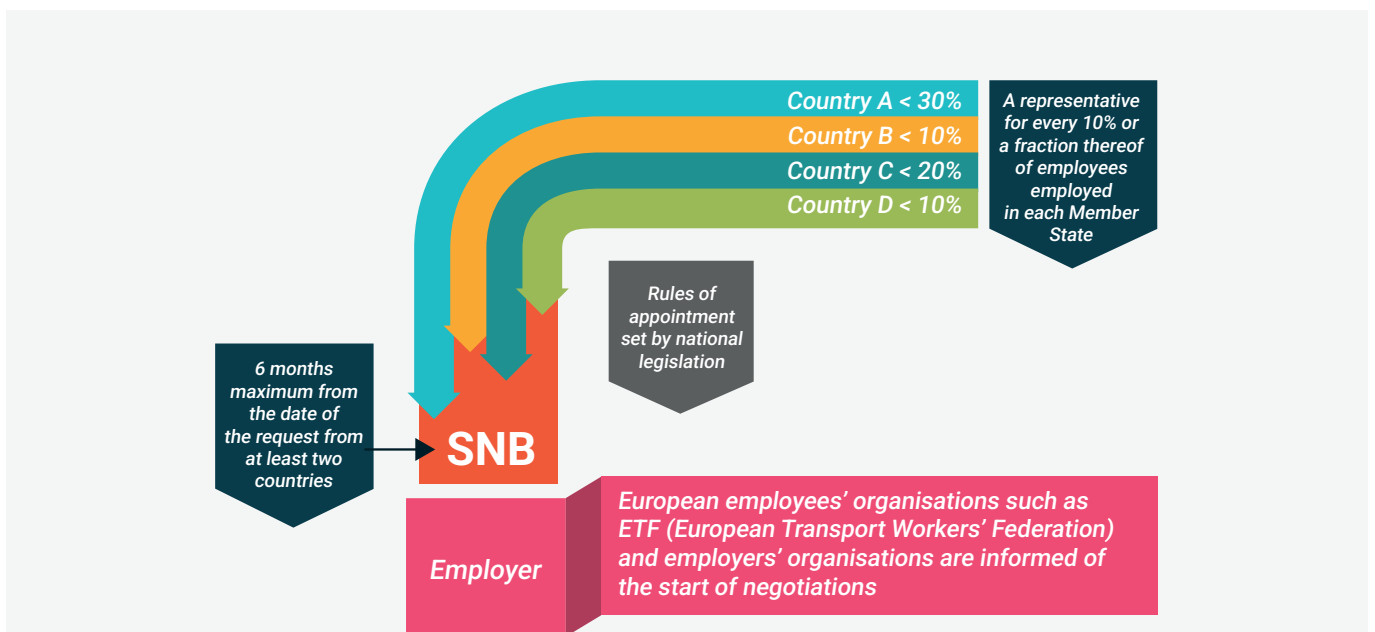
A negotiation may last three years maximum. Each country where the company is operating should be represented as enacted by law. There are four steps to follow.

STEP 1: THE WRITTEN REQUEST

It's very uncommon that the initiative comes from the management. Most of the time, workers' **representatives have to take the initiative!**



STEP 2: SETTING UP THE SPECIAL NEGOTIATING BODY (SNB)

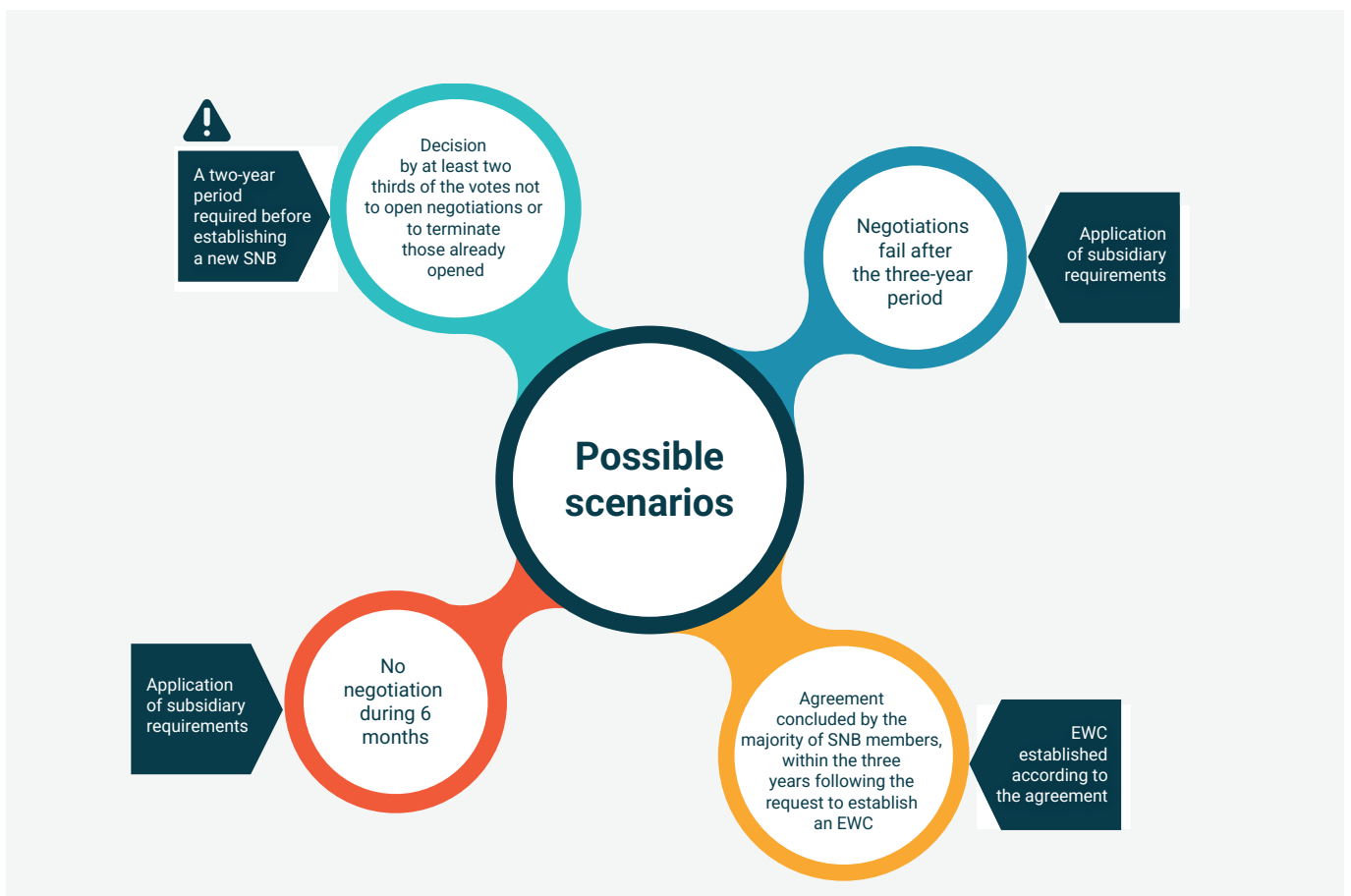


Key point:
The employer has a maximum of 6 months to convene the first SNB meeting. This 6-month period is included in the 3 years maximum period for the negotiation of an EWC agreement. Period of reference as starting point: when the employer receives the letter of request to set up a SNB.

STEP 3: YOU ALREADY HAVE RIGHTS TO CLAIM!



STEP 4: THE NEGOTIATIONS OUTCOMES



WHAT SHOULD BE IN AN EWC AGREEMENT?

The elements of what should be in an EWC agreement are actually laid out by the EWC Directive.

The agreement shall determine:

- a. the undertakings or the establishments of the Community-scale undertaking which are covered by the agreement;
TOP TIP: It is important to ensure that all parts of the multinational company in question are covered by the agreement! Management is obliged to provide you this information.
- b. the composition of the European Works Council, the number of members, the allocation of seats, taking into account where possible the need for balanced representation of employees with regard to their activities, category and gender, and the term of office;
TOP TIP: It is important to ensure that all countries are covered by the agreement, and that gender balance is aimed for! The proportionality can be taken from the numbers supplied in the EWC Directive and terms of office should respect local law!
- c. the functions and the procedure for information and consultation of the European Works Council and the arrangements for linking information and consultation of the European Works Council and national employee representation bodies, in accordance with the principles set out in Article 1(3);
TOP TIP: The definitions of information and consultation should be as broad as possible so as to ensure that as much as possible is covered by information and consultation processes!
- d. the venue, frequency and duration of meetings of the European Works Council;
TOP TIP: It is important to ensure that details are agreed with management and not imposed!
- e. where necessary, the composition, the appointment procedure, the functions and the procedural rules of the select committee set up within the European Works Council;
TOP TIP: Drawing up rules of procedure will help EWC members to know how the EWC works in practice, i.e. how representatives are elected for the select committee!
- f. the financial and material resources to be allocated to the European Works Council;
TOP TIP: It is important to ensure that the rights of EWC members to experts, training, etc. are not compromised!
- g. the date of entry into force of the agreement and its duration, the arrangements for amending or terminating the agreement and the cases in which the agreement shall be renegotiated and the procedure for its renegotiation, including, where necessary, where the structure of the Community-scale undertaking or Community-scale group of undertakings changes.
TOP TIP: Ensure that any change in the structure of the company can lead to a revision of the composition and that future reforms in the Directive are included here!

The EWC Directive was first adopted in 1994 and modified in 2019. While some provisions were improved in 2019, some important shortcomings remain, preventing sometimes in practice a meaningful involvement of employees at transnational level. This is why the European Commission proposed in January 2024 to amend the Directive, responding to a long-standing call of the European trade unions.

For ETF, the most important points of the revision are:

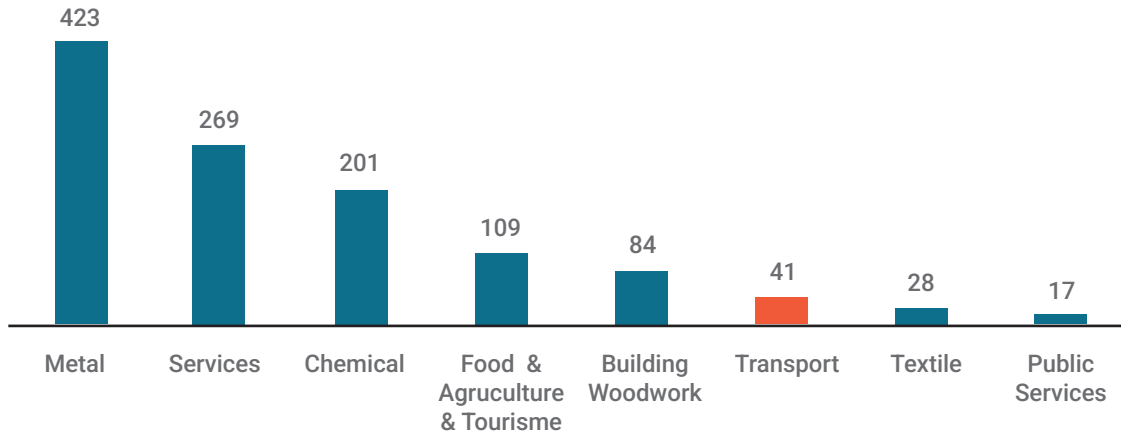
- Strengthening the subsidiary requirements (e.g. a second annual meeting, removal of the limitation to one expert and explicit reference to the trade union expert)
- Recognizing the role of “representatives of competent recognized community-level trade union organisations”
- Improving and clarifying the rules for negotiations with SNB
- Improving/clarifying the concept of “transnational character of a matter”
- Preventing abuses of confidentiality clauses
- Adding enforcement and dissuasive sanctions
- Ensuring access to justice through specification of legal status of EWCs and SNBs

At the time of writing (October 2024), the tripartite negotiations have not yet started and there is no time frame for the adoption of the revised Directive. In the best-case scenario (conclusion of the tripartite negotiations in 2025 and a two-year transposition process), a new EWC Directive might enter into force no earlier than 2027. Hence, there is no legal obligation to follow the new Directive yet. But you can still already be inspired by it to build a more ambitious agreement!

