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# PARTICIPATION & RIGHTS LETTER



WORKER'S INFORMATION AND CONSULTATION RIGHTS IN EUROPE

## 2014 ETUC ANNUAL EWC CONFERENCE



Elected to manage group-wide information and consultation procedures, but also potentially to play other different roles, EWCs represent a pivot, a convergence tool for Europe-wide strategies. Trade unions at European level rely on this potential when they focus on the correct establishment, recognition and functioning of EWCs for management of restructuring. The establishment and enforcement of EWCs as strategic milestones ensure that they are able to proactively serve trade union aims within consolidated strategies. In turn, trade unions provide EWCs with the necessary support for all those situations they cannot (or should not) face alone (i.e. negotiations and signature of transnational company agreements) and to legitimise them.

EWCs can host and stimulate interaction between actors at different levels and activate early

warnings on the basis of information they are in a position to receive.

They can represent the nexus of a multi-directional information flow, the point where consultations at different levels converge, and promote meaningful exchange with the company management.

The 2014 EWC conference organised by the ETUC, as in the past, focuses on the role of EWCs in collaboration with worker representation and trade unions at all levels within a MNC, to tackle issues connected with poor working conditions, occupational health and safety, restructuring and contingency planning.

The conference will be live streamed in English at the web pages:

<http://www.etuc.org>

<http://imageup.ubicast.tv/lives/etuc-ewc-2014/>

The conference brochure is available in [EN](#) [IT](#) [FR](#) [DE](#) [PL](#) [ES](#).

## EWCs AND OCCUPATIONAL HEALTH AND SAFETY

Nowadays, worker representatives are increasingly called upon to have their transnational activities address work-related issues. European Works Councils (EWCs) are now the strategic crossroads of social dialogue in international companies. European trade union bodies strongly recommend incorporating work-related issues into the activities of EWCs and European sectorial social dialogue bodies. As such, the ability to connect occupational health issues to other thorny issues facing companies is essential.

**IMPROVED WORKING CONDITIONS APPEAR TO BE A PRIORITY IN SURVEYS ASKING WORKERS ABOUT THEIR EXPECTATIONS OF TRADE UNIONS. THIS IS A CLEAR MANDATE: HOW CAN WE TALK ABOUT DEFENDING WORKERS' RIGHTS IF WE DO NOT TACKLE THE BASIC NEED TO KEEP THEM ALIVE AND PROTECT THEIR HEALTH?**

Every year, over 4,000 workers have an accident at work and over three million are involved in a serious accident resulting in more than three days off work. In total, 24.2% of workers believe that their work jeopardises their health and safety and 25% think that it has had primarily negative effects on their health.

The maturity of EWCs tends to spur on the development of good practices on this subject.

Within EWCs, exchange on work-related topics that apply to all participants greatly boosts the quality of dialogue. In fact, exchanges on work activities and conditions have been proven to reach a greater consensus than issues surrounding pay and employment in different countries, for example. Furthermore, discussing working conditions and health risks (e.g. noise, relations, and working tools) unites EWC members. Addressing such issues transcends differences (e.g. site size, economic situation, local and national specificities, social dialogue culture) and identifies common situations. As a result, issues surrounding working conditions, health and safety are frequently incorporated as a subject for dialogue in establishment agreements.

EWCs have now achieved a certain level of maturity as representation bodies, which allows them to go further than simply applying directives. The existence of active EWCs with representatives working on health and safety can make the difference between a company officially and routinely applying rules, and genuine protection.

As such, European Works Councils are a good way to address issues surrounding working conditions and health and safety:

- Transnational exchange between social partners on work-related issues is easier, as the issues addressed frequently result in a consensus.
- EWC action on these issues makes it easier for workers to understand these activities specifically, as their actions are based on tangible professional practices.
- Exchanging good practices improves the support EWCs provide as a whole.
- Comparing better situations in other establishments may push employers to take action.

## RESTRUCTURING, ANTICIPATION OF CHANGE AND THE CRISIS

Corporate as well as sectoral restructuring is a continuous feature of economic life resulting from technological progress and innovations, societal and political changes influencing in particular labour market and social policies. Though the European Union has always gone through phases of accelerated restructuring in specific sectors (e.g. steel, textile) or national economies (e.g. the transformation process in Central and Eastern Europe), restructuring after the 2008 crisis is different.

Two aspects are important here: First, the 2008 crisis abruptly ended a period of steady net expansion of employment. Between 2002 and 2008 employment in the EU27 increased by 14.2 million jobs, most of them in the service sector that increased its share of total employment from 67% to 72%. During this period the expansion of employment in other sectors was able to compensate for the loss of jobs in industry and agriculture. Already before 2008, five million jobs were lost in industry. However, according to Eurostat figures the 2008 crisis hit industry particularly hard and a further 6 million jobs were lost by 2012.

A second aspect of restructuring after the crisis is even more worrying as it is largely 'home-made': The 2008 crisis brought to an end a comparatively long phase of net job creation and resulted in a sharp and continuous increase in unemployment that is continuing in all EU member states apart from Germany.

