

## Information sheet 2

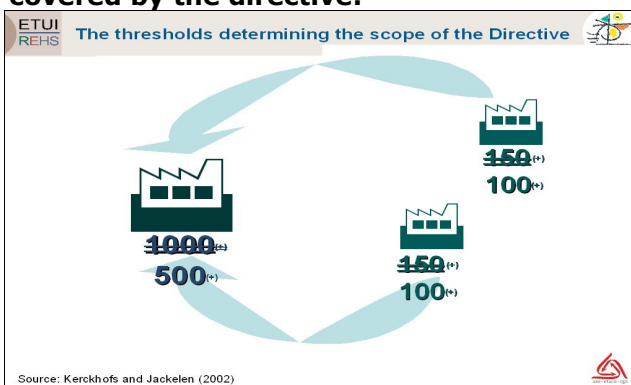
8 May 2008

### What needs to be changed? Reasons for the revision of the EWC Directive

There are many aspects of the directive that need improving. These can be summarised into [five key points](#):

1. Perhaps the most important problem is that many EWCs are not getting proper **information and consultation**. We believe that this is partly because the directive does not properly define what "information" and "consultation" should be at the European level. We want the directive changed so that it adopts the clearer definitions of European information and consultation from the 2001 Directive on European Companies (the SE Directive). This would clear up a lot of confusion and bad practice.

### The ETUC wants to change unfair rules about the size of companies which are covered by the directive:



2. Another important ETUC demand is the elimination (or at least the reduction) of the **barriers to setting up EWCs** themselves. There are several of these, but we are especially concerned about a rule which says that the EWC Directive only applies to companies with over 1,000 employees in Europe, and 150 or more in at least two EU countries. We do not think it is fair (or in line with international law) that workers in the many multinational companies with less than 1,000 employees cannot have a EWC. So, we want this threshold removed, or at least reduced so as to include companies with

over 500 employees in Europe and 100 or more in two different Member States.

3. A further key issue is the recognition of **the role of trade unions** and the entitlement of EWCs to have a trade union officer to assist them in all aspects of their work. One of the most important demands we have is that trade union members in EWCs and negotiating bodies should have the right to work with a trade union officer who can participate in meetings and give assistance when members want it. This already happens and works well in most EWCs, but there are still a significant number of companies where management refuses to let trade union officers take part in EWC meetings.

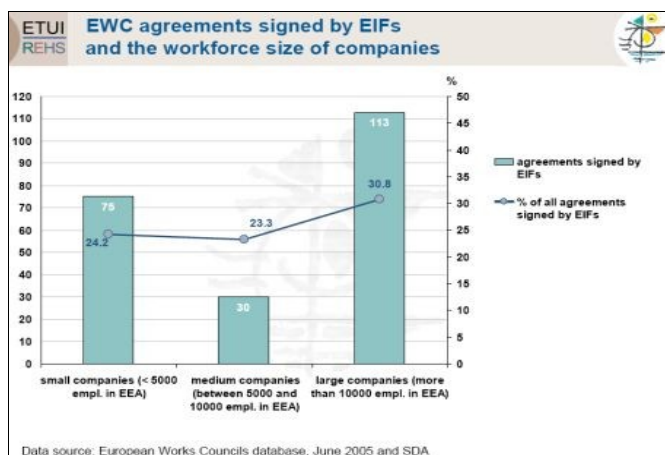
4. There are a lot of improvements needed to ensure that EWCs and the bodies that negotiate EWC agreements (SNBs) are given the **working tools and conditions** they need to carry out their tasks. Especially important here is the fact that, at present, many EWCs have no entitlement to training. We also want EWCs to have the chance to deal with more topics, such as group policies on health and safety, and gender equality. Other problems arise from getting only one EWC meeting a year, and having no right to follow-up meetings without management. There are also insufficient rights regarding experts, interpretation, translation of documents and access to workplaces.

### What workers say

*"The Securitas European Works Council was set up in 1996 and its members represent 90,000 workers in 14 European countries. The annual meeting of Securitas EWC was held on November 19 and 20 2007 in Warsaw. ... the EWC members are not satisfied by the current system of workers representation at European level. ..."*

*The recognition of the role of trade unions in the directive is essential to ensure a better representation of workers. The current situation unnecessarily complicates the dialogue with the management. The freedom of association is recognised by the Nice Charter of fundamental rights and therefore the directive should recognise the unions as a key player for European social dialogue at company level as well."*

**Gunnar Larson, Chairman EWC Securitas, in a letter to European Commissioner Vladimir Spidla,**



shorter negotiation times, and that there are proper enforcement mechanisms in place when employers fail to abide by their EWC agreements.

**How can we ensure these changes are made?**

There are a lot of challenges here and we will need the support and solidarity of all European trade unions and our friends in the world of politics and government in order to succeed. However, our demands are just and reasonable. They are simply aimed at making the legislation do what it was always supposed to do: ensure that the workforces of Europe's biggest companies all have the chance to be involved in shaping changes to their businesses and of early and effective common involvement in the evolution of managements' plans.

We are at a point in the European project when more and more ordinary European workers are starting to question whether Europe is looking after them as well as it is the big bosses. If we succeed in improving the directive it will be a positive sign for all workers, not only those in multinationals. If the directive is not strengthened after all this time it would be a very negative sign for the whole of Europe. This is not going to be an easy struggle but it is an important one, and if we stand united we can win a real victory for a fairer Europe.

5. Finally, there are a large number of more **technical/legal issues** that need to be resolved. For example, the current directive doesn't give satisfactory solutions to workers in joint ventures and franchises and it sets down no clear procedure for renegotiating agreements. We also want to ensure that the new directive is drafted so that it can be applied to all existing EWC agreements, that there are fairer rules for negotiating bodies including

*"The Commission as well as the Parliament and the Council must prove that they are able and ready to strengthen workers' rights and the social dimension of the European Union."*

**John Monks, ETUC General Secretary.**

**Useful links:**  
 ETUC website: <http://www.etuc.org/>  
 ETUI EWC database: <http://www.ewcdb.org>  
 Social Development Agency (SDA) database: <http://www.sda-asbl.org/DbInfo/inizio.asp>  
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