MAPPING EWCs IN TRANSPORT: THE MARITIME SECTOR EXAMPLE

Number of active EWC in 2022

(Source: EWC database, <https://www.ewcdb.eu>)



- Only 41 EWC agreements in the transport industry out of 1,137 active agreements in Europe.
- Many additional companies meet the legal thresholds: Up to 80 new EWCs could still be created in the transport industry.
- Out of those 41, only 5 are in the maritime sector
- Out of those 5, only 2 companies operates in port handling

You are negotiating or renegotiating an EWC agreement. Where do you stand? Compare your draft to other EWC agreements of similar companies and in any case, make sure that its clauses go beyond the minimum legal requirements (called “subsidiary requirements”).

COMPOSITION OF THE EWC

Companies and EWC agreements	Hapag Lloyd	Stena Line	DP World	GOOD PRACTICES
Number of employees	2,915 when the agreement was signed	5,600	30,000 (estimate)	Employers shall communicate updated figures on a yearly basis.
Number of representatives	13	15	?	At least one per country.
Representatives by country	Austria, Belgium, Netherlands, France, Finland, Poland, Spain, Italy, Sweden, Denmark, UK:1 Germany: 2	Denmark, Ireland, Norway, Germany, Poland: 1 Netherlands: 2 UK: 3 Sweden: 5	One per member state where DP World has employees plus one for every 1,000 employees in that state.	Avoid over representation of one country by adding seat numbers when needed.
Term of mandates	4 years	3 years	4 years	Usually 4 years in practice to avoid turnover.

MEETINGS

Items	Hapag Lloyd	Stena Line	DP World	GOOD PRACTICES
Number of meetings	One annual conference	2 per year An extraordinary meeting may take place under exceptional circumstances.	2 per year. Special meetings may be arranged where a significant urgent transnational issue arises.	One meeting is not enough to draw outcomes from an EWC.
Languages	German. Interpretation in German and 3 languages (the Presiding Committee will decide which ones)	English.	English. "The company will provide appropriate translation/ interpretation facilities".	Interpretation and translation are very important. EWC members who need these services should have them.
Preliminary meetings?	Yes, the day before the annual conference	Yes, the day before the Forum meeting.	Yes, the day before the Forum meeting. A post council meeting may also be held.	Preliminary meetings facilitate coordination. Post meetings are fundamental to ensure debriefings and follow up between meetings.
Organisation of the meeting		Management will lead the meetings.		Who chairs meetings depends on the national law and practices. Co-chairing maybe an option too. The content of the agenda should be agreed by workers representatives.

INTERNAL ORGANISATION OF THE EWC

Hapag Lloyd	Stena Line	DP World	GOOD PRACTICES
A Chair and a Deputy Chair and 3 further members are elected for the duration of the term. These people form the Presiding Committee.	The EWC representatives elect a Select Committee during their first preparatory meeting. The Select Committee consists of 3 EWC representatives, one of whom is elected as the Spokesperson in charge of liaising with Management	A Steering Committee of up to 4 representatives may be elected. The Council Administrator will be responsible for operational and administrative aspects of the Council.	Democratic and transparent processes will reinforce the EWC capacity to influence management plans. Select Committee and spokespersons are operational bodies to operate. The EWC as a whole is the decision-making body.
The Presiding Committee is in charge of assisting the Chair.	The Steering Committee should meet twice a year (in addition to the two plenary meetings of the EWC)	The Steering Committee should meet twice a year (in addition to the two Plenary meetings of the EWC)	Select committees should meet as much as needed and shall ensure that information and consultation take place.

EXPERTS

Hapag Lloyd	Stena Line	DP World	GOOD PRACTICES
<p>The EWC may be assisted by outside experts of its choice.</p> <p>Upon the request of the Presiding Committee, experts may attend meetings of the EWC and its institutions.</p> <p>“Reasonable costs” are borne by the Company</p>	<p>EWC representatives may, if agreed in advance between the parties, be assisted by one external expert at Stena’s expense</p>	<p>The EWC of the Steering Committee may be assisted by experts of its choice.</p> <p>If an expert is needed the Company shall be liable to refund the expertise costs of no more than one expert per Forum meeting. Expenses must be submitted on a basis approved in advance by the Secretary.</p>	<p>The EWC of the Steering Committee may be assisted by experts of its choice.</p>

GOOD PRACTICE ON EXTERNAL EXPERTISE

DIFFERENTIATING TRADE UNION EXPERTS AND TECHNICAL EXPERTS MATTERS

- › TRADE UNION EXPERTS usually have a mandate to support the EWC as regards trade union policies and coordination. They are not employed by the company.
- › TECHNICAL EXPERTS are called in by workers’ representatives for support to analyse management information. Experts are independent and they help identifying misinformation and loopholes in economic, strategic, legal and many other issues. The EWC should select the experts of its own choice.

Note: SNBs have the right to be supported by an expert of their choice during the negotiation process. EWC members have access to experts when this is stipulated in the EWC agreement, or when the subsidiary agreements apply to them.

TOP TIPS:

1. You have the right to expertise: make sure you exercise it.
2. The “means required” includes the provision for experts. Ensure that this provision is not compromised in your EWC agreement.
3. Ensure that a trade union coordinator is in place. This will strengthen your EWC.

TRAINING / COSTS AND BUDGET

Items	Hapag Lloyd	Stena Line	DP World	GOOD PRACTICE
Training	6 days of training per term of office.	Training provided in "English or other agreed language". No details given.	Yes, but no details given in the agreement. Training requests must be approved in advance by the Council Administrator.	EWC members will be adequately trained as a group without loss of wages. Management and workers' representatives should agree on a 4 year training programme.
Costs and budget	All costs related to the EWC borne by Hapag Lloyd.	The operating costs of the EWC (training, travel, etc.) and the costs related to the use of experts are financed by Stena.	All reasonable costs and expenses related to the EWC borne by the Company	For more autonomy, the EWC Select Committee may manage a yearly budget (negotiated in the EWC agreement) for training, experts and workplace visits.
Other provisions	Office space provided. Secretariat support person provided for the first year of the EWCs existence (8 hours per week)			Additional functioning resources may be negotiated to facilitate the EWCs activities.

LINKING FOR SUCCESS: LINKING LOCAL, NATIONAL AND EUROPEAN WORKERS' PARTICIPATION RIGHTS

The EWC members' influence on management's decisions is linked to the workers' representative's capacity to liaise and coordinate their action between each other. EWC members should be pro-active and exchange information between countries. They should also be well connected to the workers' representatives' bodies from their respective countries. This way, they will be in the position to challenge management information loopholes or misinformation.

TWO PRINCIPLES

SUBSIDIARITY

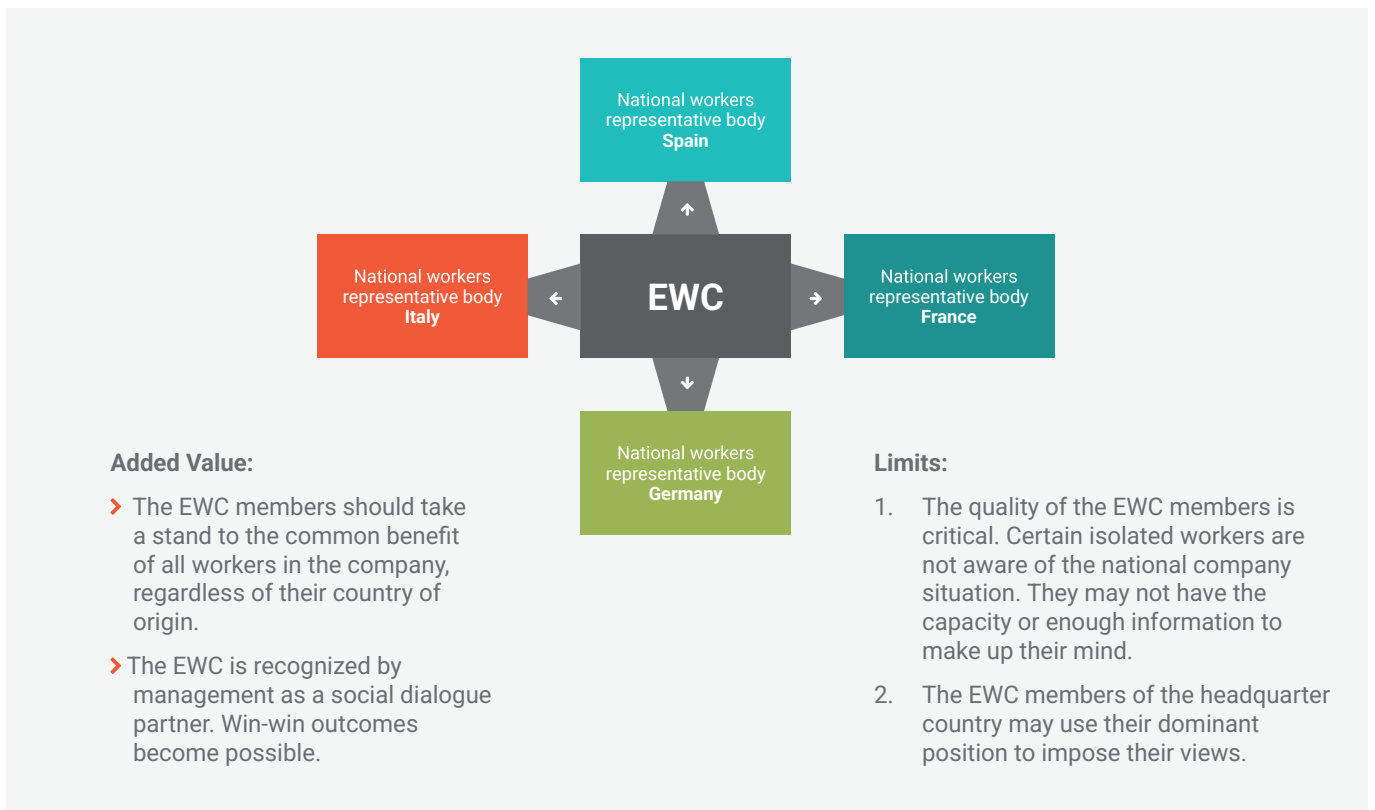
- › This terminology means that an EWC cannot replace national bodies of workers' representation, and that
- › National bodies are the ones that can deal with national issues.
- › The EWC deals with transnational issues but acts in the interests of the workforce as a whole.

