

The EWC today

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The legal part of exchanging information

- The EWC operations are based on EU directives from 1994 and 2009.
- The Directive from 1994 had to be implemented in national law by September 1996.
- In 2009 a recast Directive was adopted and had to be implemented by June 2011.
- Usually the EWC operations of a company follow an agreement.
- In absence of an agreement the secondary provisions of the Directive (in national law) must be followed.
- All EWC work must include information and consultation.

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The agreements

The agreements concluded between the EWC and the management:

- EWCs with an overall level above the legal minimum.
- EWCs merely stating the legal minimum in their agreements.
- EWCs with an overall level below the legal minimum.
- EWCs without an agreement based on the secondary provisions.
- EWCs in transit, mergers, in process of establishment, etc.

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Establishing a EWC

The establishment of a EWC can be done as a employees only decision.

- Employees conduct a transnational discussion (EU and EEC) to agree to pursue a EWC agreement.
- A request is sent to the management to start negotiations.
- If the management refuses or stop negotiating then the EWC is set up based on secondary provisions of the law. ⇨ The management cannot refuse a EWC.
- If the negotiations take more than 3 years, the employees can request for the secondary provisions of the law.
- It is important to specify and list each country that will participate from the start with the provision that new countries will automatically be included when the company expands.

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Advantages of having a EWC

Having a EWC gives the employees certain advantages that are difficult to obtain otherwise:

- In formation about the situation of the Company in different countries of operations.
- Restructuring, mergers, investments, etc.
- Information exchange between employees in the different countries.
- Transnational support for the employees.
- A broader Trade Unions support network.
- A direct line of communication to the CEO and executive management team.

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General picture of the situation of EWCs

- Information and Consultation procedures continue to be a challenge.
- Brexit has happened – will we lose our British representatives?
- Check your agreements ⇨ If you have a list of countries with the UK included in the EWC agreement then claim the right for the UK to continue to be a part of the EWC.
- Annual meetings during and after the pandemic ⇨ On-line work and meetings are just something temporary.
- Connection between the EWC & European level and the local national level ⇨ this must be maintained.

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Regularity of operation

- The annual meetings.
- Mid-year consultation on particular and urgent issues with the management.
- The Select Committee meetings and work.
- Updating the EWC group with the latest information.

Also prepare for extraordinary meetings and events. It is part of regular operations and standby.

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Topics of consultations

- The employment situation and its development prospects,
- Investments,
- Significant organisational changes,
- Introduction of new work and production methods,
- Transfers of production,
- Mergers,
- The reduction or closure of the production of the undertakings, operational units or any significant parts thereof, and,
- Pursuant to the provisions of national legislation of the state in which each of the undertakings of the community-wide group of undertakings or the operational units of the undertaking are located,
- The redundancies of employees referred to in the Council Directive 98/59/EC on the approximation of the laws of the Member States relating to collective redundancies

All topics are important and the annual meeting duration must consider this!

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Common content of shared information

- In each subsidiary within the group with the local WC members, like: base salary and total earnings by gender in key jobs in the company (see the equal treatment directive of the EU), or the key points of the business plan (like employment, working hours, wages and salaries).
- The content of information to be exchanged between the EWC members about the subsidiaries in order to make comparisons about the situation in the group (like key business ratios, wage level, working hours, on the job training, fringe benefits, frequency and length of sickness days, etc.).

These must be presented as related to Equal Treatment and Health and Safety.

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Efficiency of operations

- Does the EWC have a working plan?
- What are the targets? ⇨ Set up targets that are important for the employees.
- Are the targets achieved? ⇨ Organise regular evaluations and be honest.
- How is the dialogue with the Management? ⇨ Give feedback – good and constructive.
- What is the proportion of TU or WC representatives in EWC? ⇨ Don't be afraid to ask.
- What is the information exchange between the EWC and the national level?

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Cooperation between the delegates

A functioning EWC must have a good dialogue between the EWC representatives. This includes and requires at least the following:

- A complete understanding of the purpose and targets of their EWC.
- A solid background in employee representation and an understanding of legislation, national and European, concerning employee representation.
- Sufficient language skills so that the representatives can exchange information.
- Good relationship with all national level employee representatives and representation structures.
- Patience ⇨ things don't happen immediately and need often planning.

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The real possibilities of information exchange

Information exchange is directly related to activity. EWC representatives must not only wait to be informed but must actively demand information and explanations from the Management, assess the information and return with the EWC's view, proposals and consultation.

- Examples case: There are vague rumours about the Company acquiring a new business. This may lead to overlapping and later to dismissals. The national level must quickly forward this information to the EWC → The EWC must bring this up with the Management → The response must be delivered, without delay, back to the national level.

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Possibilities and barriers

Possibilities and barriers in levelling out for example wages and working conditions within the same company group.

As such, the wages issues are not included in the scope of work of the EWC. However, the EWC has a responsibility to monitor equal treatment and health and safety issues. This means that the EWC can require a description on procedures of remuneration (not euros) in order to discuss the equal treatment. The working conditions are an essential part of the health and safety and must be covered both by national and European legislation as well as by exact Company level instructions and procedures.

The EWC can and should monitor these as part of an ongoing process.

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The role of training

The role of training in the activity of EWCs, recommended topics, methods

- EWC representatives must be professional and have sufficient skills for the task.
- The skills gained through additional training must include at least:
 - Legal skills on the required legislation (EWC, corporate law, financial law, etc.)
 - Financial skills and the ability to discuss corporate finances and planning
 - HR skills and knowledge of HR operations and principles
 - Language skills
- Trainings on national and European level will provide for some of the training
- Company level training will provide in depth skills and assessment of the Company

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