

EWC Directive
recast

UAW
europa
global
union

The Recast EWC Directive

Historical Background



- Deadline for the Start of the Review of the EWC Directive given by the Commission for **September 1999**;
- Negotiations with the Stakeholders; Political agreement reached in **December 2008**;
- The Recast EWC Directive – **only 10 years after the deadline** – will be formal adopted in **May 2009**;
- National implementation till **May 2011**

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Key changes

- Definition of 'information & consultation'
- Transnational competence;
- Means, representation and training;
- The role of Trade Unions in the SNBs;
- Adaption
- « The right to a reply » legal security and Sanctions



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« information »



The new definition of « **information** » ensures that items of information are given « at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations; »

Transmission of data by the employers to the employees' representatives in order to enable them to acquaint themselves with the subject matter.

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« consultation »



EWCs should be consulted on « **proposed measures** » in time for their views to be « taken into account ».

EWC representatives have the right to have a response with an explanation to any opinions given as the outcome of consultation.

The establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content as enables employees' representatives to express an opinion, which may be taken into account.

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« transnationality »



Transnational issues include matters « which, regardless of number of Member States involved, are of importance for the European workforce in terms of the scope of their potential effects ».

The transnational character of a matter should be determined by taking account of both the scope of its potential effects, and the level of management and representation that it involves.

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« means, representation and training »



The EWC representatives shall have the means required to apply the rights stemming from this Directive, to collectively represent the interests of the employees.

The EWC representatives are legally recognized as representatives of the European employees in appropriate matters.

The EWC representatives and the members of the SNB shall be provided with training without loss of wages.

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« the role of Trade Unions »



The European social partners shall be informed of the composition of the SNB and the start of negotiation.

The SNB may request assistance from experts of its choice which includes trade union officers.

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« adaption »



Concrete rules in cases of significant company changes
like merges or assumptions!

During the negotiations, the existing EWC(s) shall continue
to operate.

At least 3 members of the existing EWC(s) shall be
members of the SNB.

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« legal security and sanctions »



EWC members will be required to communicate with other levels of representations.

Administrative or judicial procedures, as well as sanctions that are effective, dissuasive and proportional in relation to the seriousness of the offence.

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« implication »



During the transposition period (from May 2009 to May 2011) the current EWC Directive and national laws continue to apply.

Existing agreements concluded before 22 September 1996 (Art 13 agreements) do not fall under the scope of the new law.

Existing agreements concluded after 22 September 1996 (Art 6 agreements) are still under legal discussion.

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« conclusions »



- Clear definition of transnational information and consultation rights
- Link between levels of information and consultation
- Legal certainty
- Right of training
- Defined role of Trade Unions

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« conclusions »



« The recast has brought some improvements. There is still an enormous amount of work for unions to be done on this issue »

Bernadette Segol, Regional Secretary of UNI europa