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# **Recast European Directive: Training for EWCs representatives**

**R E D I T E R**

**Transnational overview**

The REDITER project mainly consisted in the organization of five national seminars held in five different countries: France, Germany, Romania, Spain and the UK.

Generally speaking, the seminars aimed at:

- Training participants on the recast European Directive of 6<sup>th</sup> May 2009
- Encouraging discussions and exchanges of views, experiences and best practices related to EWCs across a variety of sectors
- Confronting strategies and approaches between employers' representatives and workers representatives

We report below the main results from these different seminars in order to provide an overall approach of the REDITER project. This global presentation is to be complemented by the five national reports which provide a more detailed view about national works and findings. The national reports form the second part of this final report.

## **1. General Framework and participants**

Each national partner was responsible for the organization of a seminar in his country. However, all partners were invited to consider a set of common guidelines, ie. :

- Each national seminar was to provide to participants some ways to learn more about the recast directive and its innovations
- Each national seminar was to include presentations and discussions of experiences from participants
- Each national seminar was to provide to participants means to work together on concrete issues with a view to give them opportunities to prepare some action plans to be used in specific situations so that information, consultation and participation of EWCs can be promoted.

Almost all the seminars were two or 1,5 days long but the UK one. The latter was a lunch to lunch meeting in order to attract more participants. The national seminars were held from mid may 2010 to the end of November 2010.

- Overall, about 160 people (EWC delegates, unionists and managers) attended the seminars. In all the seminars, there was a mix between national and foreign participants (more or less, depending on the seminar)
- In terms of sectors, all seminars, but the German one, had a cross sectoral approach. The German seminar was focused on the insurance sector. In the other seminars,

most of the participants came from sectors covered by UNI EUROPA (Banks, insurance, cleaning, private security, commerce, telecommunication, media, etc.) but some of them (depending on the national seminar considered) also came from the industry (especially metalworking, energy, chemicals, automotive, etc.)

- Most of the employee delegates were members of EWCs but some national trade union officials also attended the seminars due to the support provided by some national unions to the project (CARTEL ALFA, UNITE, UGT, VER.DI, CFDT). All EWC members were unionised ones.
- HR managers or employer representatives more or less participated in all the seminars. Most of them made presentations and were involved in discussions with employee delegates.

## 2. Methods and contents

### 2.1. General observations

- All seminars dealt with issues related to the recast directive and its national transposition measures from a legal perspective. Presentations and discussions about it involved both project partners (Romania, Germany, France) and external experts from the EC (Evelyne Pichot in Spain and Germany), the European Trade union movement (ETUI in the UK) or labour lawyers (France). Most of the presentations used in this respect are provided in the electronic version of this final report (CD)
- All national unions supporting the project contributed to the design of the seminars. In one case, in Germany, UNI EUROPA Finance and VER.DI were the co organisers of the seminar. For this reason, although it was not possible to provide for exchanges between EWC members from different sectors, this example is interesting as it was the first time ever that such a meeting took place for the insurance industry: no specific and direct exchange about EWC activities and practices in this sector had been provided so far.
- Almost all the seminars planned interactive activities (working groups, practical exercises), giving room for in depth exchanges of experiences between attendants. In some countries, especially in France and Romania, HR managers were also involved in such activities.

### 2.2. Some brief insights in national exchanges

Roughly speaking, restructuring issues as well as quality of information provided to EWCs, in link with globalization of companies, were major discussion topics in all the seminars. However, links between EWC members and employees as well as confidentiality were also significant issues for participants. However, due to the specific organisation of each national seminar, precise results of discussions held may differ slightly from one seminar to another. We may present some of the most interesting findings resulting from the different seminars.

**In Germany**, the range of practical experiences expressed during the workshop was very different. In some cases the EWC is working fairly well, in other cases the following problems have been clearly identified by the participants:

- no real consultation in good time
- problems in access to information
- problems of cohesion between delegates of different nationalities
- links with UNI Europa to be improved

In respect to these issues, the participants expressed their wish to continue such meetings

**In Spain**, the seminar allowed for a detailed analysis of problems detected in some EWCs. These problems are related to a range of issues from general to very concrete ones. For instance, the interpretation and practical implementation of new Directive 2009/38/EC was a general issue discussed. These discussions resulted in the formulation of different problems:

- Are the definitions of information and consultation established in Directive 2009/38/EC precise enough to be operative?
- A need for a more precise definition of the obligation to inform workers
- Uncertainties in the transition period until the new Directive is implemented: If the agreements reached under art. 13 of the previous directive are not implemented, what specific problems arise for trade union action? What problems may arise in practice from the new agreements reached under art. 6 of the former directive?
- Prospects regarding the adaptation of existing agreements depending on special circumstances.

As for concrete issues affecting the functioning of EWCs, some of them were also raised during the Spanish seminar, especially regarding the management of procedures within the EWCs and their interpretation. These issues were related to:

- The Maximum time required to draft, agree and approve the minutes of the EWC meetings
- The unsuitable (and intentional?) management from the heads of annual meetings, which are the key moment in the functioning of the EWC: information is not delivered in a timely manner but at the meeting, in practice. As a result, the meeting's agenda and time are consumed in the presentations: there is hardly any time left for discussions.

- The obstacles to obtain a real transnational approach: especially at times of restructuring when the management of multinational undertakings usually makes the establishments compete against each other based on criteria of productivity, labour costs, etc. This reinforces the national component within the EWC instead of its European perspective.
- The different views on consultation/negotiation: in some cases, the EWC negotiates general agreements at European level in practice, such as a restructuring process (example of General Motors); in other cases, given the complexity of the problem and its national implications, most participants are convinced that it is best for the EWCs not to negotiate.
- The importance of frequent (monthly) meeting with trade union sections (Altadis example)
- The terms to request meetings.
- The Presidential trend in the functioning of the Council or Restricted Bureau.

**In France**, some practical experiences discussed during the seminar allowed to point out several elements necessary to ensure the efficiency and usefulness of EWCs:

- The EWC should be seen as an opportunity to organize meaningful dialogue with groups' top management: with regard to this, one may notice that some EWCs are chaired by the chairman of the group management board, which allows for direct and open debates on the group strategy.
- The EWC should not only be considered from a purely legal or institutional perspective. The EWC secretary and the select committee may adopt a proactive attitude: in AXA EWC (insurance sector) for instance, the secretariat and the select committee are to meet every month and especially work about precise roadmaps for the EWC. In addition, there's a clear share of responsibilities between members in the select committee.
- To be useful in practice, the EWC may not only be seen as a tool for information and consultation of workers at European level. The EWC may also act as a facilitator for solving problems occurring at local level and for improving the quality of social dialogue, especially in case of restructuring at local level. The EWC may thus be considered as a resource for local levels of worker representation. Some concrete examples may translate into practice this general idea in case of restructuring: charters about principles of social dialogue in transnational groups may be negotiated at European level and be a lever for EWC initiatives.

- The EWC may put in place a framework for action at both European and global level if needed. In some transnational groups such as AXA, a member of the select committee is responsible for relationships with Central and Eastern European countries to facilitate the integration of the latter. Another member of the secretariat is in charge of “extra – European” matters which is a way for the EWC to take into account global (and not only European) issues.

**In Romania**, discussions and conclusions were focused on the strengthening of EWCs. Participants especially underlined that:

- The new Directive has not answered to all requirements, but it has positive aspects, which can be used.
- EWCs members must adjust their expectations from EWC. EWC cannot solve national problems, but, belonging to an EWC gives you the advantage of correct information and influence the management to take you into account, as a dialogue partner.
- The Recast Directive eliminates a part of the present dysfunctions and emphasizes the importance of EWCs and their strength.
- It is necessary to intensify the actions to enter an EWC if it exists, or to create it, if it doesn't exist.
- The cooperation and the exchange of experiences at national level must be strengthened. In order the action of EWC to be sustainable and effective, these must be organized regularly.
- Within EWCs, before proposing something to management, meetings and prior consultations with colleagues from other countries must be organized and a common position should be crystallized.

**In the UK**, the seminar was a way to point out key findings, some of them being especially related to UK members of EWCs:

- EWCs have great difficulty in getting their employer to inform and consult in line with the legislation.
- The recast offers good opportunities for representatives to connect domestic Information and Consultation with EWC and strengthen employee interest and engagement.
- There is plenty of interest from UK reps for future events and development in seminars about EWCs
- There is still a general lack of a strategic vision for EWCs among UK participants.
- The approach to employment relations EWC refers to is still very unfamiliar to UK EWC reps.

### 2.3. Added value resulting from the involvement of HR managers

For both practical and “political” reasons, it proved to be difficult to get a large involvement of HR managers in all national seminars. In the UK, Spain, Germany and Romania, a limited number of HR managers (Spain, Romania and the UK) or representatives from Employer organisations (Germany), made some presentations and took part in general discussions. This participation was often a way to raise some lively debates with employee delegates. For instance **in the UK**, the presentation from a senior representative of ARCELORMITTAL highlighted how far apart the social partners are on the issue of EWCs and was a reminder of the difference between the perceptions of trade union reps and employers over the role of European Works Councils. This gave the participants plenty of food for thought.

Only **in France**, nine HR managers coming from different groups took part in a dedicated working group and then confronted their analysis to the ones of employees’ representatives about future prospects for EWCs. To the view of managers involved, two main issues are to be considered. First one is related to the role of EWC: EWC should be considered as a tool of management. In other terms, EWC is a crucial body to enable workers to understand the companies’ strategies and their economic and social impacts. However, if the EWC is to play this role, confidence between management and employee delegates is necessary. It means that EWC must not be considered and used by worker representatives as a mean to hinder company strategy. EWC may not work properly without confidence between management and employee delegates. Confidence may exist only if two conditions are met:

- Top management must be in direct contact with EWC members
- Means for employee delegates to work in their native language must exist

Some paths for improvement should therefore be explored:

- Information should better circulate between EWC members but also between EWC members and employees.
- The flow of informations should be permanent
- Training of EWC members

Second significant issue pointed out by the group of managers was the globalization of companies and its consequences on workers representation. Globalization of companies and groups is a reality and challenges modalities of workers representation. Setting up of global works councils may be a

way to ensure a genuine representation of workers employed out of the European Union. Global framework agreements concluded with International Union Federations are also a way to be explored. However, the issue of globalization is not really addressed yet. A global works council should merge with a pre-existing EWC in order to avoid the multiplication of levels for workers representation and problems of coordination which may result from the latter. Another issue about the setting up of global works councils is related to their composition: how to ensure a fair and balanced representation of the different countries covered? How to make sure that all employee delegates do not come from “yellow” unions? In addition, language barriers are also a problem to be seriously considered when thinking about global works councils.

### 3. Conclusions

The seminars clearly demonstrated the need for EWC representatives to have opportunities to share and exchange information and ideas about EWCs on both a cross sectoral and a sectoral basis. This observation may also be made regarding HR managers in charge of EWCs issues in transnational groups. Further work in this area is thus necessary, especially to involve managers and employee delegates in joint activities.

As for employee delegates as such, beyond the necessary training of EWC delegates on legal or technical aspects ,it seems clear that major problems EWC delegates face are related to the precise definition of their role : **What is the specific mandate of EWC representatives? What is their duty and responsibility towards the trade union (in the case the union appoints them) and the workers (in their establishment, the undertaking they belong to, their country...)? What is their work agenda, action programme? What are their priorities? Are they planned, agreed with their trade unions, with the workers they represent?** Such questions may be a basis for possible future projects.

# **Recast European Directive: Training for EWCs representatives**

**REDITER**

**National Reports**

# **Report**

## **REDITER National Seminar:**

### **“EWCs and the Recast Directive-Challenges of the restructuring in the context of economic crisis”**

**Paris, France, 30<sup>th</sup> September – 1<sup>st</sup> October 2010**

The French national seminar planned in the framework of the REDITER project was held on 30<sup>th</sup> September and 1<sup>st</sup> October 2010 in Paris. The seminar was organized by ASTREES (the project pilot as well as the responsible for the French part of REDITER activities) with the CFDT confederation, the national union supporting the project, as well as CFDT federations some of them being affiliated to UNI EUROPA (sectors covered were especially edition and communication, services, banking sector and agriculture). ASTREES was mandated by UNI Europa and the seminar benefited from the financial support from the European Commission – DG Employment, social affairs and equal opportunities.

