

# UNI Europa Guidelines on European Works Councils

Adopted by  
UNI Europa Executive Committee on 29 March 2011

**Short version**



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## ***A common approach***

The objective of these Guidelines is to define a UNI Europa approach applicable to all UNI Europa sectors on matters related to European Works Councils (EWCs). These Guidelines set out the basic strategies and approaches. They have been drawn up through the work of the cross-sectoral working group “Stronger EWCs @ UNI Europa”.

The Guidelines are intended to provide guidance to UNI Europa affiliates, and to coordinators and members of EWCs and Special Negotiating Bodies (SNBs).

## ***UNI Europa's goals***

UNI Europa aims to:

- Ensure that employees' rights to information and consultation are respected at all times.
- Ensure trade union support for EWC members.
- Ensure that all EWCs, irrespective of the date of signature of their agreement, fully benefit from the improvements introduced by the new Directive of 2009 (Directive 2009/38/EC).
- Reinforce cooperation between employees' representatives across borders.
- Link developments at the company level to more general trade union goals.
- Strengthen trade union alliances in the companies concerned.
- Ensure that companies' EWCs are representative of the composition of the company workforce, both in terms of gender and in relation to other factors
- Help to develop EWCs into powerful tools of employee participation in companies' decision making.
- Pro-actively influence EWC agendas to cover more than the standard issues covered by the EWC Directive, so that issues such as Human Resources, Equality, or Health and Safety are also included.
- Give particular support for EWC members from Central and Eastern European countries, to enable them to connect with their trade unions, receive adequate training and participate actively in their EWC.
- Ensure – together with the affiliates concerned – a high unionisation rate within companies.
- Ensure that EWCs are linked effectively to employee representation/participation at other levels (workplace, regional, national or international levels and board level representation).
- Empower EWCs to anticipate changes and to pro-actively offer possible alternative strategies and solutions to management.

### **Trade union alliances**

EWCs should always reflect the aims and objectives of the trade unions that organise in a company. EWCs need to be regarded as tools for UNI Europa and its affiliates to defend and promote employees' interests.

There is a need to ensure that trade union members genuinely benefit from the European legal provisions and that companies' managements do not circumvent legitimate trade union representation.

For this reason, the development of trade union alliances is a fundamental element in our work for strong EWCs. The aim is for every SNB and EWC to be embedded in a stable and clearly defined European trade union alliance covering the company concerned.

The alliance should link unionised SNB/EWC members, the SNB/EWC coordinator and the representatives of affiliates (trade union officials) organising in the company concerned.

The alliance can be extended beyond Europe to become an international trade union alliance.

If different European Trade Union Federations that are members of the ETUC organise in the same company, UNI Europa will cooperate with these Federations in an open and constructive way, for the benefit of the employees concerned.

### **EWC agreements: From minimum standards to preferred outcomes**

EWC agreements are always a result of negotiation and compromise. However, an EWC agreement must never go below the standards defined by EWC directive 2009/38/EC including the subsidiary requirements, as well as the applicable national transposition law or other applicable legislation.

UNI Europa wants to achieve better and more concrete provisions than those provided by legislation.

UNI Europa will ensure, through the communication and coordination role described in the full version of these Guidelines, that the employees' representatives embrace a common approach and that negotiations run smoothly.

### **UNI Europa SNB/EWC coordinators**

Every SNB and EWC should be coordinated by one trade union official responsible.

EU Directive 2009/38/EC clearly provides for an SNB or EWC to be assisted by trade union experts and obliges company managements to cover the costs of at least one such expert.

Accordingly, every SNB/EWC should have one trade union expert continuously present who can act as a coordinator.

The coordinator's role is to bring together all members of the trade union alliance to facilitate a common approach, to provide support to EWC members, to ensure that SNB negotiations / EWC proceedings are in line with UNI Europa's policy, and to be the link between the EWC and UNI Europa.

The role of a coordinator is distinct from, and not in competition with, the role of an SNB/EWC chair or president from the employees' side.

The coordinator can be a staff of UNI Europa or a trade union official of a UNI Europa affiliate acting with a UNI Europa mandate.

Note that, in addition to the union expert acting as coordinator, each SNB/EWC should have access to other experts that can provide support in financial, economic, legal or any other relevant technical matters.

### **Implementing EWC Directive 2009/38/EC to already existing EWCs**

The EWC Directive 2009/38/EC, officially in force from June 2011, brought some significant improvements to the European legislation on EWCs. Useful changes include the following areas: definitions of information, consultation, transnationality, the involvement of trade unions, and right for training.

UNI Europa sectors should seek to identify existing EWC agreements that could benefit from these improvements and, when appropriate, to take steps to seek to make amendments.

The EWC Directive 2009/38/EG offers the possibility to negotiate a new EWC agreement in case of significant changes in company structure (“adaptation clause”).

This possibility should be used as widely as possible to provide for the improvement of provisions on information and consultation.

### **Training**

Training seminars are essential to make EWC members aware of their new rights provided by EWC Directive 2009/38/EG and how they can enforce them in practice.

UNI Europa will seek to support and facilitate training opportunities for EWC members and EWC coordinators.

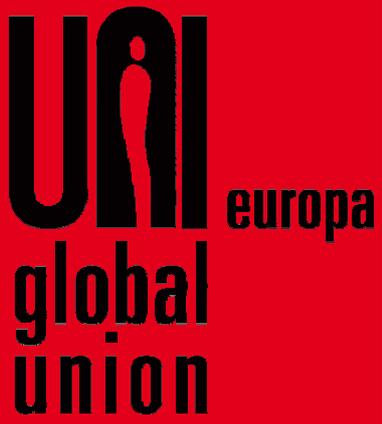
UNI Europa will closely cooperate with the trainers of the European Trade Union Institute.

**The full version of these guidelines can be downloaded at <http://www.uniglobalunion.org/>**

### **UNI Europa: Building a better Europe.**

UNI Europa is a European trade union federation. It unites trade unions organising in services and skills sectors in 50 different countries. With over 320 affiliated trade union organisations, UNI Europa represents 7 million workers.

European integration and globalisation means that trade unions can no longer be effective if they work solely at national or local level. In order to win better conditions for their members, unions representing workers in specific industries have to act together across Europe and internationally.



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