SIMULTANEITY

- › The EWC information - consultation is conducted at the same time to national bodies ones.
- › In practice, simultaneity is not always possible: national legislations differ.
- › Can EWC and WC bodies overlap on some occasions? If yes, how can we avoid this and improve cohesion?

LINKING IN DIAGRAMS

TOP-DOWN APPROACH



BOTTOM-UP APPROACH



Added Value:

- › Quality of information & consultation: The EWC members get valuable information from national bodies of I&C. Their decisions are not solely based on Management information.
- › Democracy: The I&C process involves all levels of workers representation in the company.

Limits:

- › EWC weakening: The EWC would lose the legitimacy given by the EWC directive. The EWC members are «hostage» of national interests versus common transnational interests of workers
- › Slow process not always relevant: The EWC I&C process is frozen by national processes that may take time.

GOOD EUROPEAN COORDINATION VERSUS COMPETITION BETWEEN NATIONAL INTERESTS

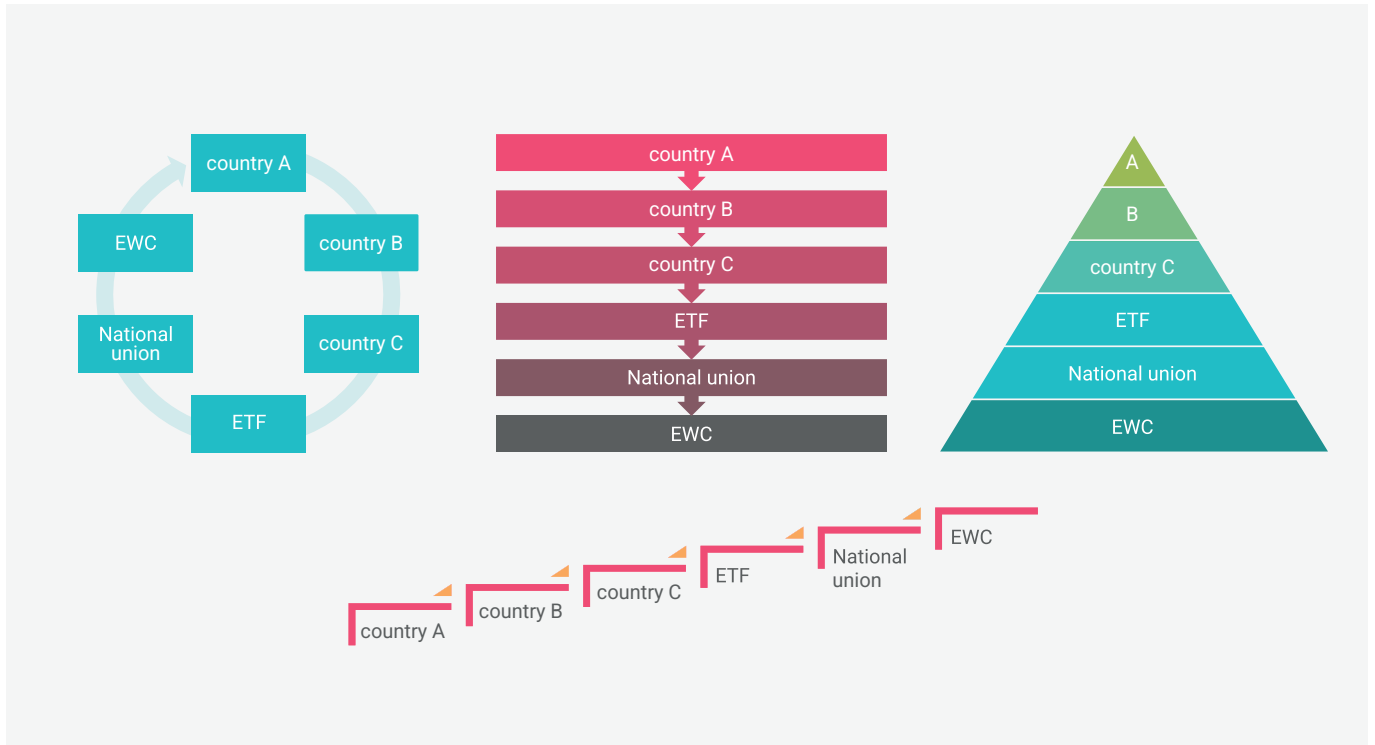
The coordination between transnational and national information - consultation levels can be part of trade unions strategies: no coordination means no workers' voice. Good cooperation means influencing management projects and decisions. Good coordination means a good knowledge of national information - consultation rules to gain time and influence.

- › Negotiate with management the relevant process for information / consultation.
As an example: Merger ≠ spin off ≠ collective redundancies
- › Keep control over the process timing: make sure you know what card to play first
- › Use all tools at your disposal to make sure that you have the right information: WhatsApp, Google groups, technical expert, trade union expert, extraordinary meetings, declaration, public statement, opinion, ...
- › Adopt clear internal rules for functioning together with a democratic process (ballots, spokesperson, steering group)
- › National trade unions should support their EWC members. They should make sure that the right people are on board.
- › Access to training is very important for new comers. Avoid invisible members.
- › Finally: Go to Court when needed AND WHEN YOU ARE SURE TO WIN (Avoid negative jurisprudence for other EWCs!)

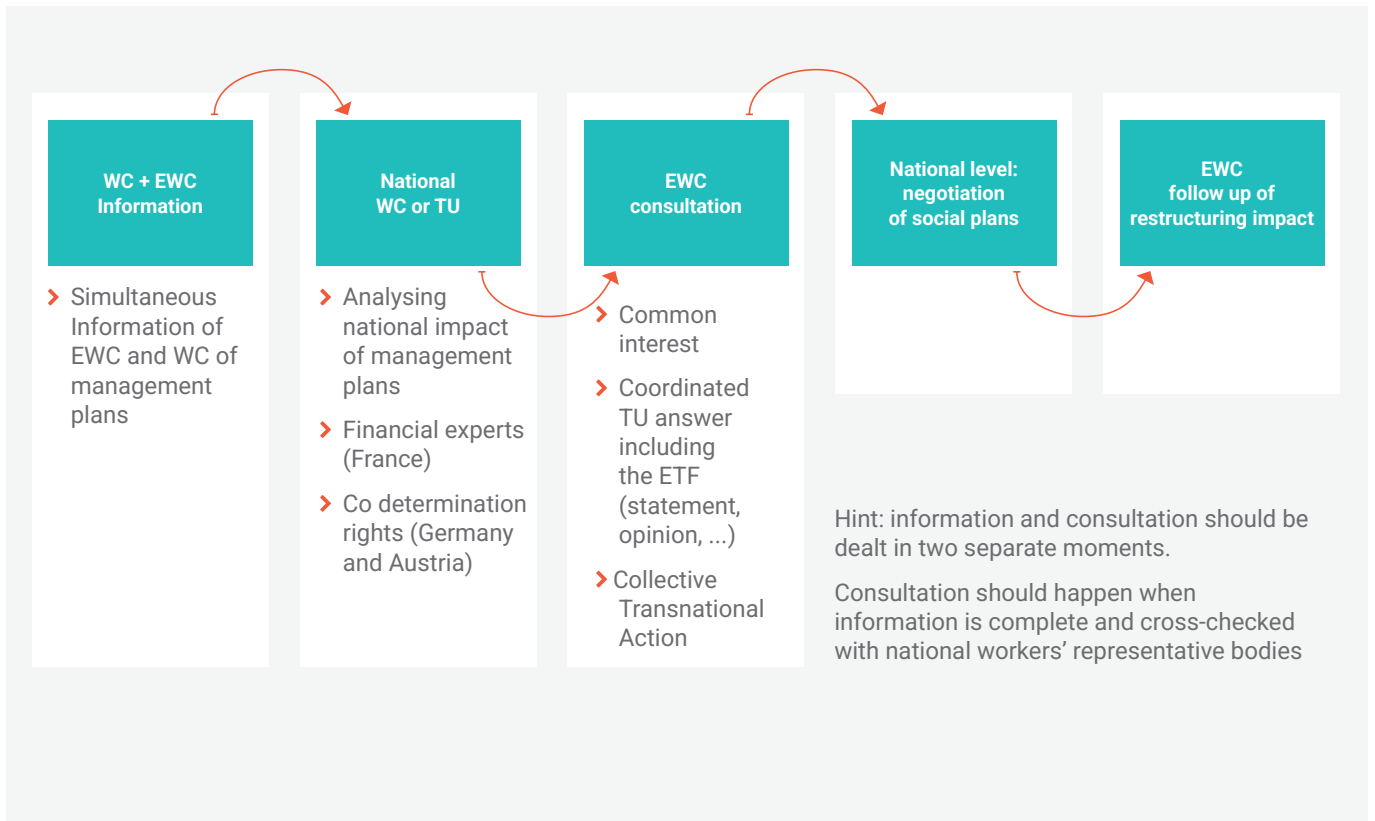
TOP TIPS:

1. Linking with national employee representatives is a requirement of the Directive. Ensure that it is covered in your EWC agreement.
2. Actively communicate with local trade unions and employee representatives. If in doubt, reach out ! Your trade union coordinator will be able to help and advise.
3. Seek training and networking opportunities to ensure that the linking practices of your EWC follow the theory of the EWC Directive.

HOW WOULD THE PERFECT COORDINATION OF WORKERS' REPRESENTATIVES BE IN YOUR COMPANY?