#### **The objectives of the seminar were:**

- To encourage discussion and exchange of views, experiences and best practices about the role of EWCs from different sectors in the context of the recast directive of 6<sup>th</sup> May 2009 (bank, insurance, edition and communication, tourism, metalworking, chemical, energy)
- To train workers’ representatives through presentations and specific workshops in order to improve their working methods
- To provide an opportunity for discussions between HR managers from different companies
- To allow the meeting and confrontation of approaches and strategies between employers’ representatives and workers’ representatives from France but also from other European countries

## **The participants**

The seminar hosted 43 participants on 30<sup>th</sup> September as well as 4 representatives from ASTREES and two representatives from other European project partners (Labour Asociados- Spain and HERA – France). 1 external expert (Rachid Brihi Lawyer, Cabinet Grumbach specialized in labour law) also took part in the seminar on 30<sup>th</sup> september morning. On 1<sup>st</sup> October, the seminar hosted 39 participants as well as 4 representatives from ASTREES.

Participants in the seminar were:

- Unionised delegates of different EWCs from different economic sectors and different countries. There was a mix between members of EWCs select committees (including secretaries), ordinary EWC delegates and few deputy delegates. EWCs represented during the seminar were : BNP PARIBAS (bank), DEXIA (bank), Lagardère (editing), Shell (chemicals), Air Liquide, Crédit Agricole, AXA, Total, Club Méditerranée(Tourism), Société Générale, RCS Mediagroup, Gdf Suez, T-Systems (Deutsche Telekom), Gras Savoye (insurance), CNP (insurance), Groupama, Santander and Allianz. 8 delegates came from foreign countries: Belgium (4 delegates), Luxembourg (1 delegate), Romania (1 delegate), Spain (2 delegates). 34 delegates attended the seminar on 30<sup>th</sup> September, 30 on 1<sup>st</sup> october
- Representatives from CFTD supporting the project. Both the confederation and some sectoral federations were represented (FGA and Federation of Bank)
- Managers responsible for EWC issues from different large companies, mainly from the metalworking sector. Managers who attended the seminar were either human resources managers or industrial relations managers at corporate level. 9 companies / groups were represented: Alcatel Lucent, Atos Origin, GDF Suez, Renault, THALES, Technip, TRANSDEV, Bouygues and ArcelorMittal.

## **Activities and main discussions**

### **Presentations**

Most of the PowerPoint presentations made are to be found in annex of this report

Presentations were related to:

- the innovations resulting from the recast directive
- some specific EWCs experiences in different sectors by both worker representatives and managers

### ***Legal approach of the recast directive***

Presentation of the recast directive was focused on the genesis of the text, the reasons explaining the recast, the description and explanation of the new provisions, especially the definition of transnational matters, the notions of information and consultation, the articulation between European and local levels of worker representation, the application of the directive during the transitional period (June 2009 to June 2011). Presentation was made by Frederic Turlan (HERA) and was followed by comments about possible interpretations and use of the new provisions by Rachi Brihi, lawyer at cabinet Grumbach who was involved in many case courts related to EWCs in France.

Discussions about the recast directive allowed participants to get a clearer view about the impact of the new text and explanations about the ongoing transposition process of the directive in France.

### ***EWCs experiences***

Experiences from three different EWCs were presented by employee delegates: AXA, Société Générale and Club Méditerranée. Two experiences were presented by managers: GDF Suez and ArcelorMittal.

**AXA** EWC experience was focused on AXA EWC agreement, concrete initiatives of this EWC and resources available for it. Considering discussions around this case, several elements may be pointed out to ensure EWCs efficiency and usefulness:

- The EWC should be seen as an opportunity to organize meaningful dialogue with groups' top management: with regard to this, one may notice that AXA EWC is chaired by the chairman of the group management board, which allows for direct and open debates on the group strategy.
- The EWC should not only be considered from a purely legal or institutional perspective. AXA case shows that the EWC secretary and the select committee may adopt a proactive attitude: in AXA, the secretariat and the select committee are to meet every month and especially work about precise roadmaps for the EWC. In addition, there's a clear share of responsibilities between members in the select committee.
- To be useful in practice, the EWC may not only be seen as a tool for information and consultation of workers at European level. The EWC may also act as a facilitator for solving problems occurring at local level and for improving the quality of social dialogue, especially in case of restructuring, at local level. The EWC may thus be considered as a resource for local levels of worker representation. Some concrete examples exemplified this general idea in case of restructuring having occurred within the AXA group. In this perspective, as this is the case in AXA, charters about principles of social dialogue in transnational groups may be negotiated at European level and be a lever for EWC initiatives.
- The EWC may put in place a framework for action at both European and global level if needed. In AXA, a member of the select committee is responsible for relationships with Central and Eastern European countries to facilitate the integration of the latter. Another member of the secretariat is in charge of "extra – European" matters which is a way for the EWC to take into account global (and not only European) issues.

Second presentation made was related to the experience of the **Société Générale** EWC from the point of view of a Romanian delegate in this body. All participants were interested in hearing from a foreign point of view about a French based EWC such as the one of Société Générale. Presentation was focused on problems this EWC has to cope with, which are common to many of the EWCs represented in the seminar:

- Lack of genuine consultation of the EWC about the management decisions.
- Problems to deal with confidentiality issues
- Language barriers hindering a proper information and consultation of the EWC: EWC receives numerous data from the management but there's no translation in all languages represented within the EWC.

Third presentation made was related to the involvement of EWCs in the implementation of global framework agreements. The example selected was the one of **Club Méditerranée**. This company indeed concluded with IUF and EFFAT in 2004 a global framework agreement related to fundamental rights at work and mobility of workers in Europa and Africa.

**GDF Suez** experience was focused on the EWC agreement of GDF Suez of May 2009. The negotiation process (including the objectives of both parties, employer on the one hand and employee representatives on the other hand), as well as the content of the agreement were presented in detail.

**ARCELORMITTAL** presentation was focused on the EWC agreement but also on the role of the EWC from the management point of view.

Following these two detailed presentations, discussions with employee delegates focused on two crucial issues:

- What role should EWC play in practice?
- What should be the basis for good social dialogue between labour and management through EWC?

For managers attending the seminar, it is quite clear that EWC should be considered as a tool of management. In other words, EWC should be a way to consider worker's interests in order to improve the group economic performance and competitiveness. This point of view was not really understood by most of the employee delegates. The latter asked for a greater involvement of workers in the decision making processes. To their view, generally speaking, EWCs should not be used by employers to their advantage and social dialogue should not be considered as a tool of management. Despite these differences, discussions showed that both managers and employee delegates consider that confidence between management and employee delegates is a prerequisite for a good social dialogue through EWCs. Genuine confidence may lead to a better involvement of employee delegates in decision making processes. Some examples exist where EWCs influenced the management of the impacts of restructuring processes, for instance in GDF Suez or AXA. However, according to the management side, this confidence may not exist if employee delegates only see EWCs as a lever to hinder management decision (for instance by going to court systematically). In addition, to managers' point of view, it is true that information of EWCs could be improved but the

problem human resources managers have to cope with is time : for instance, how to translate in due time a lot of technical data ?

### **Group sessions**

The seminar included different group sessions.

**A first group session** was organized on 30<sup>th</sup> September. Employee delegates were split in two thematic groups. First one was related to resources for EWCs. The second one was focused on the information/consultation process. Both groups were to work on their expectations toward employers. Each group discussed ways to improve EWCs functioning and drew up some conclusions which were then presented in plenary session and discussed with managers. Conclusions were based on own experiences of EWC delegates participating in the seminar

### **Groups' conclusions**

#### **- Resources for EWCs**

- Its' not possible to think about resources for EWCs without prior considering the role the EWC is to play in practice. From this perspective, resources of the EWC should not only be related to the information/consultation process (expertise, interpretations, translation of information provided by the employer) but should also give to EWC genuine room for action beyond the information/consultation process.
- All members in EWC should benefit from the same resources (especially time off) whatever their country or company of origin. There should be a European based harmonization in this regard.
- Time off for all EWC delegates is absolutely necessary. One may not pretend that EWCs may really play a role if their members, and not only the EWC select committee members, do not benefit from time off especially devoted to their European mandate. EWC agreements may plan such time allowances.
- Translation of informations received is key
- Concrete means are necessary to allow EWC members from one country to communicate with local worker representatives from the same country.
- Concrete resources allowing EWC members to report back to the employees from their country of origin are crucial to ensure a visibility and usefulness of EWCs (art.10 of the recast directive).

#### **- Information and consultation process**

- Informations provided by employers are often incomplete and not forwarded in due time (before the decision is taken). Information should include industrial, economic and financial prospects of companies to be useful, especially to anticipate restructuring.
- Confidentiality should not be interpreted extensively
- To get relevant and precise information, some fact sheets summarizing the situation of each production or business site within a group could be designed by Human Resources Directions. These fact sheets may be sent to local managers and then be filled in by the latter before being forwarded to EWC members.

- Some joint working groups could be put in place in the framework of EWCs. Such working groups may bring together managers, EWC members and local employee representatives and could be dedicated to topics related to specific occupations represented in a group. This way, EWCs may better deal with occupational peculiarities.
- To incent companies to adopt best practices regarding EWCs, one may think to put in place some “name and shame” processes at European level.

General discussions following the presentation of these conclusions allowed managers to react to delegates conclusions, especially about information and consultation process. Main elements pointed out by managers were the following:

- Confidentiality issue may not be properly addressed without considering own responsibility of EWC delegates. Management should be sure that EWC delegates won't disseminate informations received in the press and/or other medias.
- EWC may not be the only tool to ensure a real involvement of employees in strategic decision making process. For instance, ArcelorMittal, through a transnational framework agreement concluded in november 2009 with the EMF, created other bodies than EWC to allow for a good social dialogue with employee representatives on strategic issues (in this case, this body is an European Social Dialogue Group, involving the management, the EMF and national unions representatives)
- It's often difficult for HR managers to precisely identify when a decision is made because of the complexity of the decision making process in transnational companies.
- To better deal with restructuring issues, some companies have been trying to set up better information and consultation processes in some specific situations, such as **Renault** (in several cases, projects of decision were first presented by the management to the EWC select committee ; 15 days later a plenary EWC meeting was organized to exchange views between management and employee representatives; afterwards, employee representatives may ask questions related to the project during 15 days before the decision is implemented) or **ArcelorMittal** (in 2009, management indeed agreed to organize monthly meetings with the EWC select committee (putting together 25 members from countries in the scope of the EWC agreement) in order to ensure a permanent information and consultation of the EWC in the crisis period)
- Workers employability is a key issue to better anticipate change.

**A second group session** was organized on 1<sup>st</sup> October morning. Once again, employee delegates were split in two groups. There was also a group of managers. All three working groups worked in parallel on future prospects for EWCs considering :

- current economic challenges for EWCs
- current social challenges for EWCs
- EWCs' objectives for the future
- Foreseeable difficulties.

Each group drew up some conclusions which were then presented in plenary session.

## ***Groups' conclusions***

### **1<sup>st</sup> employee group**

Common economic challenges identified: ensuring groups' competitiveness and better dealing with restructuring, relocations, technological changes and economic crisis

Common social challenges identified: employment protection and job quality; training and skills development; better consideration for subcontractors

Objectives for EWCs: working on common European social standards (wages, working conditions, etc.); improving quality of information received; better protecting employee delegates in EWCs (especially in case of management pressure on them) ; struggling against "yellow" delegates in EWCs.

Main difficulties for EWCs: being really useful for employees; getting more visibility towards employees at the workplace.

### **2<sup>nd</sup> employee group**

Common economic challenges identified: globalization of companies; outsourcing of activities; optimization of shareholders' equity.

Common social challenges identified: better dealing with an increase in outsourcing; worsening of working conditions; better dealing with variable pays

Objectives for EWCs: amending EWC agreements to allow for better information and consultation processes; working on possible global committees alongside EWCs (to better cope with economic globalization); promoting human resources planning at European level

Main difficulties for EWCs: how may EWC get a global vision of companies ? How to ensure European solidarity between employees and workers from different countries ?

### **Managers group**

Two main issues were addressed and presented by the manager side.

First one is related to the role of EWC. For the participants, EWC should be considered as a tool of management. In other terms, EWC is a crucial body to enable workers to understand the companies' strategies and their economic and social impacts. However, if the EWC is to play this role, confidence between management and employee delegates is necessary. It means that EWC must not be considered and used by worker representatives as a mean to hinder company strategy. Unfortunately, it's often the case in certain countries, especially in France.

As for confidentiality issues, one may not ignore the impact of stock exchange regulations which have concrete consequences on informations management may provide to worker representatives.