As a result of austerity, labour market disparities between EU member states have reached a scale never known since the establishment of the European Union in 1993: In 1994 the average unemployment rate in the EU was 10.7% with 3.8% in Austria and 22% in Spain as the two extremes. In 2013, with an EU average rate of 11%, the gap was significantly higher with 4.9% in Austria and 27.5% in Greece and 26.1% in Spain. The jobs crisis is most dramatic in those countries that have been the main victims/targets of the 'structural reform' programmes of the Troika after 2009/2010, i.e. Greece, Spain and Portugal.

### TOWARDS THE DISAPPEARANCE OF SOCIAL EUROPE?

By concentrating on enormous expense of rescuing a financial sector from the effects of its own faults and 'structural reforms' that include cuts in public spending, privatisation, wage and social benefits reductions and undermining collective bargaining and job security, Europe has adopted an approach to economic and monetary governance that tends to view social progress and achievements of the past at best as a luxury add-on but increasingly as a cumbersome obstacle for the necessary restoration of competitiveness.

We are focusing solely on fiscal austerity and the stoic insistence that uncompetitive countries should bear all the costs of readjustment.

**WE ARE CURRENTLY EXPERIENCING A MASSIVE DISMANTLING AND DISAPPEARANCE OF 'SOCIAL EUROPE', AND WITH IT THE MODEL THAT WAS INTENDED TO DISTINGUISH THE EU FROM OTHER WORLD REGIONS, IN TERMS OF EMPLOYEE PARTICIPATION, SOCIAL DIALOGUE, PRO-ACTIVE LABOUR MARKET POLICIES, EU WIDE MINIMUM STANDARDS AND LEGAL FRAMEWORKS ON INFORMATION, CONSULTATION AND OTHER WORKERS' RIGHTS IN SITUATIONS OF CORPORATE RESTRUCTURING.**

However, mainly due to a lack of political will it was not possible to have a legal framework of anticipating restructuring and managing change in a socially responsible and sustainable way as requested by the European Parliament. Instead of setting up a pro-active European legal framework for dealing with restructuring, at the end of 2013 the European Commission came up with a mere collection of general principles and recommendations to be implemented on a purely voluntary basis by all stakeholders. The ETUC and its member organisations are well aware of the shortcomings of the legal frameworks and directives that are already in place: most have been adopted by national law and involve clearly defined rules that should be applied in situations of restructuring and corporate change.

**CONFEDERATION SYNDICAT EUROPEEN TRADE UNION**  **ETUC – ETUFs PROJECT "ANTICIPATING CHANGE AND RESTRUCTURING IN MULTINATIONAL COMPANIES THROUGH STRONGER TRANSNATIONAL TRADE UNION COORDINATION"**

The project was designed to tackle the impact of restructuring through stronger transnational trade union coordination. It was promoted by the European Trade Union Confederation in partnership with four European Trade Union Federations (ETUFs - EFFAT, EFBWW, UNIEuropa, IndustriAll).

Concretely, the project allowed the organisation of 40 trade union coordination meetings, covering some 60 European and also global multinational companies. Meetings gathered together ETUF officers and coordinators, national trade union representatives of the affiliated organisations, national and local representatives, EWC delegates, and also representatives of international sectoral trade union organisations. The aim was to allow trade unions at multinational company and sectoral level to meet, exchange and set up common strategies to tackle restructuring and change in single companies, in groups of companies or in a specific sector.

In a context of enduring change, exacerbated by the financial crisis, long lasting restructuring hit MNCs within and outside the EU, impacting on working conditions. This circumstance requires intensive trade union action.

**THROUGH ENHANCED TRADE UNION COORDINATION, WORKERS ARE ENABLED TO BE INFORMED AND AWARE OF THE COMPANY SITUATION, AND SPEAK OUT WITH ONE VOICE TO REACT TO THE CHALLENGES LINKED TO CHANGE.**

In particular, ETUFs focused on enabling EWCs to play an effective role, as to grant workers in greater involvement in transnational companies' strategic decisions, in the attempt that company choices keep into account labour and societal concerns in restructurings.

Despite the peculiarity of each company and sectoral situation, the ETUC will profit from first-hand experience and evidence gained during this project.

In a wide perspective, the project served to consolidate ETUFs' methodology enabling trade union and worker representatives to take a proactive part in strategic decision-making linked to change. This involvement should support the development of forward-looking planning within multinational companies (MNCs), of anticipatory measures and of management of change in both a Socially responsible and an economically sustainable way.

The project permitted the observation of concrete strategies designed and actions undertaken on a case by case basis by trade unions on a transnational level. It also enabled the appreciation of efforts made with a view to anticipating upcoming change, making the best of the existing EU social legislation, coordination at global level and practice of social dialogue.

Finally, the project allowed appraisal of the importance of integrated and comprehensive policy intervention to offset the social costs of rising restructuring and to support sustainable change and innovation in an anticipatory way.

The project permitted to increase the degree of coordination and mutual understanding of different roles between the ETUF's involved and the ETUC as umbrella organisation.

THE POLITICAL REPORT OF THE PROJECT IS AVAILABLE IN [EN](#) [FR](#) [IT](#) [DE](#) [PL](#).

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**CONTRIBUTIONS BY:**

Jean-Jacques Paris, Liesbeth Van Criekingen, Eckhard Voss,  
Marina Monaco, Sara Autieri

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