EXAMPLE OF LINKAGES FOR INFORMATION, CONSULTATION AND FOLLOW UP OF DECISIONS

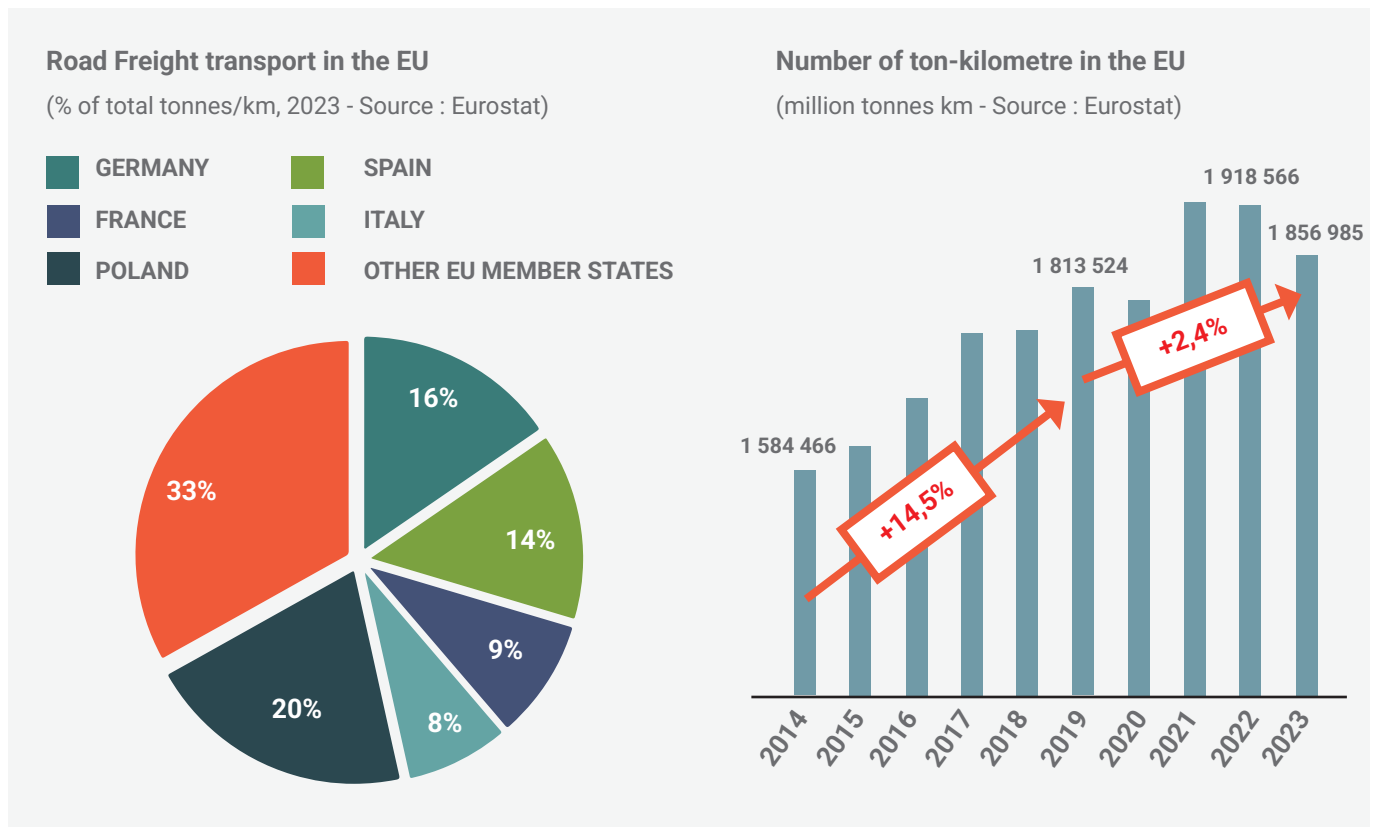


TAKING ON BOARD SECTORAL IMPACTS ON THE COMPANY

THE ROAD TRANSPORT EXAMPLE

Company management pay great attention to sector trends in which they operate: fierce competition, available manpower, development of new technologies, staff costs differences between countries, CO2... All these factors will impact the company. It is therefore necessary for EWC members to be familiar with this environment in order to better appreciate management’s strategic choices, which may have consequences on jobs and working conditions. In the road transport example hereafter, economic information provides guidance to workers’ representatives for strategically influencing management plans.

EU ROAD TRANSPORT OVERVIEW



Glossary: A ton-kilometre, is a unit of measure of freight transport which represents the transport of one ton of goods by a given transport mode (road, rail, air, sea, inland waterways, pipeline etc.) over a distance of one kilometre.

STRONG GROWTH IN EU ROAD FREIGHT TRANSPORT...

Road transport increased by +17% between 2014 and 2023 in terms of ton-kilometers according to Eurostat data.

The industry grows almost every year during the last 10 years except in 2020 (Covid Crisis) and in 2023.

The 2023 decline is mostly led by Germany. However, 2023 figures are still higher than 2019 figures by +2,4% at the European level.

In 2023, Poland (20 % of EU total tkm) was the leading country for road transport in Europe, followed by Germany, Spain, France, and Italy.

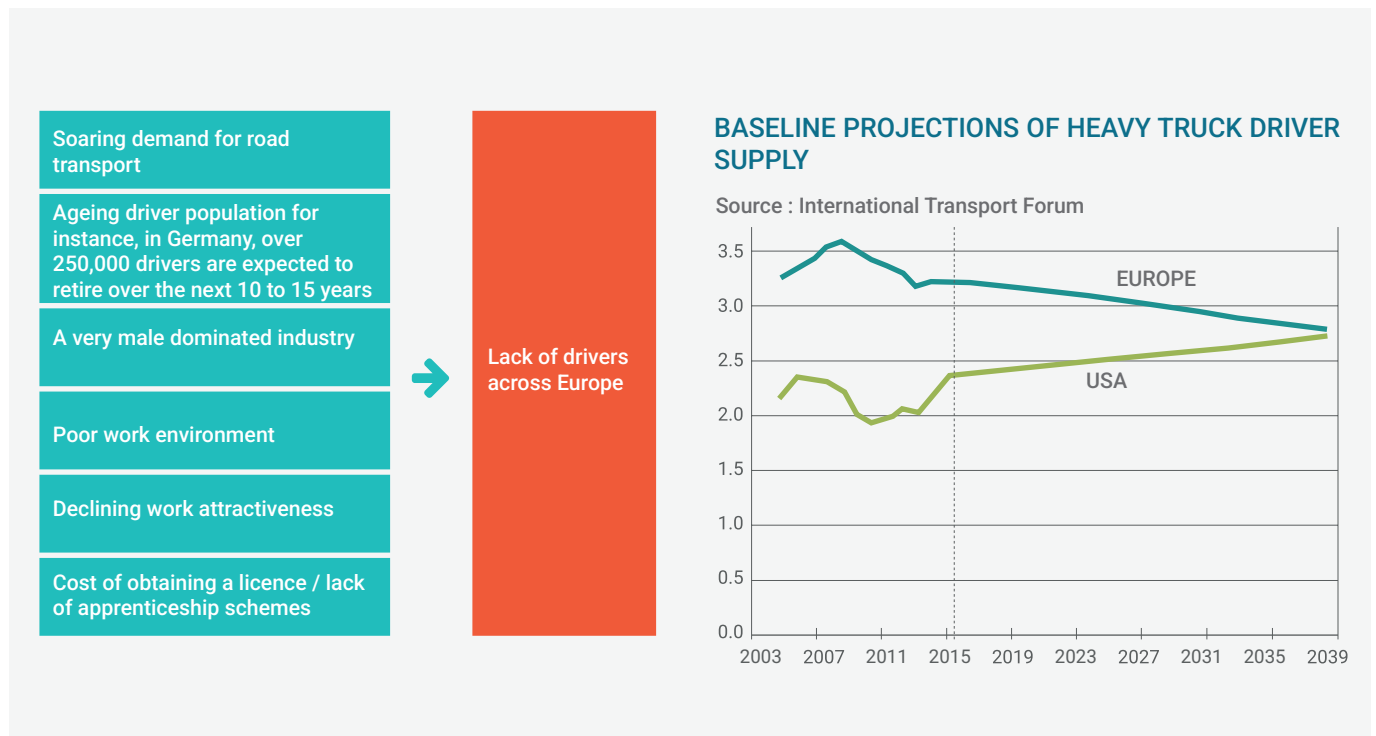
...MOSTLY DRIVEN BY EASTERN EUROPEAN COUNTRIES' GROWTH IN INTERNATIONAL TRANSPORT

- The growth in European road transport is mostly driven by Eastern European countries, especially as far as international transport is concerned.
 - For instance, the weight of Poland inside the European road transport industry increased in the last years from 16% in 2014 to 20% in 2023.
- Over the past ten years, Eastern European countries such as Poland, Lithuania and Bulgaria have indeed cumulated a steady growth in their domestic market and a very dynamic development of their international activity.
- In the meantime, Western European countries such as Belgium, Italy and France have recorded a slow growth rate both on domestic and international transport.

A COST COMPARISON STILL VERY FAVOURABLE TO EASTERN EUROPEAN COUNTRIES PARTLY CAUSED BY ECONOMIC AND SOCIAL DUMPING...

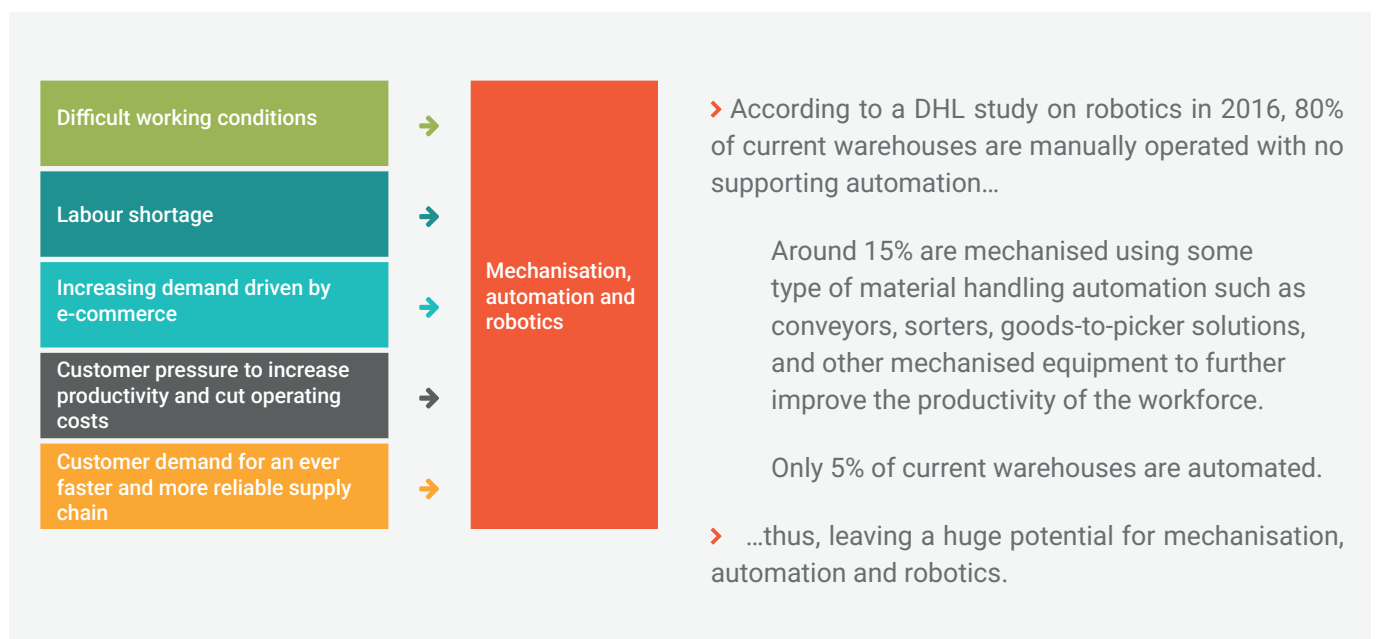
- The main operating costs of the transport industry (driver costs, fuel costs and vehicle financing and ownership costs) are still much lower in Eastern Europe.
- These key cost differences may also be reinforced by the fact that in some Eastern European countries' driver costs are kept to a low level by hiring drivers from outside the European Union.
 - Polish carriers frequently call on foreign drivers including Ukrainians, Russians, Georgians or Kazakhs in order to limit their staff costs.
- Enforcement of applicable legislation is also a serious issue for both third country and EU drivers. The rules in place to protect drivers are not being enforced. As an example, an inspection week in February 2023 taking place in Netherlands, Romania, Malta, Denmark, Belgium, Croatia and Austria revealed that out of 436 vehicles checked, 269 infringements were detected (For more information see ETF, Third-country drivers in European Road Transport, 2023).