EWC may not work properly without confidence between management and employee delegates. Confidence may exist only if two conditions are met:

- Top management must be in direct contact with EWC members
- Means for employee delegates to work in their native language must exist

Some paths of improvement should be explored:

- Information should better circulate between EWC members but also between EWC members and employees.
- The flow of informations should be permanent
- Training of EWC members

Second significant issue pointed out by the managers group is globalization of companies and its consequences on worker representation. Globalization of companies and groups is a reality and challenges modalities of worker representation. Setting up of global works councils may be a way to ensure a genuine representation of workers employed out of the European Union. Global framework agreements concluded with International Union Federations are also a way to be explored. However, the issue of globalization is not really addressed yet. A global works council should merge with a pre existing EWC in order to avoid the multiplication of levels for worker representation and problems of coordination which may result from the latter. Another issue about the setting up of global works councils is related to their composition: how to ensure a fair and balanced representation of the different countries covered? How to make sure that all employee delegates do not come from “yellow” unions? In addition, language barriers are also a problem to be seriously considered when thinking about global works councils.

## **Training assessment**

Last part of the seminar was devoted to the evaluation of the training seminar. Each participant had the opportunity to answer a questionnaire and to orally present his remarks to the others. Overall, participants were satisfied with the training session. We summarize here main observations made by participants in the event in terms of strengths, weaknesses and wishes for the future.

### ***Strengths***

- Legal analysis of the recast directive
- Opportunities to share concrete experiences with members of other EWCs and to learn from each other
- Free exchanges with human resources managers – new and interesting experience for all employee delegates
- Combination between working groups and plenary session
- Mix between representatives from different economic sectors
- Mix of participants from different countries
- Discussions about issues related to worker representation in global companies

### ***Weaknesses***

- Lack of time considering the wide range of issues addressed during the training seminar
- No joint working groups involving both employee delegates and managers

### ***Wishes for future initiatives***

- More use of practical exercises, such as case studies or analysis of “bad practices”, to enhance an even more concrete approach of EWCs issues (information and consultation process, negotiation of framework company agreements ; articulation between European and local levels of representation)
- Topics to be addressed in depth in the future : differences in national systems of industrial relations ; involvement of employee representatives in corporate social responsibility issues ; communication between EWC members and employees ; cultural differences between countries ; relationships between EWC members and International or/and European union federations
- More exchanges with foreign EWC delegates

## **Annex 1 : Programme**

**Jeudi 30 septembre 2010**

**9h00 – 10h00 : Ouverture, objectifs et présentation des participants**

**10h00-11h30 : La directive révisée : Quelles innovations ? Quelles opportunités de renégociation des accords existants (moment, objets de renégociation) ?**

- Présentation par Frédéric Turlan, HERA, rédacteur en chef de Liaisons Sociales Europe. Jeu de questions / réponses.

- Quelles évolutions induites par la directive refondue aujourd'hui ? Le point de vue d'un praticien du droit par Rachid Brihi, avocat.

*11h30-11h45 Pause*

**11h45-13h00 : Les CEE en pratique**

Présentations d'expériences autour de deux thématiques générales :

- Contenu et moment de l'information du CEE sur les processus de restructurations.
- Inscription du CEE dans un environnement mondial : articulation entre CEE et Comités d'entreprise mondiaux ; implication des CEE dans la mise en oeuvre de « global framework agreements » ; relations entre élus du CEE et représentants des salariés hors Union Européenne.

Présentation par trois participants (15 minutes chacun, expériences de participants français et étrangers). Discussions

*13h-14h15 Déjeuner*

**14h15-15h15 : Travaux de groupe – Quelles attentes à l'égard des employeurs ?**

Les participants se répartissent en deux groupes thématiques :

- 1<sup>er</sup> groupe : le processus d'information/consultation des CEE
- 2<sup>nd</sup> groupe : les ressources et moyens de fonctionnement des CEE

Les discussions sont introduites dans chaque groupe par la présentation d'une expérience par l'un des participants (10 minutes). Chaque groupe prépare un court rapport relatant les discussions tenues et désigne un rapporteur

**15h15-16h00 : Politiques syndicales et stratégies de renforcement du rôle des CEE dans le cadre de la directive refondue.**

Présentations par UNI -EUROPA et deux fédérations syndicales françaises. Discussions.

*16h-16h15 Pause*

**16h15-17h45 : Session plénière (managers RH et délégués salariés)**

- Présentations de deux expériences par deux managers RH. Discussions
- Présentations des rapports des groupes « salariés ». Discussions

**Vendredi 1<sup>er</sup> octobre 2010**

**9h00-9h30 : Travail individuel : quelles perspectives pour les CEE ?**

Chaque participant doit préparer une courte présentation relative :

- aux perspectives ouvertes dans son entreprise à moyen terme (un an) et aux difficultés prévisibles
- à ses propres objectifs stratégiques en regard de l'implication /rôle du CEE face à ces perspectives

**9h30-12h00 : Quelles perspectives pour les CEE ? Travaux de groupe (avec pause)**

Les participants sont répartis en trois groupes : un regroupant les managers ; les deux autres regroupant les représentants des salariés.

Dans chaque groupe, chaque participant présente ses propres préoccupations et analyses (voir phase précédente). Chaque groupe prépare un court résumé de ses discussions.

**12h00-13h00 : Confrontation des résultats des travaux de groupe (managers RH et délégués salariés)**

Les présentations des discussions tenues au sein de chacun des groupes (10 minutes par groupe) sont suivies d'une discussion générale.

*13h00 – 14h15 Déjeuner*

**14h15 – 15h : Session plénière (délégués salariés seuls)**

Retour sur les échanges employeurs/délégués salariés

**15h00-16h00 : Elaboration d'un plan d'action. Travail individuel des représentants des salariés**

Sur la base des discussions précédentes et des réflexions échangées, chaque participant doit préparer un plan d'action, susceptible d'être soumis à ses collègues au sein du CEE. Les réflexions de chacun sont portées à l'écrit. Les productions écrites sont collectées par les animateurs

**16h00-17h00 : Session plénière.**

Présentation par 6 ou 7 participants (5 minutes par présentation) de leurs plans d'action virtuels. Discussion générale.

**17h00-17h15 : Conclusions de l'atelier.**

## **Annex 2 : Participants: Employee Delegates**

<b>Name</b>	<b>First Name</b>	<b>Organisation</b>	<b>Country</b>
ANDRADE	Ana	CEE BNP Paribas / CGT	France
BARBOSA OLLIVIER	Sandrine	Dexia Crédit Local	France
BEYNE	Olivia	CDFT/ secrétaire adjointe CoEE - Dexia	France
CALPENA PAULIN	Margaret	Groupe Flammarion	France
DANIEL-ETLING	Johanna	GROUPAMA	France
DEBORDE	Hélène	FGA-CFDT	France
DOUAY	Frédéric	Groupe Shell /CFE-CGC	France
DUFLOT	Jean-Michel	Airliquide/ CFDT	France
DUFOIX	Cécile	THALES Group	France
FANDOS	Mariano	CFDT Confédération	France
FOISON CAPELLE	Sandrine	CE BNP Paribas	France
GENAIVRE	Noëlle	F3C CFDT	France
GERIN	Joël	FGA/CFDT France	France
HUYARD	Chantal	CFDT	France
ISENBRANDT	Sébastien	AXA France	France
JACQUOT	René	FCE CFDT / Total	France
JAMOTTE	Jean-Claude	délégué principal CNE AMP	Belgique
JEFRANI	Hakima	CFDT	France (Orléans)
JUYAUX	Christian	CEE Club Med	France (Lyon)
KANTER	Nicole	CNP assurances / CFDT	France (Paris)
LACROIX	Sylvain	FGA-CFDT F3C Conseil Communication	France (Agnay)
LEBERT	Marie-Christine	Culture	France (Blois)
MEYENBERG	Ute	CFDT Banques	France
MOCANU	Christian	BRD Groupe Société Générale	Roumanie
MORLAND	Hervé	F3C CFDT	France France (Montpellier)
OSIG	Michel	FGA-CFDT	
PIOT	Claire	ASTREES	
PROSPER	Martine	RCS (Edition)	France
SALIS MADINIER	Franca	CFDT Cadres	France France (Saint Etiennes)
SASSO	Charles	CFDT /FEM	
SOLANO BURGOS	Jose Luis	CHTJ- UGT	Espagne
VAN PASSEN	Robert	CEE GDF Suez / secrétaire	Belgique
VAN STEENWINCKEL	Guy	T-Systems	Belgique
VANOVERSCHELDE	Eddy	AXA France	France France (Strasbourg)
WILHEIM	Laurence	CEE Deutsche Telekom	
MAVEAU	Alain	CEE Shell	Luxembourg
CALIER	Luc	AMP Belgique	Belgique

MENDOZA GARCIA	Luis Carlos	Allianz CEE -UGT	Espagne
LE MORE	David	FeS-UGT	Espagne
TOUZOT	Pascal	Compagnie des Alpes	

## **2 - Participants: Managers**

<b>Name</b>	<b>First Name</b>	<b>Organisation</b>	<b>Country</b>
BERTHOMMIERE	Stéphanie	GDF Suez / Dir. Relations sociales	France
CLUZEL	Frédéric		
COLINET	Pierre Paul	Alcatel	
DERDEVET	Martine	Renault	France
LOPEZ	Marie	Atos Origin	
PARMANTIER	Bernard	GDF Suez / DRH GROUPE	France
PICKERING	Françoise	Group Labor Relations - Technip	France
POUSSARD	Justine	TRANSDEV - Relations sociales	France
TOLLET	Jean-Yves	ArcelorMittal	

## **3 - Participants: Staff**

<b>Name</b>	<b>First Name</b>	<b>Organisation</b>	<b>Country</b>
TRIOMPHE	Claude Emmanuel	ASTREES	France
TURLAN	Frédéric	HERA	France
TEISSIER	Christophe	ASTREES	France
RODRIGUEZ	Ricardo	Labour Asociados	Espagne

## **Report**

**REDITER National Seminar:**

**“EWCs and the Recast Directive-Challenges of  
the restructuring in the context of economic  
crisis”**

**Berlin, Germany, 28th & 29th October 2010**

by Werner Altmeyer, [www.euroworkcouncil.net](http://www.euroworkcouncil.net)

## **REDITER National Seminar:**

### **“The new EWC Directive – Dealing with restructuring in the EWC”**

Berlin, Germany, 28<sup>th</sup> + 29<sup>th</sup> October 2010

On 28<sup>th</sup> and 29<sup>th</sup> October 2010, the German REDITER seminar, dedicated to EWC representatives of insurance companies, took place in the federal trade union headquarters building of ver.di in Berlin. The seminar has been organized by the Training and Consultancy Network “euro-works council.net”, mandated by UNI Europe and under the coordination of ASTREES, with the financial support from the European Commission – DG Employment, Social Affairs and Inclusion.

#### **The objectives of the seminar**

- To encourage a discussion and an exchange of views, experiences, working practices and substantive issues of EWC activities across the insurance sector
- To train EWC representatives on the content of the new EWC Directive
- To allow a discussion on the future of social dialogue in the insurance industry at EU level and in European insurance companies
- To help participants to identify necessary adjustments of their agreements to the standards of the new EWC Directive

#### **The participants**

The seminar was attended by 28 participants, in particular from the following insurance groups including their daughter companies: Allianz, Axa, Ergo, Generali and Zurich. The employee representatives came from nine countries, most from Belgium, France, Germany and Italy. Individual participants came also from Austria, Slovakia, Spain, Switzerland and the UK. Nearly all participants are members of the Executive Committee of their EWC or, in the case of Allianz, of the SE works council. Christophe Teissier from ASTREES and Dr. Werner Altmeyer from the Training and Consultancy Network “euro-works council.net”, REDITER Project Coordinator for Germany, participated as experts. The moderation of the seminar has been provided by Jörg Reinbrecht, Vice-president of UNI Europe Finance and international secretary of the German trade union ver.di. Simultaneous interpretation was available for German, English, French, Italian and Spanish.

#### **The program and the main discussions**

The agenda on Thursday, 28<sup>th</sup> October 2010 in the morning was focused on EWC agreements in the insurance industry. Participants presented the specific practice and experience of their company, including the characteristics of the current EWC agreements in all five groups: meeting frequency, work priorities, activities of the Executive Committee, etc. There was also a discussion on the structuring of information and consultation in practice.

The agenda on Thursday, 28<sup>th</sup> October 2010 in the afternoon provided for external speakers. First, Evelyne Pichot from the European Commission in Brussels gave an introduction on the main features of the recast EWC Directive. Many questions from the EWC members could be addressed and answered.