THE INDUSTRY FACES A SHORTAGE OF DRIVERS ACROSS THE EU...



- In addition to the lack of drivers across Europe, there is also an increasing shortage of more qualified labour in the road transport industry (freight forwards, team leaders, managers...).
 - This lack of qualified labour particularly affects larger transport companies and logistic operators who operate as freight forwarders.

LOGISTICS : A HUGE POTENTIAL FOR MECHANISATION, AUTOMATION AND ROBOTICS...



NEW ENTRANTS TO THE LOGISTICS INDUSTRY

START-UP COMPANIES...

- Most of the new entrants to the logistics sector are start-ups, and many of these are looking to use new technology to enter the market.
- Amongst them are last-mile delivery companies using technology that matches available capacity with delivery needs.
 - For instance, Dolly in the USA helps people to get things transported within their city by connecting them with registered drivers. In Europe, Stuart offers its customers a “green fleet” of independent couriers able to deliver goods 7 days a week in less than an hour in some large European cities.

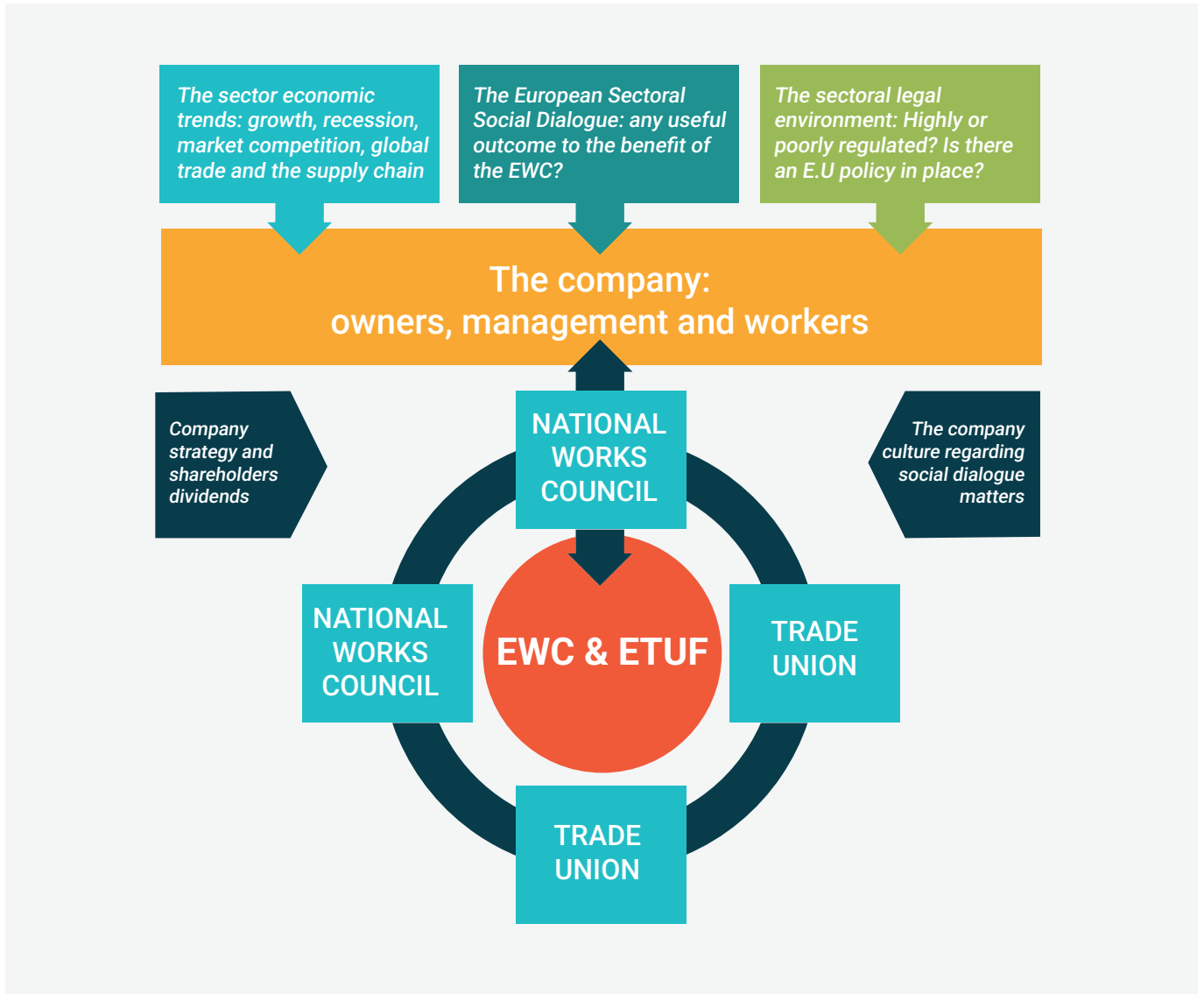
... AND INTERNET GIANTS

- Amazon is looking to expand its in-house expertise in warehousing as well as develop its own delivery capabilities.
 - Amazon Robotics, subsidiary of Amazon.com, automates fulfilment centre operations using various methods of robotic technology.
 - Amazon already runs a fleet of 83 planes (Boeing 767, B737, A330)
- In Asia, Alibaba is trying to improve delivery services for its sellers by setting up Cainiao Network, a Joint Venture with several logistics companies, a department store, an investment firm and a company with port logistics operations.

TOP TIPS

1. Observe sectoral trends and ensure that relevant issues are being covered in your annual meetings.
2. Consider offering a specific opinion on important issues, ask that it is taken into account and request a response.
3. Approach your expert or trade union coordinator to ensure that the EWC is receiving appropriate input and support on sectoral issues.

LINKING THE COMPANY AND THE SECTOR LEVELS



THE ROLE OF THE EWC ON ECONOMIC AND FINANCIAL ISSUES

Is management securing the company's future by strategic investment or is it distributing high level bonuses and dividends? Who really owns the company? Are the jobs safe regarding the company's health and management plans? What are the current internal reorganisations between business units? The answers to these questions will have a major impact on employment and working conditions. Workers' representatives may follow training sessions when needed to ensure their participation into these debates. Technical experts may also be called in to support the EWC.

ON WHICH SUBJECT SHOULD AN EWC BE INFORMED AND CONSULTED

In addition to economic and financial topics, Employee representatives should decide what other issues are potentially important to them to receive information and consultation on.

Examples of these issues might include:

- Economic and finance
- Health and safety
- Environmental, social and governance issues
- Information on atypical workers
- Workplace policies
- Equality and diversity issues

FORMAT AND CALENDAR OF ECONOMIC AND FINANCIAL INFORMATION

KEY POINTS

- The information on economic and financial state of play and prospects of the company cannot be limited to a simple document presented in plenary meetings by the management
- The official accounting documents (quarterly and annual reports) must be provided to the workers' representatives
- These documents should be transmitted before the EWC meeting so that the experts have time to analyse them and obtain the necessary details from the management and enable the members of the EWC to prepare their questions
- It is recommended to avoid EWC plenary meetings taking place before the results are published or much later into the year!
- In countries where workers' representatives receive training (works councils, trade unions, ...), it is good practice to add one module on EWCs to make the link between different levels of representation.

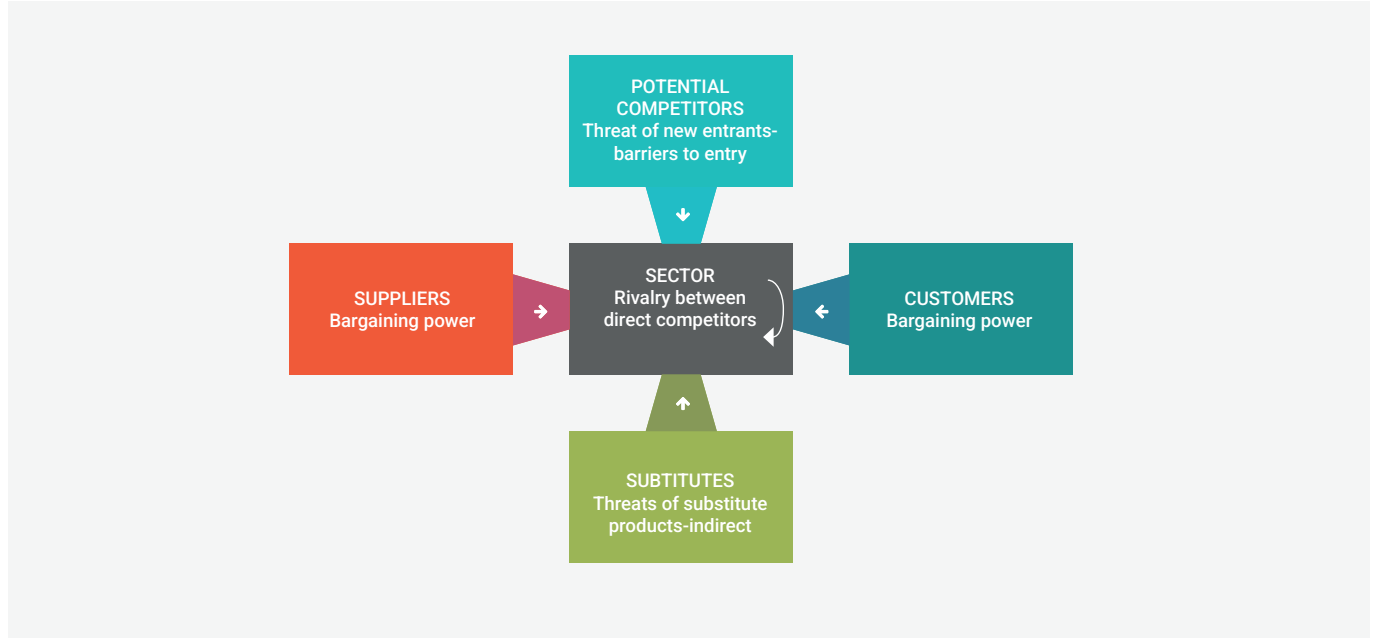
THE BASICS

The following information should be provided to EWC members by management; EWC members should be trained to understand and challenge them when necessary:

- Strategy and shareholders
- Acquisitions and divestments
- Choice between volume and price in the company
- Activity and employment
- Financial results and profitability
- Provisions and exceptional events
- Debt
- Investments
- Cash management