The second speaker, Dr. Sebastian Hopfner, Managing Director of the German employers' federation for the insurance sector and Chairman of the Committee for Social Affairs and Education of the European employers' federation CEA, presented the employers' view on the future of social dialogue in the insurance industry at EU level and in the European insurance companies. Following his speech a panel discussion took place together with Jörg Reinbrecht, trade union coordinator for the social dialogue in the insurance industry.

The second day, Friday 29<sup>th</sup> October 2010, was characterized by an internal follow-up discussion on the presentations of the first day speakers. The conference concluded with a discussion on participation rights of European Works Councils in the insurance industry. Dr. Werner Altmeyer gave an presentation containing some questions to be answered by every individual EWC in order to adapt its activities with the new legal standards.

## **The situation of individual European Works Councils**

### **Allianz**

The German insurance group Allianz operates under the legal status of a European company (SE) and is therefore not falling under the scope of the EWC Directive. However the delegates are observing the new EWC standards in order to evaluate possible adaptations of their SE agreement. The SE works council covers 135,000 employees and has 32 members including Switzerland. All countries with more than 100 employees are represented. Five delegates are elected to the Executive Committee, which meets four times per year. Two plenary sessions of the SE works council take place every year.

The chairman of the SE works council is full time released from work. Training has been provided with UNI, including language training. Two trade union officers assist as experts with the mandate of UNI (one from ver.di, Germany and one from GPA, Austria). No other external expertise has been used so far.

Current work priorities contain health and stress, lifelong learning and best practice at restructuring. India is a subject of discussion within the SE works council. The communication activities could be improved (Intranet, workforce meetings, etc.). A special feature of the SE agreement is the access right to all subsidiaries across Europe.

### **Axa**

The EWC of the French insurance group Axa covers 14 countries with 135,000 employees. All countries with more 150 employees are represented in the EWC. In total there are between 47 and 54 seats in the EWC and twelve in the Executive Committee. A special responsibility for extra-European countries has been given to a member of the Executive Committee, the same applies for Eastern Europe.

There are two plenary meetings per year and eight meetings of the Executive Committee. Additional extraordinary meetings both of the EWC and the Executive Committee are possible. Time-off for all

members of the Executive Committee is nearly 100%, initial and further training has been provided and paid by the company, including language training. One expert from UNI assists the EWC.

Work priorities of the Executive Committee contain telework, employment, anticipation of change and a Charter for restructuring. The EWC has a communication policy via Intranet and Internet with its own website: <http://www.cegaxa.com>. Additionally, there are special sessions in countries with special problems.

### **Ergo**

The German insurance group Ergo is a daughter of Münchner Rück. 55,000 employees of Ergo are represented by 27 EWC members from ten countries. The Executive Committee has four members and meets two to three times per year. Plenary meetings are limited to one per year. Provisions for time-off are not yet included in the agreement, there is no right for training. Work priorities are permanent restructuring and occupational health issues.

### **Generali**

The Italian insurance group Generali with 65,000 employees in 18 countries has an EWC with 42 members. All countries with more than 50 employees are represented. Seven members in the Executive Committee come from different countries (not more than one per country as a rule).

The EWC meets two times and the Executive Committee three times per year. Two extraordinary meetings took place in the year 2010. Time-off is possible on an hourly basis, training has been provided including language training. There are experts paid by the company. 50% of all EWC members are not affiliated to a trade union.

The situation of employment contracts in Eastern Europe is currently a work priority. The EWC has its own website on the Internet: <http://www.ewcgenerali.eu>.

### **Zurich**

The Swiss insurance group Zurich has 28,000 employees in twelve countries, which are represented by 27 EWC members. All countries with more than 50 employees are represented in the EWC. The Executive Committee has eight members. Plenary meetings are still limited to one per year, the Executive Committee can meet four times per year. Additional meetings are possible.

Time-off is provided if necessary. The EWC secretary has 100% time-off, training has been provided and paid. The company is paying up to two experts, there is a link with UNI. Main problems are the limited resources of EWC members.

Work priorities contain health and safety, outsourcing and offshoring, a framework agreement with management on information and consultation details. EU standards are a target for the EWC. The communication policy is to be improved, there are currently no specific provisions.

## Conclusions

It was the first time ever that such a meeting took place for the insurance industry. No specific and direct exchange of EWC activities and practices in this sector has been provided so far. The range of practical experience expressed during the workshop was very different. In some cases the EWC is working fairly well, in other cases the following problems have been clearly identified by the participants:

- ✓ no real consultation in good time
- ✓ problems in access to information
- ✓ problems of cohesion between delegates of different nationalities
- ✓ links with UNI Europe to be improved

The EWC members expressed their wish to continue such meetings on a regular basis in order to compare and improve EWC practices and standards in the insurance industry.

## Press coverage

The trade union publication “verdi-news” for activists published a report on the workshop including an interview with a participant (see attached copy, in German). There was also a short report in German, English and French in the electronic newsletter “EWC News”, which counts about 18,000 readers across Europe.

### Exchange of experience in the insurance industry

Employee representatives from Allianz, Axa, Ergo, Generali and Zurich from nine countries met together on 28th and 29th October 2010 in the ver.di union federal headquarters building in Berlin (photo), for an exchange on working practice and to identify necessary adjustments of their agreements to the new EWC Directive standards.



Evelyne Pichot from the European Commission in Brussels described the details of the new legal situation and Dr. Sebastian Hopfner from the European Employers' federation of the insurance sector discussed possible common initiatives in the context of social dialogue. The meeting was co-organized by the training and consultancy network "euro-works council.net" and will take place regularly. This was the first time ever that such a meeting had taken place for the insurance industry.

Source: EWC News No. 3/2010, <http://www.ewc-news.com>



## **Annex 1: Programme**

09.00 – 12.30

### **EWC agreements in the insurance industry**

- Experience on the characteristics of the current EWC agreements (meeting frequency, work priorities, activities of the Executive Committee, etc.)
- The structuring of information and consultation in practice

14.00 – 17.00

### **The new EWC Directive**

#### **Evelyne Pichot**

European Commission, Brussels, responsible for the revision of the EWC Directive

- The main features of the new Directive
- Adaptation needs of existing EWC agreements to the new legal situation

### **The future of social dialogue in the insurance industry at EU level and in the European insurance companies**

#### **Dr. Sebastian Hopfner**

Managing Director of the German employers' federation for the insurance sector, Munich  
Chairman of the Committee for Social Affairs and Education at the European employers federation  
CEA

### **Conference program on Friday, 29 October 2010:**

09.00 – 12.30 Uhr

### **Participation rights of European Works Councils in the insurance industry**

Experience on "good practice" and on substantive issues of the EWC work

#### **Facilitators:**

Dr. Werner Altmeyer, Training and Consultancy Network "euro-workscouncil.net"  
Jörg Reinbrecht, ver.di-federal office, Vice-president of UNI Europe Finance  
Claude Emmanuel Triomphe, ASTREES Paris

## Annex 2: Participants

Name	Company	Country
Dr. Werner Altmeyer	"euro-workscouncil.net", Hamburg	D
Carole Bourner	Generali, Paris	F
Bohuslav Čír	Allianz, Košice	SK
Alberto Correnti	Generali, Mogliano	I
Peter Flügge	Axa, Düsseldorf	D
Ierardo Fortunato	Axa, Roma	I
Benjamin Fueyo	Generali, Bruxelles	B
Meinrad Gamma	Zurich, Zürich	CH
Mercedes Garcia-Lozano Licer	Zurich, Madrid	E
Geoff Hayward	Allianz, Ashford	GB
Dr. Sebastian Hopfner	CEA, Bruxelles	EU
Benny Lammens	Axa, Bruxelles	B
Walter Paolini-Detela	Victoria-Volksbanken, Wien	A
Evelyne Pichot	European Commission, Bruxelles	EU
Ulrich Plottke	ERGO Versicherung, Düsseldorf	D
Jörg Reinbrecht	ver.di, Berlin	D
Yves-Marie Rouillé	Generali, Paris	F
Katrine Søndergård	UNI-Europe Finance, Bruxelles	EU
Bernhard Stelzl	"euro-workscouncil.net", Berlin	D
Christophe Teissier	ASTREES, Paris	F
Mohamed Teskrat	Generali, St. Denis	F
Horst Ulbrich	Zurich, Frankfurt am Main	D
Prosper van der Meersch	Axa, Bruxelles	B
Daniel Vaultot	Axa, Paris	F
Rudolf Winkelmann	Volksfürsorge, Hamburg	D
Rolf Zimmermann	Allianz, Frankfurt am Main	D
Claudio Zoppetti	Zurich, Milano	I
Maurice Zylberberg	Axa, Paris	F

## **Report**

**REDITER National Seminar:**

**“EWCs and the Recast Directive-Challenges of  
the restructuring in the context of economic  
crisis”**

**Sibiu, Romania, 7-8 October 2010**

by Laurentiu Andronic, Land Training & Consulting

On 7 and 8 October 2010, the Romanian National Seminar for training on EWCs Recast Directive, dedicated to employers and employees' representatives took place, in Sibiu. The seminar has been organized by Land Training & Consulting, mandated by UNI Europa and under the coordination of ASTREES, with the financial support from the European Commission – DG Employment, social affairs and equal opportunities.

**The objectives of the seminar were:**

- To encourage discussion and exchange of views, experiences and best practices across a variety of sectors (commerce, food industry, textile, metal)
- To train workers' representatives through presentations and specific workshops
- To give an opportunity to offer special training for HR managers
- To allow the meeting and confrontation of approaches and strategies between employers' representatives and workers' representatives
- To require participants to come up with ideas for EWC Action Plans for use when they return to work following the seminar.

**The participants**

The seminar has begun on 7 October and hosted a number of 28 participants. Christophe Teissier, from ASTREES and Werner Altmeyer from Euro-Betriebsrat participated as experts. From the Romanian side, we enjoyed the presence of Liviu Apostoiu, Vice-president of National Trade Union Confederation Cartel-Alfa and Vasile Gogescu, the president of the Federation of Trade Unions from Commerce. Also, representatives of Romanian trade unions which belong to a EWC (like Michelin, Leoni, EuroForum, ArcelorMittal, Philips-Saeco, Orkla, Nokia, Thyssenkrupp, Tenaris) and HR representatives from Carrefour, Metro, Real have participated at the seminar. The seminar also enjoyed the attending of Stephan Tregel, from TNS Infratest Holding, EWC secretary. The moderation of the seminar was provided by Laurentiu Andronic, REDITER Project Coordinator for Romania.

**The program and the main discussions**

The program of the seminar has been the following: At the beginning the presentation of the REDITER project, of its objectives, of European and local partners has taken place, by Laurentiu Andronic. At the end of his presentation Laurentiu Andronic introduced the participants to Romanian REDITER webpage and resources. Also, the official opening included a welcome message from the President of Cartel Alfa Sibiu, Marius Vincerzan.

Then, the speech of Christophe Teissier took place, pointing out the following aspects: the main elements of the old Directive, its juridical difficulties, the necessity of revising the Directive, general aspects and novelties of the Recast Directive and its main objectives and challenges.

Liviu Apostoiu, in his presentation, stressed some aspects related to the national context, such as: in Romania, there is still no project of transposing the new Directive, but there is a law that defines information and consultation, a law which is too general; according to the Romanian law, the trade unions nominate the representatives in EWC; the difference in the approach of multinational companies (some of them acknowledge the Romanian employees as members with full rights in the EWCs, others don't); another aspect mentioned was the fear that the instability of the tax system (due to the large number of changes operated on the Tax Code) will determine many multinational companies to leave the country.

At the end of this part of the seminar, the main discussions focused on the necessity of knowing and using the new provisions of the Recast Directive, so that we get from EWC a real social dialogue and influencing decisions.

In his presentation, "The EWC and the economic crisis", Werner Altmeyer approached the following issues: problems generated by the crisis for EWC, cultural models of EWC and stages of development, the cases Alcatel and Gaz de France, the definition of the concepts *information* and *consultation*, by comparison between the old and the new Directive, transnational agreements. His speech was very well received by the participants, due to the examples of good practice centered on the themes of the seminar and the concerns of the participants.

Stephan Tregel spoke in his presentation about the structure of EWC and the first steps in the establishment of social dialogue, about the nine principles of social dialogue at TNS Infratest (including the increase of competency in English language speaking, finding common interests, influencing the managerial decisions, the confidentiality of information etc.) and he underlined the difference between the European Works Councils and the National Works Councils. Stephan Tregel also insisted on the importance of having a member in the Steering Committee of EWC.