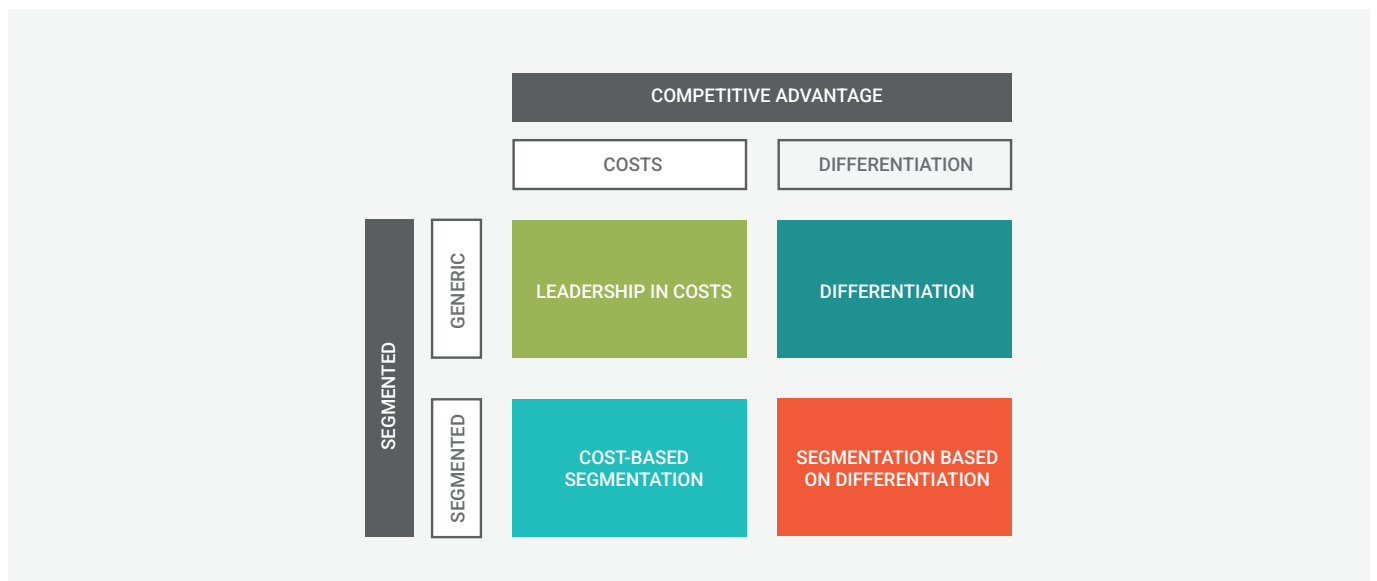
FUNDAMENTAL CONCEPTS: THE SECTOR AND THE COMPANY

The Porter analysis frequently used to identify an industry's structure to determine corporate strategy

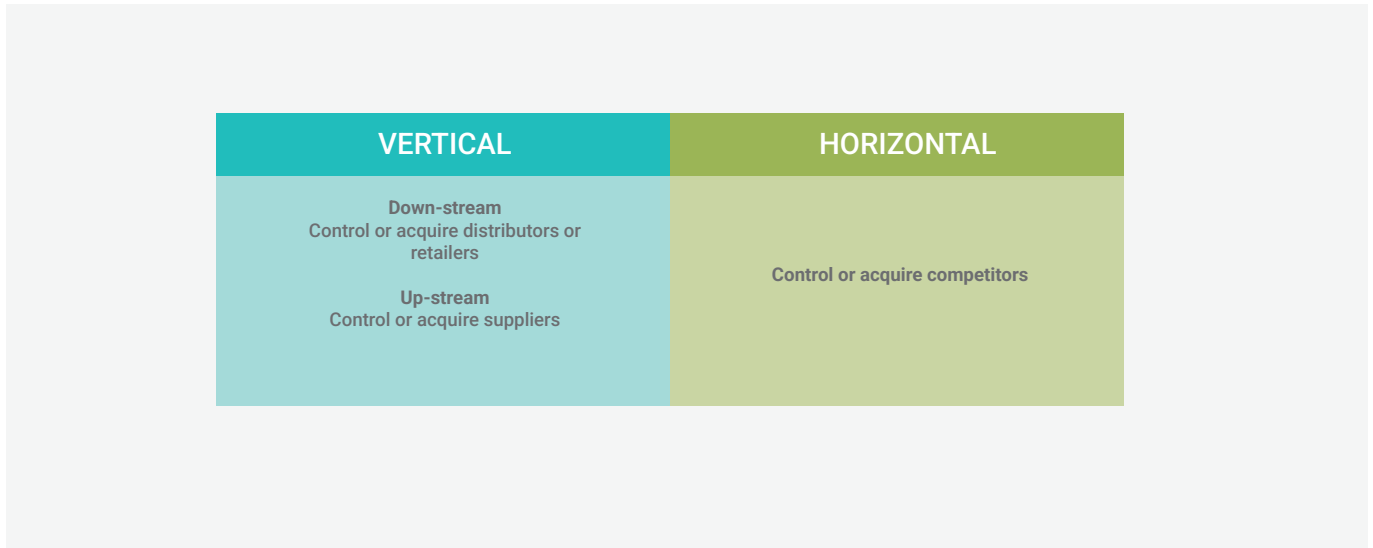


SOME PREVIOUS CONCEPTS: PORTER COMPETITIVE STRATEGIES

Porter's model can be applied to any segment of the economy to search for profitability and attractiveness



DIVERSIFICATION AND INTEGRATION STRATEGIES



KNOWING HOW TO CONTEXTUALISE THE DATA

BE CAREFUL WITH:

- › Variation impacts in exchange rates (and consequently on the currency taken as a reference)
- › Changing perimeter effects
- › Changes in account consolidation methods, fixed assets evaluation...
- › Impact of amortizations and provisions
- › Impact of exceptional events
- › Transfer prices
- › Time period taken as reference

TOP TIPS:

1. Ensure that you are getting the right type of information from the company. If in doubt, reach out to your trade union coordinator or expert!
2. Ensure that your EWC agreement covers the types of information you require, and that the agreement is being adhered to in practice.
3. Ensure that you have enough time to prepare in advance your EWC meeting, including time to read the documents and a preparatory meeting without management present.

DUE DILIGENCE: WHAT ACTION LEVERAGES APPLY TO EUROPEAN WORKS COUNCILS?

Today, the vast majority of multinational companies issue corporate social and environmental reports that are easily accessible. In many cases, these reports consist of marketing information directed to investors. In order to challenge greenwashing and to improve working conditions in the company and along the supply chain, new leverages exist. EWC members are in a good position to influence sustainability reports by participating in monitoring processes.

EXAMPLES OF DIRECTIVES AND HOW THEY CAN BE USED

1. **Platform Workers Directive** - Grants information and consultation rights to employee representatives, including potentially EWCs. The terms of the Directive obviously don't apply to EWCs operating outside of the "platforms".
2. **Pay Transparency Directive** - This Directive offers employee representatives the opportunities to receive data on pay transparency, specifically information on the gender pay gap. In simple terms, EWCs can be considered as employee representatives under the terms of the Directive and receive information on the gender pay gap, ask for plans to narrow the gap.
3. **The European Directives on Safety and Health at work** offer EWCs the potential to receive information on health and safety on a transnational basis and offer an opinion. Some EWCs do receive information and consultation on health and safety, as it may be covered specifically under an agreement. Even if it is not, it can still be dealt with by the EWC naming themselves and employee representatives, under the terms of the act.
4. **Due Diligence Directive** - The aim of this Directive is to foster sustainable and responsible corporate behaviour in companies' operations and across their global value chains. It should be possible for an EWC to be considered as employee representatives under the Directive. The EWC should be able to gain information and consultation on global supply chains, from both direct and indirect business partners, and the development of a "code of conduct" on relevant policies being pursued to promote corporate social responsibility.
5. **The Corporate Sustainability Reporting Directive (CSRD)**, which requires companies to disclose detailed information on their sustainability and social impact, can be a valuable tool for EWCs. Indeed, the CSRD mandates detailed, standardized sustainability reporting, including information about environmental, social, and governance (ESG) matters.

6. **Country-by-Country Reporting (CbCR) - OECD.**

The Organisation for Economic Co-operation and Development (OECD) introduced Country-by-Country Reporting (CbCR) as part of its Base Erosion and Profit Shifting (BEPS) Action 13 initiative in 2015. This framework requires multinational enterprises (MNEs) with consolidated group revenues exceeding €750 million to annually report specific **financial data, including revenue, profit before income tax, and income tax paid and accrued, for each tax jurisdiction in which they operate:**

- In the European Union, the CbCR requirements were incorporated into EU law through Directive 2016/881, commonly referred to as "DAC4." This directive mandated that EU Member States implement CbCR for fiscal years beginning on or after January 1, 2016.
- The European Union has taken steps toward public transparency. **In 2021, the EU adopted Directive 2021/2101, which mandates public Country-by-Country Reporting for large MNEs operating within the EU.** Companies are required to publicly disclose their CbCR data for **fiscal years starting on or after June 22, 2024**, with the first reports expected to be published in **2026**.
- In summary, the OECD's CbCR requirements have been in effect since 2016, with enforcement dates varying by jurisdiction based on local legislative adoption. The EU's move toward public disclosure of CbCR data marks a significant step in enhancing corporate tax transparency

FOCUS ON THE NEW CSRD DIRECTIVE: AN OPPORTUNITY TO BROADEN AND ENRICH SOCIAL DIALOGUE

IN 2022 EUROPE EXTENDED THE SCOPE OF NON-FINANCIAL REPORTING OBLIGATION WITH THE CORPORATE SUSTAINABILITY REPORTING DIRECTIVE (CSRD)

A new European directive on corporate sustainability reporting was adopted on 14 December 2022 (called Directive 2022/2464/EU). This new directive replaces an older directive from 2014 on non-financial reporting obligation. Under the new directive, a broader set of companies have to report on sustainability: Up to 50.000 companies and groups within the European Union (compared to 10.000 companies under the previous directive).

Following companies are concerned:

- Companies of more than 250 employees (if some financial criteria on turnover and balance sheet total are met)
- Non-EU companies that generate more than 150M€ of turnover on the EU market
- Listed SME

First CSRD reporting will be published in 2025 on the 2024 fiscal year data for the biggest companies. The other companies will have to comply with the CSRD Directive between 2026 and 2029. In order to harmonize non-financial reporting across Europe, the EU creates a European Sustainability Reporting Standards (ESRS). These reporting standards are mandatory for all companies concerned by the CSRD directives. The CSRD requires an external auditor to provide assurance on sustainability reporting, which was not the case under the previous directive.