There have been questions addressed to the experts by the participants, concerning the concrete ways through which one can get a representative in the Steering Committee, the lack of proportionality between the number of employees and the number of representatives in the EWC; the questions referred to a real situation- although the Eastern countries have more employees, the Western countries own the management and the power of decision.

In his second intervention, Liviu Apostoiu underlined the idea of the necessity of cooperation, as well as the necessity of knowing a foreign language. There are interferences between trade unions and EWCs, but not all the EWC members are also trade union members. He reaffirmed the exclusive right of trade unions to negotiate the collective agreements. Liviu Apostoiu also mentioned that he set up a Commission for EWCs at the level of Cartel Alfa and an attempt to create one at national level is on the anvil.

Then, the president of FSC, Vasile Gogescu, presented the strategy and the concerns of the Federation on EWCs.

In the first day of the seminar, Vasile Gogescu, FSC, Armeana Daniel-Claudiu, from Leoni Arad, Aurel Adrian Grinov, from Leoni Bistrita, Fabiu Zlatar-Toma, from Amortizorul Sibiu, Alexandru Rus, from TenarisSilcotub Zalau, Dan Girlea, from Orkla Foods Romania have also chimed in, with questions and clarifications.

The second day started with the presentations of the representatives of Nokia Cluj, Michelin Zalau, ArelorMittal Galati, Orkla Foods Craiova, who specified the Romanian problematic and the actual experience in their EWCs. The presentations aroused fiery discussions concerning aspects like: how you can force the accession into a EWC if the company opposes to such an initiative, how you can require access to complete and correct information, how you can stop relocation, how can you make the managers take into account your opinion. It has been stressed, once more, the necessity to know the provisions of the Recast Directive, based on which the managers must inform and consult the employees in any important matters with European character.

The next point on the agenda was represented by the session of workshops, following up two aspects: a) the improvement of the way EWC works; b) how does EWC act in a case of restructuring.

In the first workshop, the representatives of the trade unions had to answer the following questions:

- How can EWC representatives improve cross border exchange of knowledge and skills and strengthen coherence among its members?
- How may EWC members disseminate main economic and strategic information they receive when coming back to their workplace?
- How the management of confidentiality issues is treated

Within the third workshop, the representatives of the trade unions had to answer the following questions:

- Which is the role of EWC in restructuring?
- What are the best strategies to employ in order to ensure the EWC has a voice and influence throughout restructuring?

Within the workshop number 2, the human resources managers have approached all five questions.

The conclusions of the three workshops were the following:

Workshop 1 ( the improvement of EWC functioning): the delegates must know a foreign language; strengthening the international relations among the trade unions that are EWC members; strengthening the relations among trade unions from the same company; quick and correct informing of managers, trade unions and employees; the creation of a site containing all information for employees. As for the confidentiality aspects - these must be observed, as an element of confidence between the representatives of employees and employers; only teams that negotiate collective agreements should have access to the confidential information.

The workshop 2 revealed the following aspects: the necessity that a HR Director participates, as a guest, at the EWC meetings, unitary informing of both trade unions and employers' organizations, linguistic trainings. As for the confidentiality matters, there is a plan of confidentiality agreements at company level, based on which some information are sent or not.

Workshop 3 (the approach of restructuring): there are big differences in the functioning of companies; in some of them the decisions are taken in accordance with the EWCs, in others without the consultation of EWCs. The discussions over restructuring focused on cases like Nokia, Leoni etc, where the decisions of restructuring have been taken without a real consultation with EWC. The importance of increasing solidarity among EWC representatives from different countries was underlined. The Nokia case was a relevant one, because, in the absence of the majority required by the Directive, the company could take the decision of relocation. An example of good practice discussed was the case of ArcelorMittal, where, even if in the first stage the restructuring has been discussed at National level between the Company, the Government and the Trade Unions, after the integration of Romanian sites at Concern level, the restructuring is discussed at Concern level with the consultation of EWC. The strengths in this case are: the strategic and on long term approach of restructuring, after the consultation of EWC, the substantiation of decisions on thorough analysis made by independent companies, prior information of the management and the trade unions from local sites, the programs of social accompaniment in the case of some redundancies, as well as the special concern on health and safety at the workplace.

The penultimate part of the seminar supposed generating ideas for individual action plans.

The participants reunited in groups of discussions and, at the end, each participant came up with an action idea, in order to improve the functioning of EWC and to realize a better representation of Romanian workers in EWCs. Among the ideas mentioned we can name:

- The renegotiation of the agreement and of the number of representatives in EWC from each country,
- The increase of the number of national representatives, in accordance with the weight of workers,
- The trial to sign an agreement concerning minimum wage within the group,
- A fair exchange of information between EWC members and the leadership of the group,
- Supporting a training for linguistic development,
- A stronger involvement of Romanian representatives in EWCs and a better cooperation with EWC members from other countries,
- A coordination among national representatives in the same EWC,
- More courageous initiatives to create an EWC where it does not exist,
- The access of European funds for the improvement of EWC activity,
- The multiplication of ArcelorMittal experience in the field of health and safety at the workplace

## Conclusions

The last part of the seminar was dedicated to conclusions. Within this session, the participants underlined the followings:

- The new Directive has not answered to all requirements, but it has positive aspects, which can be used;
- We must adjust our expectations from EWC. It can not solve national problems. But, belonging to an EWC gives you the advantage of correct information and influence the management to take you into account, as a dialogue partner;
- The Recast Directive eliminates a part of the present dysfunctions and emphasizes the importance of EWCs and their strength;
- It is necessary to intensify the actions to enter an EWC if it exists, or to create it, if it doesn't exist;
- Seminars similar to that from Sibiu are further necessary, so that the representatives of employers and employees be better informed and capable of more efficient action;
- The intensifying of trade union action to implement the Recast Directive in the national legislation.

At the end, Werner Altmeyer synthesized the conclusions session, pointing out some aspects which we'll present in the following.

The desire of trade unions to create EWCs where they do not exist is appreciated. But we must pay attention to the delays. Before proposing something to management, meetings and prior consultations with colleagues from other countries must be organized and a common position should be crystallized.

There is a financing line with European funds that supports the creation of EWCs. The necessity that the representatives of employees should act, create connections, networks, take initiative and organize the solidarity among the EWC members to really influence the decisions of the company is more important than legislation or the employers' opposition.

The lawyers' expertise should not be overestimated, but rather we should take into account the competence and the knowledge of practitioners.

The cooperation and the exchange of experiences at national level must be strengthened. In order the action of EWC to be sustainable and effective, these must be organized regularly.

Laurentiu Andronic  
REDITER National Coordinator for Romania

## **Annex 1: Program**

### **Thursday, 7<sup>th</sup> of October**

- 09.30** Wellcome and Introductions: REDITER Project; Seminar aims, expected results  
-Wellcome by the President of Cartel Alfa - Sibiu  
-Presentation by Laurentiu Andronic, LAND T&C, Project responsible for Romania  
-Short presentation of participants
- 10.30** Recast Directive, genesis, main objectives and main innovations;  
-Presentation by Christophe Teissier, ASTREES  
-Romanian context, presentation by Liviu Apostoiu, National Trade Union Confederation "Cartel Alfa", Vice-President  
Discussion
- 11.30** Coffee Break
- 11.45** The economic crisis – what problems does this present to trade unions, companies and, ultimately, EWCs?  
-Presentation by Dr. Werner Altmeyer, Euro- Betriebsrat
- Challenges in the EWC of TNS Infratest Holding  
-Presentation by Dr. Stephan Tregel, TNS Infratest Holding, EWC Secretary  
Discussion
- Romanian experience and problematic: Nokia Cluj, Michelin Zalau, ORKLA Craiova  
Arcelor Mittal Galati
- 13.00** Lunch
- 14.30** Presentations on policies and approaches to improving information and consultation as a result of the recast Directive  
-Liviu Apostoiu, National Trade Union Confederation "Cartel Alfa", Vice-President  
-Octavian Gogescu, Trade Union Federation of Commerce, President  
Discussion
- 15.30** Coffee Break
- 15.45** Conclusions for the first day:  
What are the implications of the new Directive?  
What has this taught us?  
What are the main challenges?
- Introductions to workshops for 2<sup>nd</sup> Day
- 16.00** End of the 1<sup>st</sup> day  
**16.15** Cultural visit in Sibiu  
**20.00** Dinner

## **Friday, 8<sup>th</sup> of October**

### **09.00** Workshop 1: Improving the EWC activity

- *How can EWC representatives improve cross border exchange of knowledge and skills and strengthen coherence among its members?*
- *How may EWC members disseminate main economic and strategic information they receive when coming back to their workplace? To whom: Other employees' representatives? All employees? Local managers?*
- *Management of confidentiality issues*

This session will be comprised of two distinct groups – HR managers and trade union EWC members.

### **10.30** Feedback from the workshop

### **11.15** Coffee Break

### **11.30** Workshop 2: EWC and company restructuring

- What is the role of the EWC in restructuring?*
- What are the best strategies to employ in order to ensure the EWC has a voice and influence throughout restructuring*

This session will bring the two separate groups from the morning's workshop together and allow for a real exchange of views and ideas between the social partners.

### **12.30** Feedback from the workshop.

### **13.00** Lunch

### **14.30** Construction of individual EWC Action Plans.

-This will be undertaken in groups. On the basis on their own experiences as members of EWCs, participants are required to discuss two concrete situations:

- a) Renegotiating the EWC agreement
- b) Launching an initiative with EWC

-Considering these concrete situations, participants will be asked to construct Action Plans that they can develop at work and be monitored by their trade union federation

### **16.00** Presentation by 3,4 participants (5 minutes each) of their virtual action plan Discussion

### **16.45** Conclusions of the seminar.

### **17.30** End of the seminar

### **19.00** Dinner

## Annex 2 : participants

Name , Forename	Company	Trade Union	Confederation
Stephan Tregel	TNS Infratest Holding (UK)	VERDI	
Werner Altmeyer	Eurobetriebsrat		
Christophe Tessier	ASTREES		
Andronic Laurentiu	LAND T&C		
Rodica Militaru	LAND T&C		
Ciubotaru Mihai	ECID Alcatel Lucent (France)	The IT Trade Union Timisoara (The Federation Solidaritatea Metal)	Cartel-Alfa
Nichita Ioan Marius	Real Hypermarket (Germany)	The National Trade Union Realitatea (The Federation of Trade Unions from Commerce)	CNSLR-Fratia
Gogescu Vasile		FSC ( The Federation of the Trade Unions from Commerce), President	CNSLR-Fratia
Rapcea Rodica	HRM, Real Hypermarket		
Pavel Daniel Razvan	Carrefour (France)	The Trade Union of the Workers Carrefour Romania, ( The Federation of the Trade Unions from Commerce)	CNSLR-Fratia
Bondila Lorena - Mihaela	HRM, Carrefour (France)		
Mihalcea Ilinca	HRM, METRO		
Gui Gavril	METRO (Germany)	The National Trade Union "Solidaritatea" (The Federation of the Trade Unions from Commerce)	CNSLR-Fratia
Toma Felicia	Agrana	The Free Trade Union "Romana" (The Federation of Trade Unions from Food Industry)	C.S.D.R

Girlea Dan	ORKLA (Norway)	The Free Trade Union Orkla Foods Romania (The Federation of Trade Unions from Food Industry)	C.S.D.R.
Grinov Aurel Adrian	LEONI (Germany)	The Independent Trade Union Leoni Bistrita (The Federation Solidaritatea Metal)	Cartel-Alfa
Bota Silviu- Cornel	Arcelor Mittal	The Trade Union "Dreptatea- 2007" (FSS METAROM)	Cartel-Alfa
Dobre Viorel	LEONI (Germany)	The Free Trade Union DONASID Calarasi (FSS METAROM)	Cartel-Alfa
Armeana Daniel-Claudiu	LEONI (Germany)	The Independent Trade Union LEONI Arad (FSS METAROM)	Cartel-Alfa
Sandu Petru	Arcelor Mittal	Metalurgistul Galati (FSS METAROM)	Cartel-Alfa
Rus Alexandru	TENARIS (Italy)	Metalurgistul TenarisSilcotub-Zalau (FSS METAROM)	Cartel-Alfa
Ilcas Valentin	Nokia (Finland)	Nokia Metal (FSS METAROM)	Cartel -Alfa
Ilies Adrian- Liviu	MICHELIN (France)	Romsteel Cord Zalau (FSS METAROM)	Cartel-Alfa
Apostoiu Liviu		CNS Cartel-Alfa (Vice-President)	Cartel-Alfa
Robescu Vasile Alin	FRAUENTHAL HOLDING (Austria)	The Free Trade Union F.A.F.	Cartel-Alfa
Lascu Doru		The Federation of Trade Unions from Leather and Footwear Industry "Pielarul" (President)	Cartel-Alfa
Bumb Florin Dorin	PHILIPS SAECO	SISTEM Trade Union - ORASTIE	Cartel Alfa
Zlatar Toma Fabiu	THYSSENKRUPP AG (Germany)	Amortizorul -SIBIU (The Federation Solidaritatea Metal )	Cartel-Alfa

## **Report**

### **REDITER National Seminar:**

**“EWCs and the Recast Directive-Challenges of  
the restructuring in the context of economic  
crisis”**

**Madrid, España, 13<sup>th</sup> and 14<sup>th</sup> of may 2010**

by Ricardo Rodríguez (LABOUR ASOCIADOS)

## **I. Background information**

### Introduction

The Spanish workshop on the REDITER project<sup>1</sup> was held in Madrid on 13 and 14 May 2010. It was organised by LABOUR ASOCIADOS with the support of CEC-UGT-Spain endorsing the project overall. The Spanish Economic and Social Committee offered its premises to carry out the workshop.