The sustainability report must contain information allowing the understanding of the development of the business, the performance, the situation of the company and the impact of its activity, relating at least to:

- environmental issues, such as climate change (ESRS E1), pollution (ESRS E2), water resources (ESRS E3), biodiversity (ESRS E4), resource use and circular economy (ESRS E5)
- social and personnel issues, such as own workforce (ESRS S1), workers in the value chain (ESRS S2), affected communities (ESRS S3), consumers and end users (ESRS S4).
- governance, such as business conduct (ESRS G1)

INTERESTING INFORMATION TO ANALYSE FOR SOCIAL DIALOGUE

For concerned companies, the sustainability report, which is integrated into their management report, can contain:

- Working Conditions: Information about wages, working hours, and workers' safety.
- Diversity and Inclusion: Data on gender equality, non-discrimination policies, and diversity targets.
- Supply Chain Impacts: Transparency on human rights and labour practices in the supply chain.
- Training and Education: Details about investment in skills and career development.
- Job Creation and Transition Support: Plans for employee transition in response to digitalization, decarbonization, or restructuring.

TOP TIPS

1. Ensure that you are familiar with the implementation of the the CSR/Due Diligence directives in your country.
2. Consider running a training/information event on CSR/Due Diligence.
3. Ensure that your EWC is fully in the loop on ESG data/Due Diligence. Request not only the information, but further background and action plans to address issues.

CHAPTER 2

EXERCISES FOR NEGOTIATORS AND EWC MEMBERS

INTRODUCTION

These proposed exercises can be adapted to training seminars, depending on the profile of the participants for example. They are based on real situations and make it possible to put into practice the legal theory learned in Chapter 1.

Some exercises can be done in groups, in pairs or individually depending on the time available.

EWC members' activity often only consists in attending one or two meeting a year. To change the deal, the roadmap exercise is a useful exercise to foster the active participation of EWC members who commit to conduct activities and to achieve their own objectives on the basis of a timetable.

MOCK SNB NEGOTIATION EXERCISE

This exercise consists of a mock negotiation of the special negotiation body. The participants are divided into two teams: one for "workers" and one for "employers".

The aim is to reach an agreement in a given time.

Caution: The exercise sheet must not be shown to the opposite party, otherwise it may provide an advantage during the negotiation.

1. NEGOTIATION EXERCISE:

NEGOTIATIONS ON THE EUROPEAN COLLECTIVE AGREEMENT FOR “FLY-HI EUROPE”

WORKER'S SHEET

As employee representative, you are a member of the Special Negotiating Body (SNB) of “Fly-Hi Europe” at a European level. For almost the last three years, negotiations have been taking place with the Group’s HR Department with the aim of concluding a European agreement. But this contains clauses which in your view are too restrictive. You would like to see these either modified in your favour or simply deleted. The negotiations have reached a “last-chance” stage.

Here are the new clauses you are pushing for:

Article 1: Designation

The agreement shall lead to the establishment of a European Works Council (EWC), without replacing existing national information and consultation bodies.

Article 2: Linkage between the information and consultation processes

The EWC must be informed and consulted by management before or alongside with the national employee representation bodies established within the Group.

Article 3: Scope of application of the agreement

The agreement applies solely to transnational issues. A transnational issue is a) any issue concerning at least two countries in which the Group has operating bases, or b) irrespective of the number of countries concerned, any issue of importance to the European workforce due to the magnitude of its potential impact, or which involves transfers of operations between Group countries.

Article 10: Facilities available to the EWC:

The EWC shall benefit from interpretation into the languages spoken in the Group countries represented in the meetings

Here is the clause you would like to see deleted:

Article 13: Confidentiality

All oral or written exchanges of information during the meetings are confidential and may not be disclosed to any third party. Failure to respect this may lead to prosecution.



EXERCISE:

Your goal is to reach agreement with the HR Department after having gained as many concessions as possible on the above clauses. To achieve this, you will be entitled to a preparatory meeting with employee representatives before the negotiations. You can also resort to separate sessions during the negotiations. You are entitled to involve an outside expert (to be requested from the HR Department during negotiations) to assist you, should you feel this necessary.

Please note: should no agreement be reached by the end of the session the minimum provisions will apply. Are you prepared to run this risk?

NEGOTIATIONS ON THE EUROPEAN COLLECTIVE AGREEMENT FOR “FLY-HI EUROPE”

EMPLOYERS’ SHEET

You are a representative of “Fly-Hi Europe’s” HR Department at European level. For almost the last three years, negotiations have been taking place with the Special Negotiating Body (SNB) with the aim of concluding a European agreement. But this contains clauses which in your view are too generous and costly. You would like to see these either modified in your favour or simply deleted. The negotiations have reached a “last-chance” stage.

Here are the new clauses you are pushing for:

Article 1: Designation

The European agreement shall lead to the establishment of a “Platform for Exchanging Views”, without replacing existing national information and consultation bodies.

Article 3: Scope of application of the agreement

The agreement applies solely to transnational issues. A transnational issue is any issue concerning at least two countries in which the Group has operating bases.

Article 5: Exceptional circumstances

In the case of exceptional circumstances, corporate management shall convene an extraordinary meeting. Exceptional circumstances arise when corporate decisions have a major transnational impact on Group employees, i.e. involving at least 15% of total headcount (full time equivalents) on 31 December of the previous year.

Article 10: Facilities available to the “Platform for Exchanging Views”

The annual meetings take place via video-conference.

Here is the clause you would like to see deleted:

Article 11: Outside experts

11.1 The EWC members are entitled to consult a technical expert (a company outsider) of their choice.

11.2 A representative of the European Transport Workers’ Federation may take part in the meetings in a union expert capacity.



EXERCISE:

Your goal is to reach agreement with the SNB after having gained as many concessions as possible on the above clauses. To achieve this, you will be entitled to a preparatory meeting with employer representatives before the negotiations. You can also resort to separate sessions during the negotiations.

Please note: should no agreement be reached by the end of the session, the minimum provisions will apply. Are you prepared to run this risk?

2. CASE STUDIES:

COMPARISON OF EWC AGREEMENTS

OBJECTIVE:

This is a practical exercise to familiarise yourself with the content of the directive 2009/38/EC and its use or misuse in several EWC agreements currently in force.

METHODOLOGY:

The participants are divided into working groups. Each group will receive a copy of two EWC agreements and a copy of Directive 2009/38/EC. Each group selects one chairperson to lead the debates into the group and a spokesperson who will report the outcomes to the plenary meeting (see session 2).

1ST SESSION: 1 HOUR AND 30 MIN: COMPARISON OF AGREEMENTS

The first part of the exercise consists of:

- a) checking how several topics are regulated in each agreement and
- b) comparing the agreements with the directive 2009/38/EC.

To make the comparison easier for you we indicate the articles to be consulted in the directive.

2ND SESSION: 1 HOUR: RESTITUTION OF OUTCOMES

What agreement do you think is best for each topic? Which one seems worse to you? Discuss the strengths and weaknesses of each EWC agreement in the plenary meeting.

TOP TIPS:

1. Put your best foot forward in any SNB negotiation. Consider presenting a draft agreement first!
2. Ensure that your EWC agreement is within the terms of the EWC directive.
3. Try and ensure that the agreement is ahead of the subsidiary requirements, which ought to be considered as the basic floorbeneath which no agreement should fall.

TOPICS AND ARTICLES IN DIRECTIVE 2009/38/EC	EWC agreement 1 Company name:	EWC agreement 2 Company name:
Prerogatives of the EWC on information Subsidiary requirements 1 a)		
Prerogatives of the EWC on consultation Subsidiary requirements 1 a)		
Transnationality: Recital 16 and articles 1.3 and 1.4		
Confidentiality Article 8		
Experts Subsidiary requirements 5		
Training Article 10.4		
Paid hours to carry out mandate Article 10.3		
Expenses of EWC paid by management Subsidiary requirements 6		
Articulation and coordination between national and European level Article 12		

3. QUESTIONNAIRE:



QUESTIONNAIRE ON EUROPEAN WORKS COUNCILS

(some questions can have multiple answers)

1. EUROPEAN WORKS COUNCILS (EWC) WERE CREATED TO BRING THE REPRESENTATION OF WORKERS CLOSER TO THE DECISION-MAKING CENTRES OF COMPANIES:

YES NO DK (Don't know)

2. THE MEMBERS OF AN EWC CAN BELONG TO COUNTRIES THAT ARE NOT PART OF THE EUROPEAN UNION:

YES NO DK

If yes, what countries?

3. ALL EWCS EMANATE FROM THE LAST DIRECTIVE ON EUROPEAN WORKS COUNCILS 2009/38 / EC:

YES NO DK

4. THE EWCS ARE CHAIRED BY THE COMPANIES' MANAGEMENT:

YES NO DK

5. EUROPEAN WORKS COUNCILS ARE:

- a) Instances of social dialogue that bring together the representatives of various European law companies of the same business group
- b) Instances of social dialogue that bring together the representatives of a European company of European law that operates in different countries of the European Union
- c) Instances of social dialogue that bring together the representatives of various companies of European law

6. THE MANAGEMENT OF A COMPANY MAY REJECT THE CREATION OF AN EWC:

- a) By rejecting the negotiation for 3 years
- b) By refusing to provide information on the number of workers of each company in the different European countries
- c) By rejecting any means of operation of the created body

7. AN AGREEMENT FOR THE CREATION OF AN EWC TAKES PRECEDENCE OVER EUROPEAN LAW AND NATIONAL LAW:

YES NO DK

8. THE EWC AGREEMENT CAN BE MODIFIED:

- a) By the creation of a special negotiation group composed of the most representative trade union organizations in each country
- b) By the trade union organizations present in the group of companies with a European dimension
- c) By simple negotiation of an amendment to the existing agreement signed by the majority of the EWC members

9. THE TRANSLATION OF THE INFORMATION PROVIDED WITHIN THE EWC IS MANDATORY:

- a) In accordance with the terms of the agreement
- b) Only the translation into the language of the group's European headquarters is mandatory
- c) For all the languages of the representatives present in the EWC

10. THE HEAD OFFICE AND THE APPLICABLE LAW OF THE EWC:

- a) It is the same as the headquarters of the dominant company of the group
- b) It is freely determined by the company's management
- c) It is in the European country with the largest number of workers

11. THE EWC IS:

- a) A transnational body of information and consultation
- b) An instance of transnational union coordination
- c) An instance of transnational negotiation

12. THE NUMBER OF EWC MEMBERS IS DETERMINED BY THE EUROPEAN DIRECTIVE:YES NO DK **13. THE ANNUAL NUMBER OF MEETINGS OF THE EWC IS DETERMINED BY THE EUROPEAN DIRECTIVE**YES NO DK **14. DOES THE MANAGEMENT OF THE COMPANY FREELY DETERMINE THE TRANSNATIONAL NATURE OF THE DECISIONS IT TAKES?**YES NO DK **15. THE TRANSNATIONALITY OF THE MANAGEMENT DECISIONS WITH A EUROPEAN DIMENSION CAN BE SEEN:**

- a) Depending on the number of countries affected simultaneously by the decision
- b) Depending on the size of the social impact, regardless of the number of countries affected by the measure
- c) Depending on the chain of command that has led to the decision making

16. THE CONSULTATION OF THE EWC SHOULD ALWAYS BE CARRIED OUT IN ADVANCE OF THE CONSULTATION OF THE NATIONAL REPRESENTATIVE BODIESYES NO DK