The programme included the presence of representatives from the European Commission (DG Employment, Social Affairs and Equal Opportunities, Labour Law Unit), the Minister of Labour and Immigration, Spanish undertakings and partner organisations of the REDITER project such as ASTREES and euro-betriebsrat.

More than 60 people attended the first day of the seminar, with more than 40 people attending the second day. Most participants in the workshop were members of European Works Councils and, to a lesser extent, trade union officials from the State Industry Federations. As a result of their active involvement, the meeting was a great success. The meeting was also attended by members of EWCs, trade unions and experts from France, Germany, Italy and Romania. The list of attendants can be found in Annex II.

This seminar coincided with the six-month Spanish Presidency of the European Union.

### **Objectives of the seminar**

The main points of the workshop were:

- Explain and assess the new contents contained in the review of Directive 2009/38/EC and their implications in the functioning of EWCs that are currently established, that will be created in the future or for which the founding agreements will be renegotiated.
- The role of EWCs as transnational bodies of information and consultation in the current context of economic recession and adjustments in employment and production.
- The obstacles towards the efficient functioning of transnational information and consultation: positive and negative experiences.
- Explore the potential of the new recast Directive 2009/38/EC on the establishment of new EWCs, identifying the obstacles in their creation, the transnational exchange of experiences and the drafting of proposals.

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<sup>1</sup> REDITER: “Recast European Directive - Training of EWC Representatives”

## **II. Main Presentations**

The workshop opened at a critical moment, with the announcement made by the Spanish government regarding the first adjustment measures. As backdrop, the rescue of Greece, which in essence is the rescue of the Euro, with the threat at the time of the same happening in Ireland, where a 15% decrease in the salary of civil servants had already been implemented.

The Secretary for Trade Union Action of UGT, Antonio Ferrer, pointed out three measures that had been announced by the Government one day earlier:

- Reduction in the wages of employees in the public sector.
- Freezing of pensions, for the first time in Spanish democracy and affecting more than 7 million pensioners.
- Cuts in public investment.

These measures moved away from the agreements reached between the Spanish government and the social partners in summer 2008 to face recession. These decisions will substantially increase inequality and impoverish the country while the capital recovers its ability to reap profits. These measures, together with the labour reform unilaterally approved by the government shortly thereafter, gave rise to a call to general strike which took place on 29 September 2010.

The freezing of pensions, together with the increase in VAT, was not going to restore the markets' trust in Spanish debt. On the contrary, it caused the stagnation of growth.

The inability of national responses to face the threats set by the market and to generate growth conditions on their own is proof of the need for a European economic government that efficiently defends the euro.

Given the context of financial and monetary disruption which negatively affects the activity of undertakings, several EWCs have exceeded the limits set by European regulation: not only have they complied with their information and consultation tasks, they have tried to respond to workers' problems (delocalisation, cross-border mergers). EWCs have committed to defending industry and employment (for instance, in the automotive sector crisis).

### **The new Directive: analysis of its contents**

The new Directive 2009/38/EC entered into force on 5 June 2009. From that date onwards, the Member States of the Union have two years to transpose the Directive into national legislation (until 6 June 2011). Current legislation (the 1994 Directive) is still in place and enforced during the transposition period.

1. The new directive is included within a set of European norms regarding information, consultation and participation of workers:

- At national level:
- Framework Directive 2002/14/EC on information and consultation.
  - Directive 98/59/EC on collective dismissal.
  - Directive 2001/23/EC on the transfer of undertakings.
  - Framework directive 89/191/EEC on occupational safety and health.
- At transnational level:
- Directive 2009/38/EC on European Works Councils.
  - Directive 2001/86/EC on the involvement of employees in the body of administration of European Companies.
  - Directive 2003/72/EC on the involvement of employees in European Cooperative Societies (2003/72/CE).
  - Directive 2005/56/EC on cross-border mergers.

At institutional level, art. 27 of the EU Charter of fundamental rights can be pointed out. This article establishes that "Workers and their representatives, at the appropriate levels, should be guaranteed information and consultation in a timely manner (...)"

2. The **new aspects** included in the Directive may be summarised as:

2.1. It recasts the following existing directives: the "original" 1994 Directive (94/45/EC); Directive 97/74/EC enlarging it to United Kingdom, and Directive 2006/109/EC, the technical adaptation to the latest EU enlargement.

2.2. The Directive intends to comply with the following **objectives**:

- More effective transnational information and consultation
- More European works councils
- Link between levels of information and consultation
- Legal certainty
- Coherence in Community law
- Continuity
- A special role for social partners

The Directive established **new provisions** when **new EWCs** are created:

- Responsibility of local management in information to give (Art.4.4)
- SNB setting up (Art.5.2b)
- Information to European social partners (Art.5.2c)
- Role for trade unions where wished by SNB (Art.5.4)
- Fall back rules with reinforced select committee and consultation (Annex)

#### 2.4. And **new provisions** for EWCs that are currently **established**:

- Principle of effectiveness and effective decision making (art.1.2, rec.14)
- Definition of information and consultation (Art.2.1f-g, rec.21-23)
- Transnational competence (Art.1.3-4, rec.15-16)
- Link national/European (art.12, rec.37-38)
- Adaptation clauses and procedure in case changes in make-up (art.13, rec.40)
- Collective representation, training and report-back of employee representatives (art.10, rec.33)

#### 2.5. Hence, there is no change in the regulation of the following

- The scope (thresholds, control)
- The priority given to negotiation at company level
- Companies with present « article 13 agreements », except for the adaptation clause
- Companies concluding or revising agreements in the 2-year implementation period, except for the adaptation clause

### **Transposition of the Directive into Spanish legislation**

The representative from the Ministry of Labour and Immigration pointed out that work is already being carried out to transpose the European regulation. The following legislative texts are involved to this regard:

- Law 10/97, which transposed the 1994 Directive regarding EWCs into the Spanish legal system
- Law 38/2007, which transposed Framework Directive 2002/14/EEC.
- Law 31/2006 of 18 October which transposed the Directives on the involvement of employees in both European Companies and European Cooperative Societies.

The Ministry expects to comply with the deadlines established for transposition. A brief analysis of current legislation shows that three types of amendment are required:

- Transposition of the general principles, such as the Objective (art. 1 of the Directive), that could be incorporated into the Statement of Reasons or as overall information of the regulation
- Technical specifications that will be included in the new text.
- New provisions: for instance, the provisions established in art. 4 of the Directive regarding the establishment of the negotiating body. Both the core text of this provision and the Annex on Subsidiary Requirements will have to be introduced in new legislation.

## **Recent experiences in the EU**

Recent figures were presented by the Social Development Agency, body linked to the European Trade Union Confederation, regarding the agreements to establish EWCs registered in the data base it handles. Similarly, information regarding the project "Multinational company restructuring: tackling the impact of the crisis through stronger transnational trade union coordination" was presented. 8 European sectoral federations are partners in this project which is financed by the European Commission. The aim of this project is "to progress towards participative models of industrial relations in which the information and consultation processes of employee representatives are integrated into a comprehensive strategy of cross-border trade union cooperation aimed at ensuring a strong social dimension in the strategic decisions of multinational companies."

The aspects analysed by the project are:

- Restructuring measures planned by management
- Involvement and functioning of EWCs
- Cooperation and interaction of the EWC with trade unions and local bodies of employee representation
- Role of European Industry Federations
- The immediate response and action taken by the EWC and trade union actors involved

The project analyses the 5 stages that take place in the process accompanying change and restructuring:

- Information
- Consultation
- Coordinated action (or in other words, coordination in the reaction)
- Negotiations
- Monitoring and follow-up

### III. Subjects debated

The main topics of debate focused on the problems detected in the functioning of some EWCs in practice. These topics may be grouped according to the following main axes:

#### 1. Interpretation and practical implementation of new Directive 2009/38/EC:

- Are the definitions of information and consultation established in Directive 2009/38/EC precise enough to be operative?
- A more precise definition of the obligation to inform workers
- Uncertainties in the transition period until the new Directive is implemented: If the agreements reached under art. 13 of the previous directive are not implemented, what specific problems arise for trade union action in the respective countries of the partners in this project? What problems may arise in practice from the new agreements reached under art. 6?
- Prospects regarding the adaptation of existing agreements depending on special circumstances.

#### 2. Information flow from management, as a typical controversial issue, before and after the new Directive:

- The information provided by the undertaking is unsuitable and/or is not the information needed or requested. It is either too much (and useless) or too little: this leads to disinformation (Faurecia).
- Scope of information: only transnational at European level, or at worldwide level?
- In certain cases, the difficulty to distinguish where information ends and the consultation process starts.
- The superimposing of functions of a EWC in the contents of Worldwide Agreements
- Timely supply of information: No anticipated management of information exists: what is informed is often already taking place, or has even been communicated to national workers' representatives already (Cargill)
- The distribution of information to EWCs is uneven, depending on the undertaking and sector.

#### 3. Management, importance of procedures and their interpretation

- Maximum time required to draft, agree and approve the minutes (L'Oreal)
- Unsuitable (and intentional?) management from the heads of annual meetings, which are the key moment in the functioning of the EWC: information is not delivered in a timely manner but at the meeting, in practice. As a result, the meeting's agenda and time are consumed in the presentations: there is hardly any time left for discussions.

- Obstacles to obtain a real transnational approach: especially at times of restructuring when the management of multinational undertakings usually makes the establishments compete against each other based on criteria of productivity, labour costs, etc. This reinforces the national component within the EWC instead of its European perspective.
- Different views on consultation/negotiation: in some cases, the EWC negotiates general agreements at European level in practice, such as a restructuring process (GM); in other cases, given the complexity of the problem and its national implications, most participants are convinced that it is best for the EWCs not to negotiate.
- Importance of frequent (monthly) meeting with trade union sections (Altadis)
- Terms to request meetings.
- Presidential trend in the functioning of the Council or Restricted Bureau.

#### 4. Suitability of the training provided to EWC members:

- Is it included in the Agreements to establish the EWC? How?
- Who chooses the topics?

5. Need for transnational union coordination: the relevance of the European coordination body (FEM), although maintaining national autonomy (such as in the case of GM or Bosch). This leads to the unionisation of the EWCs. Due to the Eastern enlargement certain de-unionisation occurred as a result of the presence of workers' representatives chosen in their respective countries by means of systems that are not comparable to those in the former EU-15.

6. The establishment of new bodies of transnational information and consultation as a result of a merger in which the new dominating undertaking/corporation has a different culture: this is the case of the Employees' Forum at Imperial Tobacco with regard to the EWC at Altadis.

#### 7. Importance of procedures and their interpretation:

- Monthly meeting with trade union sections (Altadis)
- Terms to request meetings.
- Maximum time required to draft, agree and approve the minutes (L'Oreal)
- Presidential trend in the functioning of the Council or Restricted Bureau.

8. Problems in the EWC to value any issues, generally as a result of the management's lack of interest:

- Formal procedures are complied with (meetings, delivery of information, etc.), but no information is provided about the closing down of establishments: that is, they are useless in practice (Cadbury-Kraft).
- The consultation process is not undertaken.
- The functioning of the EWC is budgeted within the marketing item, together with CSR.
- Efficacy of the information transferred to workers: difficulty to guarantee the transfer of true and suitable information to workers if there is no suitable union representation and if there are only yellow and nationalist trade unions present, as in the anomalous case of the retail distribution sector in Spain.
- Limitations to consider information confidential: this happens in all sectors, and not only in sensitive sectors such as the finance sector. Overall, it depends on the business culture in each country with regard to this topic. European legislation is deliberately ambiguous on this topic as it is a delicate matter.
- Information to workers must be simultaneously viewed as a communication strategy, an opportunity to communicate with workers and make them participate in the running of the EWC, increasing their trust in this body.

9. Lack of self-criticism: internal problems in the functioning of current EWCs:

- What is the specific mandate of EWC representatives? What is their duty and responsibility towards the trade union (in the case the union appoints them) and the workers (in their establishment, the undertaking they belong to, their country...)
- What is the work agenda, action programme of EWC representatives? What are their priorities? Are they planned, agreed with their trade union, with the workers they represent?
- What support does the trade union offer EWC members? What training do they receive when they become part of the EWC? What work plan and specific calendar are they entrusted? (Attending meetings, drafting reports or notes, dissemination of the meetings...)
- What system exists to make membership to a EWC and other trade union or worker representation responsibilities compatible?
- What type of policy or relationship exists with regards to non-union EWC members?

10. Other topics raised were:

- Role played by information and consultation in the EWC in undertakings and groups of undertakings in crisis, including staff restructuring processes.

- Coordination and communication of the EWC with instances of worker representation at national level.
- Other tool used (recourse to external experts, etc.)

### **Shortfalls identified in the training of EWC members**

The members of the EWCs pointed out priority aspects that should be taken into account in the training they receive, and which could be classified as follows:

- Specific training as a EWC member
  - Group meeting/discussion/work techniques:
    - Learning to listen
    - Detecting what is relevant
    - Learning to summarise
  - In-depth knowledge of corporate, productive and sectoral aspects in which the undertaking works (sometimes, the multinational company works in several sectors and in different business lines).
  - Communication and dissemination strategies
  - Tools to access information
  - Initial training of new EWC members
  - National systems of representation and participation of workers across the EU
- General Union training
  - Languages
  - European social dialogue
  - Negotiation
  - History of European unionism

### **Final considerations: National and European context**

1. The new Directive is a lukewarm review of the former Directive, although it has met some of the trade union requests; amongst others, guaranteeing greater union presence. The changes introduced by the new Directive 2009/38/EC should favour the revitalisation of transnational information and consultation procedures in the mid term. Amongst other positive effects, it should also contribute to strengthen coordination in the activities between EWC and the bodies of representation of workers at national level.

2. The new Directive 2009/38/EC has entered into force in a special context as a result of:

- The severe financial, economic and social crisis, projected into the political sphere both at national and European level.
- Increasing Europeanisation of industrial relations, although the European legislative impetus on social and labour issues has decreased drastically since the start of the decade now ending. Moreover, the legislative initiatives that have most recently been promoted, such as the review of the Directive on work time organisation, have given rise to great social controversy and have been rejected by trade unions.
- At government level, there is an increasing return to nationalism in economic policy, which undermines the difficult European construction process. Paradoxically, this reaction takes place when the need for European coordination on monetary, economic and fiscal policy is even greater.

3. The current economic crisis, and its impact on employment and work organisation within undertakings and establishments, has clearly borne out the need for an efficient response from EWC. The pressing need for agreements to limit the damage caused by falling levels of activity and demand, as well as the discussion of future industrial plans, have shown, once again, the usefulness of the transnational information and consultation. Especially when this body is respected by the undertaking and valued with true spirit of cooperation. The agreements to reduce working hours to avoid dismissal (“short-time arrangements”) reached in industry are a good example of this.

4. In this context, EWCs can contribute to dampen the harsh effects of recession. There are clear examples of this, when looking some cases of companies restructuring. However, the risk also exists that the effect of the crisis, which affects specific establishments and countries, may also give rise to a “nationalist” feeling within the EWCs as a result of labour conflicts being transferred to the local and national levels.

5. Trade union activity has become increasingly international as a consequence of financial mobility within EU territory, the internal market and globalisation itself. Undertakings operate in markets which are connected or, at the least, co-dependent, as the effects of the current crisis are making quite clear. Within this context, transnational information and consultation between worker representatives becomes a permanent activity, and the EWCs an instrument whose use has already been demonstrated, just as has the need for improvements in its efficiency. The EWC is connected to the idea of contributing towards the building of a true European trade union, from the undertaking: it is European trade union action *par excellence*.

6. Despite the advances made and the establishment of trade union participation in EWCs, there is still a lot to be done with regard to the training of EWC members (unionised and non-

unionised) in general. The resources provided are not high and time availability is short. As a result, the role they play may at times be limited.

7. Enlarging perspectives: beyond the actions taken by each trade union or Federation in each sector, a multisectoral reflection would be advisable as it provides elements for comparison and exchange of experiences that may improve the functioning and capacities of a EWC.

8. There are still few EWCs established pursuant to Spanish legislation in 2010. However, the situation has improved and has become relatively normal: EWCs have at least been established in the two large Spanish banks. At the Confederate Congress of 2009, UGT approved, within the Action Programme, a chapter on European and international trade union action. It thus acknowledges that European trade union action is part of everyday union action: it is not part of foreign affairs but of trade union policy. European social dialogue at institutional level and the meetings with ECFIN are proof of this. The subjects discussed therein affect the day-to-day of economy and, therefore, of trade union action.

The following issues still have to be solved in Spain:

- Improve coordination between Federations and EWC members
- Promote new EWCs: only 20% of 22 non-instrumental production undertakings listed in IBEX-35 have established a EWC.

## **Annex 1: Programme**

**May 13-14, 2010**

**Headquarters of Spain's Consejo Económico y Social.  
Huertas 73, Madrid**

**May 13**

**9.00 - 9.30: Reception for participants**

**9.30 – 10.00: Seminar introduction and presentation**

- **Antonio Ferrer.** Confederate Secretary of Trade Union UGT
- **Ricardo Rodríguez Contreras.** LABOUR ASOCIADOS. Coordinator of the REDITER project in Spain.

**10.00 - 11.30:** *Analysis of the recast of Directive 2009/38/EC on European Works Councils: the possibilities offered by the recast framework regarding information and transnational consultation for co-ordinated trade-union action, both at national and trans-national levels.*

*Details of the transposition of Directive 2009/38/EC into the national legislations*

**Evelyne Pichot:** European Commission. DG Employment, Social Affairs and Equal Opportunities. Department of Labour Law

*Provisions for the transposition of the Directive in Spain*

**Luz Blanco Temprano.** Spanish Ministry of Labour and Immigration

**11.30 – 11.45: Coffee Break**

**11.45 – 13.30. Round Table**

*Potential ways the recast Directive may be applied: the vision of social agents*

- **Mariano Alonso:** HHRR Manager from the undertaking EADS
- **Javier Urbina.** MCA-UGT (Metalworkers Federation)

Moderator: **Claude Emmanuel Triomphe.** ASTREES (Association Travail, Emploi, Europe et Société, Paris). Coordinator of the REDITER project in the European Union

General discussion

**13.30- Lunch**

**15.30 - 18.00**

*Discussion topic: How can the European Works Council members' action and management capabilities be improved in the current crisis?*

Introductory presentation: **Marina Monaco** (Social Development Agency)

Moderator: **Werner Altemeyer**. euro-betriebsrat – Germany

Sectoral examples of good practice related to:

- How to improve the trans-national exchange of information between EWC members, both between themselves as well as in national instances of worker representation?
- How to improve EWC member capabilities and competencies?
- How to improve cohesion between EWC members?

Presentations by EWC European Union experts and members

General discussion

**May 14**

**09.00 - 11.00**

*Recent cases of EWC crisis management: key factors in international trade-union action*  
*Presentations by EWC European Union experts and members*

**11.00 – 11.15. Coffee break**

**11.15 – 13.00**

*Obstacles in the formation of new EWCs in specific sectors/business groups*

Examples of trade-union action organisation in different Member States

Debate and proposals

**13.00. Close**

**13.30- Lunch**

## Annex 2: Participants

NAME/SECTOR	ORGANISACIÓN/EUROPEAN WORKS COUNCIL
1. Ricardo Rodríguez	LABOUR ASOCIADOS
2. Claude Emmanuel Triomphe	ASTREES
3. Evelyne Pichot	European Commission
4. Werner Altemeyer	euro-betriebsrat
5. Marina Monaco	SDA -ETUC
6. Adrian Soare	EWC UNICREDIT
7. Laura Oprea	EWC ALCATEL LUCENT
8. Mariano Alonso	Human Resources Director ADS
9. Antonio Ferrer Saís	Secretary Trade Union CEC-UGT
<b>METALWORKERS AND CONSTRUCTION (MCA)</b>	
10. Javier Lahilla	EWC BSH (Bosch Siemens Hausgeräte)
11. Francisca Ros	EWC SCHNEIDER ELECTRIC
12. Daniel Argente	F EWC AURECIA
13. José Manuel Bernal	EWC ROCA
14. José Juan Arcéiz	EWC General Motors-GM
15. Jesús Acevedo	EWC AREVA
16. Hugo R. Álvarez	EWC GENERAL DYNAMICS
17. Amaro García	EWC ABB
18. Tomás Alonso Tenorio	EWC BOSCH
19. Domingo Domínguez	EWC EIFAGGE
20. Alejandro Pérez Osorio	EWC EADS
21. Marcelino Márquez Hervás	EWC ALCATEL LUCENT
22. Jan Voets	Responsible ACV-BI Belgium and EWC Coordinator FETCM (Eiffage, Etex)
23. Gianni Allioti	International Relations FIM-CISL Italy and Coordinorr FEM in EWC INDESIT
24. Patrick Correa	International Relations Responsible FM-CFTC France
25. Javier Urbina	Responsible for Internacional Cabinet MCA-UGT
26. Gracia de Juana	EWC Coordinator - MCA-UGT
27. Tina Martínez Rianza	Lawyer MCA-UGT

TRANSPORTS AND TELECOM (TCM)	
28. Daniel Sancha Sánchez	Coordinator UGT GRUPO ABERTIS
29. Joan Muntada i Hars	Secretary General ACESA -UGT
30. José Carmona Valera	President Works Council TRADIA
31. Marta Hernando Guijarro	Technical Cabinet- sectoral collective bargaining
32. Diego Buenestado García	Responsible Union –Roads and Urban transport Sectors
33. Alfredo Pérez Martín	EWC VODAFONE
34. José María Alcalá Esteban	EWC ORANGE
35. Amparo Sánchez García	International Relations Secretary TCM-UGT
ENERGY, CHEMISTRY AND INDUSTRY (FIA)	
36. Fermín Menéndez Cuervo	EWC SAINT GOBAIN
37. Juan Carlos García	EWC L'OREAL
38. Miguel García	EWC AGC FLAT GLASS IBERICA
39. Francisco Tamarit	EWC PILKINGTON AUTOMOTIVE
40. Francisco Ligero	EWC ESTORA ENSO
41. Jesus Delgado	EWC BRIDGESTONE
42. Justo Monge	EWC L'OREAL
Commerce and HORECA (FECHTJ)	
43. Emilio Ferrero López	Secretario Internacional FECHTJ
44. Cristina Estévez	Commerce Secretary FECHTJ-UGT
45. Juan Sánchez	EWC CARREFOUR
46. Roberto Puga	EWC ALCAMPO
47. José Luis Solano	EWC FNAC
48. Ana San Martino	EWC MAKRO
49. Virginia Rabadán	EWC MEDIA MARKT
50. Agustín Pastor	EWC COMPASS-EUREST
AGRICULTURE, FOOD&BEVERAGES (FTA)	
51. Belén Bueno Masa	EWC CADBURY
52. Martín Terreros Santin	EWC ALTADIS
53. José Meseguer Sánchez	EWC CARGILL
54. Ana García Hervás	Técnico Federación

CEC-UGT	
55. José Luis Aramburu	Confederate cabinet
56. Susana Bravo	
57. Martín Hermoso	
EDUCATION (FETE)	
58. Felisa Hernández Girón	Secretario Federal de Acción sindical
59. Jesús Isidoro Gualix Muñoz	Secretario Federal de Enseñanza Privada y Negociación Colectiva
BANKING AND FINANCIAL SERVICES (FES)	
60. Evangelina Rodríguez Mezquita	Transcon W.W. Spain
61. Antonio Pereda Mora	T-Systems
62. Susana Heras	Sitel Iberica Teleservices
63. Miguel Gersol	EWC Grupo Santander
64. Francisco Ruíz	EWC Grupo BBVA
65. Olga Marco	Lloyds Bank



## **Report**

### **REDITER National Seminar:**

**“EWCs and the Recast Directive-Challenges of the restructuring in the context of economic crisis”**

**London, U.K., 29<sup>th</sup> and 30<sup>th</sup> November 2010**

by David Tarren, ADAPT International

## January 2011

### Introduction

The UK REDITER seminar was originally organised for October. However due to a number of cancellations, a large number due to last minute negotiations with employers as a direct result of the impact of the financial crisis, the event was postponed. The UK Seminar eventually took place on 29<sup>th</sup> and 30<sup>th</sup> November in Eastbourne, on the South coast of England at Unite the Union's education centre. The participants from the reorganised seminar were not the same as those booked on the previous seminar, illustrating the demand from UK EWC reps for this type of event. Unfortunately, in the end heavy snowfall in the UK led to a number of last minute cancellations.