ANSWERS TO THE QUESTIONNAIRE ON EWC

1. Yes.
2. Yes, by law they can belong to the European Economic Area (Iceland, Norway, Lichtenstein). They can also come from any other country when this is formally agreed in the EWC agreement.
3. No, regrettably, a number of EWCs or Forum are not covered by the 2009 directive. These are derogative agreements that were signed before 22 September 1996 or between 5 June 2009 and 5 June 2011.
4. No. depending on the national law applying to the EWC agreement, the chairperson can be from the workers' side. Co- chairing also exists in several countries.
5. Answers are a) many American, Japanese and Swiss companies for example do have an EWC, and b) European companies are covered (if they reach the thresholds) but be careful not to confuse with the European Company statute (SE) that has other rules for the representation of workers at transnational level.
6. No answer is correct here. Management cannot refuse to set up a Special Negotiating Body, except if the legal thresholds are not met.
7. No, except if the agreement is a derogative one (see question 3) or if the agreement is more favourable to workers than the legislation in force.
8. Answer **c)**
9. Answer **a)**
10. The applicable law is the one of the headquarter company based in the EU or EEA. If the headquarter is based outside these areas, management can choose one of its undertakings within the EU or EEA to represent them. The law applicable to the SNB and EWC is the one of a representative agent in principle, except if the EWC agreement states otherwise.
11. The EWC is a body of transnational information consultation by law, however, in practice, trade unionists and workers' representatives use the EWC as a tool to coordinate their actions. The EWC is not a negotiation body, except for the EWC agreement renegotiation.
12. No, the legislation only enacts the minimum number of seats by country, not the maximum ones.
13. No, only the subsidiary requirements set a minimum of one meeting a year. However, the national legislation may increase this minimum rule.
14. No, the European legislation of 2009 explains that "transnational" information-consultation should concern matters relevant to two countries at least or "matters which, regardless of the number of Member States involved, are of importance for the European workforce in terms of the scope of their potential effects or which involve transfers of activities between Member States" (recital 16). The level of management (headquarter or local) involved in the decision making process is also a key criterion. The agreement can extend this definition.
15. Answers **a), b) and c).**
16. The information of the EWC and national bodies should in principle be conducted simultaneously but there are no specified rules as regards the links for the consultation of workers. The best practice seems to favour a case by case approach, depending on the plans / restructurings; this best practice usually gives priority to the EWC, as first body to be informed and consulted.

4. ROADMAP:

1. Identify the objective of the work plan

Please select ONLY 4 topics that you consider to be a priority for you according to your personal situation:

IDENTIFY PRIORITY NUMBER 1 to 4 only	Company level worker/ union representative	IDENTIFY PRIORITY NUMBER 1 to 4 only	National trade union Federation/ Organisation representative
	<ul style="list-style-type: none"> ● Contact your union to set up a Special Negotiating Body (SNB) ● Negotiate an European Works Council (EWC) Agreement ● Renegotiate or amend a pre-existing agreement ● Identify a trade union contact in your federation/ organization ● Identify a financial/ legal expert ● Gather more information on your company (mapping process) ● Develop a network of trade unionists in your company ● Continue the learning process on EWCs legislation ● Learn a language ● Grow the union in your company to be stronger together ● Improve dialogue with management ● Find more resources to develop your goals (see question 3 below) ● Other: 		<ul style="list-style-type: none"> ● Gather more information on companies selected (mapping process) ● Coordinate with other ETF affiliates to identify company targets for setting up an SNB / EWC ● Identify company level trade union representatives to set up an EWC ● Support the company level trade union representatives ● Set up a coordination with other ETF affiliates to follow up negotiations ● Identify a financial/ legal expert to support you ● Continue the learning process on EWCs legislation ● Learn a language ● Set up a global union alliance with other ETF and ITF affiliates ● Promote best practice within your Organization and ETF ● Other:

2. Explain the main actions that you will want to achieve before the next meeting for each priority (for instance, organize a meeting, set up a network, meet the workers, meet management...)

> Action 1:

> Action 2:

> Action 3:

> Action 4:

3. Identify the main resources that you will need to carry out your actions (for instance: financial support, IT communication, support from your trade union, budget from management, translation, ...)

> Resource 1:

> Resource 2:

> Resource 3:

> Resource 4:

4. calendar

MONTH	PRIORITY	ACTIONS	RESOURCES NEEDED
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			

5. EWC QUIZ:

LET'S CHECK WHAT WE KNOW AND WHAT WE WOULD LIKE TO KNOW!

Game rules: Every participant has 3 different cards. On one card it's written "True : 1 point", on the other one it's written "It depends/Unsure : 0 point" and on the last it's written "False : -1 point". After each question, look at the average score of the group. Did everyone know the basics of EWC? Do you all have the same understanding of what is an EWC?

EWC Frequent Asked Questions (FAQ'S)

- What links between national and European information-consultation?
- What does it mean to be an EWC member? Do you represent national workers or all workers?
- What about the EWCs internal democracy? Who leads, who decides?
- What is the impact of national cultural and trade union differences over the EWC activities?
- How to work between meetings?

WHAT IS THE EWC ROLE?

Please raise your card and beware that there might be trick questions or several positive answers!

QUESTIONS	SCORE
1. To negotiate European agreements for all company workforce?	
2. To be informed and consulted on Management decisions?	
3. To provide an opinion on Management plans?	
4. A platform for trade union action?	

Answers: 1: False, 2: True, 3: True, 4: False or It depends/Unsure

WHAT IS INFORMATION AND WHEN SHOULD IT HAPPEN?

Please raise your card and beware that there might be trick questions or several positive answers!

QUESTIONS	SCORE
1. Information is what you get from Management during the annual meeting?	
2. Any information you may get from Management and from your experts?	
3. Information must be confidential, otherwise it is useless?	
4. Information must be provided at least 15 days before the meetings?	

Answers: 1: True or It depends/Unsure, 2: False (information should be relevant to your understanding of the situation), 3: False (public information may be relevant, but it's rarely enough), 4: It depends/Unsure (information should be given in advance. The timeframe will depend on your EWC agreement).

WHAT IS CONSULTATION AND WHEN SHOULD IT HAPPEN?

Please raise your card and beware that there might be trick questions or several positive answers!

QUESTIONS	SCORE
1. Consultation is an exchange of views between workers and management?	
2. Consultation must take place right after information took place, in the same meeting?	
3. EWC consultation must take place only when national consultation has already happened?	
4. Consultation is useless, Management does not have to follow the EWC opinion.	

Answers: 1: True, 2: False, 3: False, 4: False

WHAT IS TRANSNATIONAL?

Please raise your card and beware that there might be trick questions or several positive answers!

QUESTIONS	SCORE
1. Transnational means that the whole company is concerned?	
2. Any decision of Top management?	
3. Any plan of management significantly affecting the Company workforce?	
4. Can a transnational question include debates beyond the European Union?	

Answers: 1: False, 2: True, 3: True, 4: True

WHAT ARE EXCEPTIONAL CIRCUMSTANCES?

Please raise your card and beware that there might be trick questions or several positive answers!

QUESTIONS	SCORE
1. A change of CEO or of the main shareholder?	
2. A collective redundancy of at least 150 workers in two countries?	
3. Any transnational border transfer of activities, relocations, the closure of establishments or undertakings, and/or collective redundancies?	
4. Any project or event that may have a significant impact on the workforce?	

Answers: 1: False, 2: True, 3: True, 4: True

FEEDBACK FOR THE QUIZ (DEFINITIONS AND PRACTICES)

THE FUNDAMENTALS IN LIGHT OF 2009/38/EC DIRECTIVE (1)

WHAT IS A TRANSNATIONAL MATTER?

- According to article 1: a matter that **concerns the group as a whole or at least two undertakings or sites in two different Member States.**
- But the spirit of the directive is less restrictive regarding recital 16: the scope of its potential effects, and the level of management and representation that it involves should be considered. These include matters which, **regardless of the number of Member States involved, are of importance for the European workforce in terms of the scope of their potential effects** or which involve **transfers of activities** between Member States (hence transfer of **capital**).

DEVELOPING EWCS OWN AND INDEPENDENT SOURCE OF INFORMATION

- With ETF's support, coordination between the members of the EWC and national and local representation bodies and trade unions must take place **before and after EWC meetings and Select Committee meetings...**
- ...but also **throughout the year** thanks to a bidirectional flow of information
 - Information from local or national representatives to EWC reps of major developments on their sites, of implementation and course of European projects at the national and local level, of all other circumstances that could have a transnational impact.
 - Reciprocally, information from EWC reps to national and local reps of developments in the company in order to anticipate possible local consequences and European projects that could have a national or local impact
 - Specific coordination processes to be set up in case of restructuring

Good practices: During preparatory meetings, report on the company's situation from representatives from each country. Members of national representation bodies' suggestions or comments about the EWCs draft agenda as well as on the contents of the preparatory documents

- Setting up **working groups**: permanent (e.g. about health and safety) or one-shot (e.g. to monitor a restructuring plan)
- Being in contact with workers and their reps (which implies free access to the company premises and the financing of travelling expenses by central management)

FOR THE INFORMATION AND CONSULTATION PROCESS TO BE EFFECTIVE:

- The definition of 'consultation' needs to take account of **the goal of allowing for the expression of an opinion which will be useful to the decision-making process**, which implies that the consultation must take place at such time, in such fashion and with such content as are appropriate (recital 23).
- The arrangements for informing and consulting employees shall be defined and **implemented in such a way as to ensure their effectiveness and to enable the undertaking or group of undertakings to take decisions effectively** (article1).
- '**Consultation**' means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content **as which enables 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 (...)** (article 2)
- **Clearly defining what is confidential or not** (in the EWC agreement) and/or prior to the information and consultation process and how much time information will remain confidential
- Once the information and consultation process has ended, **monitoring** the implementation of management projects and the deviations from original prospects
- Carrying out **studies** or **surveys** by their own, with experts' and coordinators' support
- Enforcing the right to receive **continuous information** relating to the life of the company and its economic, financial and social strategies at European level
- Enforcing the right to receive written answers on opinions: "The consultation shall be conducted in such a way that the employees' representatives can (...) obtain a response, and the reasons for that response, to any opinion they might express" (2009 EWC directive annex)

MORE INFO

HOW TO FIND MORE INFORMATION ON EWCS IN TRANSPORT?

HOW TO FIND MORE INFORMATION ON EWCS IN TRANSPORT?

- › Connect to the EWC Database : <https://www.ewcdb.eu/>
- › Set up an account (for free)
- › Once your account has been created, log on
- › Go to “SEARCH” / “AGREEMENTS”
- › Select a company name or search by industry using the filters
- › Consult: <https://www.worker-participation.eu/>

ETF WEBSITE FOR EWC MEMBERS IN TRANSPORT:

You will find more information and resources on our webpage:
https://www.etf-europe.org/our_work/european-works-councils/

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NOTES



With the financial support of the EU



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This brochure was drafted in 2019 and updated in 2024 by Syndex Europe & International and was commissioned by ETF with the financial support of the EU Institutions.

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