Although the majority of seminar participants came from companies within the UNI footprint, a small group were represented at the European level by the European Metalworkers Federation.

Companies represented at the seminar included:

- BMW
- Alstom
- BNP Paribas
- ISS
- Smurfitkappa
- Rolls Royce
- G4S
- Delphi Diesel systems
- Siemens
- EDF
- O2
- Allianz Insurance

Although the majority of participants were from the UK, other countries such as Belgium, France, Finland and Ireland were also represented.

It is important to understand the context of EWCs in the UK. Until the original Directive in 1994, the UK had not before experienced this type of employment legislation. This Directive and the legislation covering national information and consultation gave British workers their first ever taste of the employment rights workers on the continent would take for granted. Consequently even among those with several years of EWC experience, the awareness of UK reps of the process of information and consultation tends to be limited. This situation is compounded by the fact that UK trade unions are inconsistent in their approach towards EWC and national I&C bodies. For instance, despite having the support of a large proportion of UK trade union officials, a number of trade union activists and full-time officials remain opposed to further developing information and consultation at national and European levels on the grounds that they may undermine collective bargaining. Given the relatively low trade union density within the private sector (15.1% in 2009) a number of these UK bodies, both national and transnational, are home to non trade union representatives, provoking opposition to the active involvement of union reps on these bodies, in these workplaces.

### The seminar

The UK seminar was split between two broad objectives. The first objective was to educate the participants about the weaknesses of EWCs, based on reports and experiences and then to demonstrate the potential of EWC to improve employee influence in decision making at the transnational level. The second objective was to educate participants on the contents of the Recast

Directive and how this offered improvements for them in their role. The purpose of the second day was also to allow the participants space to develop their own knowledge and expertise further by generating discussions, preceded by expert presentations, around the table to produce some tangible outcomes that the participants could take away with them.

To achieve this, on the first day the speakers outlined the difficulties experienced by EWCs and those they face when trying to engage with employers. The purpose of this was to allow the less experience reps to become more familiar with the role of the EWC and for those with greater experience to generate a discussion around some of the key issues they feel prevent their EWC from functioning as they would like. The second day was geared towards the second objective and strengthening the resolve and capacity of EWCs reps to confront the challenges raised the day before.

The seminar began, following the initial welcome by David Tarren and an outline of the seminar, with an overview from Jonathan Hayward, the official responsible for EWCs and domestic information and consultation arrangements across the UK for Unite the Union. Jonathan stressed the importance of EWCs and of trade union support for them and generated a discussion over what participants expect from their EWC. He made a presentation on Unite's strategic position on EWCs and highlighted the weaknesses in the UK legislation. However Jonathan emphasised that despite these weaknesses, there are areas in which reps could achieve improvements simply by ensuring that their employer adheres to the existing agreement. For instance, pressuring employers to provide adequate information in time for EWC reps to digest, discuss and form an opinion in response. The presentation was followed by a roundtable discussion over some of the key issues for EWC reps and a presentation from trade union representatives on the Siemens and ISS EWCs, and a workshop on the issues EWC face in their week to week involvement in their EWC, which required participants to:

- Identify the key challenges for you in your role as an EWC rep
- Consider how these can be tackled and the difficulties you may face in doing this
- Make some recommendations to overcome these challenges

The highlight of the first day was a presentation given by Jean-Yves Tollet, a senior representative from Arcelormittal in France. In his presentation, Jean-Yves gave a candid and honest account of his perception of EWCs and this sparked a heated, yet polite, discussion about the role of EWCs, employer attitudes and the issues of information and consultation. Employers are often accused of using EWCs merely as a communication tool as opposed to a process in which engages employees so that they are able to influence events at work that affect them. In his presentation, Jean-Yves confirmed this approach, to the surprise of the majority of participants, which was important in itself. It was a discussion that tested participants' appreciation that the legislation, particularly in the UK, offers very little room for EWC reps to influence decisions made by their employer. Instead, Jean-Yves suggested that there was no doubt the role of a EWC was to allow employee representatives a greater knowledge and understanding of the company's plans and future strategy, not to influence decisions. In his view the EWC may offer its advice and opinion and may influence the implementation of the company's decision, but the decision itself was the job of the company's management and the Directive did not require the company to hand this power to the EWC. Overall the presentation and ensuing discussion highlighted just how far apart the social partners are on this issue and was a reminder of the difference between the perceptions of trade union reps and employers over the role of European Works Councils, and gave the participants plenty of food for thought.

Having discussed the weaknesses of the legislation and hear accounts of the challenges and difficulties faced by EWC in carrying out their role on their EWC, concluded with a thought provoking intervention by Jean-Yves, the participants joined the seminar for their second day. At the start on

the second day a representative from the facilities management company ISS made a presentation about the company's EWC and the difficulties experienced by the EWC generally. Although the challenges follow a common trend across all EWCs, the participants found the presentation useful as it demonstrated that their EWC was broadly as effective as others and that all EWC reps experience similar problems.

As the objective of the second day was to offer the participants a greater insight into the Recast Directive, Bruno Demaitre from the ETUI gave a very good presentation on the new legislation, illustrating the key differences between that and the 1994 Directive and what opportunities it offers to strengthen the role of EWCs. This presentation was followed by an in-depth discussion over the Recast and opportunities it offered reps to improve the functioning of their EWC. It became clear through this discussion that participants were beginning to think about the Recast in the context of their own EWC and were already formulating ideas and plans which they would share with their EWC colleagues upon their return.

Bruno then made a short presentation on the issue of communication and culture within a EWC setting. It was clearly well received and offered plenty of learning opportunities. For instance, although there are ways of improving the effectiveness of EWCs through pressuring employers, working with the media and the better co-ordination among EWC members, the culture among EWC reps can be so diverse as to mitigate against this process. For example, there will be situations where national Works Council representatives discover changes in another member state before trade union representatives in that affected country do, or even before the EWC reps hear the news. Such a situation raises important issues, firstly about enhancing the relationship between the national and transnational levels of information and consultation (something the Recast demands), and second about the possibility of creating an environment among EWC reps where they share a common strategy and understanding of the company in which they work. These problems are not insurmountable, but Bruno's presentation kicked off further discussion about the effectiveness of EWC within a multi-cultural environment. The presentation also highlighted the role of communications, in a European arena full of distinct national industrial relations systems, which shape the attitudes and the approaches to information and consultation among EWC representatives.

## **Conclusion**

The seminar was clearly a success. However it did demonstrate the absence of opportunities for UK EWC reps to share and exchange information and ideas about EWCs. Many employee representatives are unable to view their EWC as anything but a once-a-year opportunity, due to their workload, their employer's unwillingness to grant them adequate time off and through the lack of training. The seminar highlighted the need for further work in this area and the long journey UK EWCs face given the UK system of industrial relations and the intention of the majority of companies to marginalise employee voice or influence.

**Key outcomes:**

- EWCs have great difficulty in getting their employer to inform and consult in line with the legislation.
- The recast offers good opportunities for reps to connect domestic I&C with EWC and strengthen employee interest and engagement.
- There is plenty of interest from UK reps for future events and development in seminars.

**Problems with seminar:**

- Participants seemed at times reluctant to join in the discussion – perhaps due to a lack of experience.
- Despite there being a number of experienced representatives (average tenure of 5 years), there was a general lack of a strategic vision for EWCs among participants.
- This approach to employment relations is still very unfamiliar to UK EWC reps.

## **Annex 1: Programme**

### **Monday 29<sup>th</sup> November**

#### **Lunch available from 12.00**

- 13.15 Welcome** and overview of seminar and REDITER project  
David Tarren, ADAPT International
- 13.30 Roundtable discussion:**  
Forget the financial crisis – we have an EWC crisis !  
Moderator: Jonathan Hayward, International Officer, Unite the Union
- 14.00 Presentation:**  
Overview of EWCs.  
Speaker: David Tarren, ADAPT International
- 14.15 Roundtable discussion:**  
European Works Councils and restructuring  
Moderator: Christophe Teissier, ASTREES  
Example: Rik Martens, Siemens EWC
- 15.00 Break**
- 15.15 Workshop:**  
The key challenges for EWC reps  
Example: Paavo Hiitola, ISS EWC
- 16.30 Presentation:**  
An employer's view of EWCs  
Speaker: Jean-Yves Tollet, Senior Legal Counsel, ArcelorMittal
- 17.30 Presentation:**  
The Recast Directive - opportunities and challenges  
Speaker: Bruno Demaitre, ETUI
- 18.30 Conclusions of the first day**

#### **Dinner at 1930**

### **30<sup>th</sup> November**

- 09.00 Recap** on previous day  
David Tarren, ADAPT International
- 09.15 Workshop:**  
EWCs and restructuring
- 10.30 Break**

**10.45 Roundtable discussion:**  
EWCs, communication and cultures  
Moderator: Bruno Demaitre, ETUI  
Example: Mick Holmes, Alstom EWC

**11.30 Workshop:**  
Building EWC strategies

**13.00 Conclusions of seminar**  
David Tarren, ADAPT International

**Lunch available from 13.00**

## Annex 2: Participants

First name	Surname	Company	Country
Anna	Andrade	BNP Paribas	France
Warren	Bartmeier	Smurfitkappa	UK
Oana	Beattie	Allianz Insurance	UK
Colin	Beech	ISS Facilities	UK
Eddy	De Jongh	Smurfitkappa	Belgium
Bruno	Demaitre	ETUI	Belgium
David	Elson	Rolls Royce Motor Cars	UK
Mick	Evans	Smurfitkappa	UK
Peter	Fox	G4S	Ireland
David	Gigg	G4S	UK
Peter	Guyver	Delphi Diesel Systems	UK
Jonathan	Hayward	Unite the Union	UK
Paavo	Hiitola	ISS	Finland
Michael	Holmes	Alstom	UK
Briony	Kearney	ADAPT International	UK
Rik	Martens	Siemens	Belgium
Robin	Munro	Scottish Widows (Lloyds Group)	UK
Lee	Parris	EDF Power Networks	UK
Mark	Pryor	Kuehne-Nagel Drinks Logistics	UK
David	Tarren	ADAPT International	UK
Jean-Yves	Tollet	Arcelormital	France
Richard	Wileman	Chesapeake	UK



## **Report**

### **REDITER National Seminar:**

**“EWCs and the Recast Directive-Challenges of the restructuring in the context of economic crisis”**

**Dissemination – Press Release**



## Press Release

### European Works Council

#### **Assesment of the REDITER project: training European Works Council representatives and HR managers**

With the support of the European Commission and a mandate from the European trade union federation UNI Europa, the 12 months European project to train members of European Works Councils (EWCs) and managers responsible for employment relations was completed in January 2011.

The aim of the REDITER project\* was to organise five European seminars throughout 2010. The seminars took place from May to November in Germany, France, Spain, Great Britain and Romania.

The European seminars gave support to the social partners from a range of companies to improve their understanding of the Recast EWC Directive. The seminars also promoted exchanges between EWC members and HR managers to improve the quality of information and consultation during restructuring at the European level and to better prepare EWC representatives for undertaking their role.

Overall, about 160 participants (EWC delegates, unionists, and managers) attend the national seminars. In terms of sectors, with the exception of the one held in Germany (which focused exclusively on the insurance sector) all seminars had a multi-sectoral approach and most of the participants came from sectors covered by UNI Europa (Banks, insurance, cleaning, private security, commerce, telecommunication, media, etc.). The project has demonstrated the need for training of EWC members and established, for the first time, an in depth dialogue between EWC members and managers about industrial relations issues in transnational companies.

(\*) The project was managed under the auspices of the French association ASTREES, with several supporting partner organisations – ADAPT International (Great-Britain), euro-betriebsrat.de (Germany), Human and Employment Relations Agency (France), Labour Asociados (Spain) and Land (Romania).