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Co-Determination rights for the European Works Council?

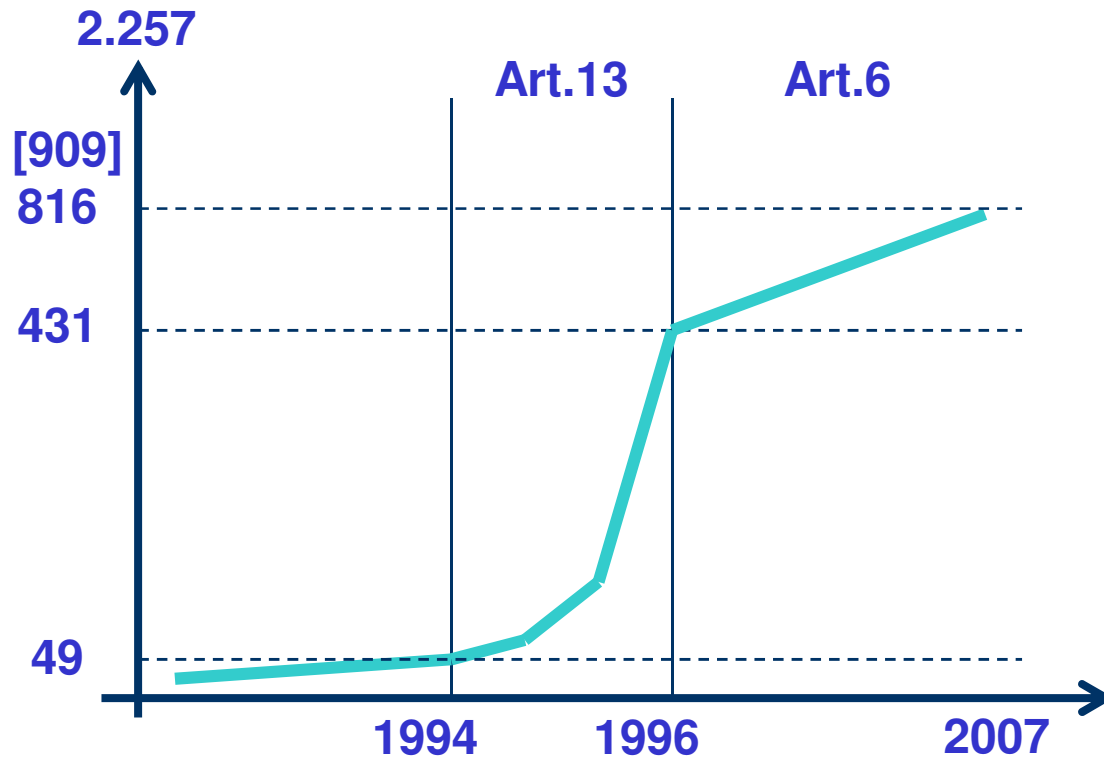


Dr. Werner Altmeyer

Bochum, 09.07.2007



Multinationals with EWC



EBR-Richtlinie

EWC Directive

Directive CEE

✓ 1994 EU

✓ 1996 national

✓ 1999 Art. 15 → Revision

→ → → 04/2004



EWC Statistics

MITBESTIMMUNG

Euro-Betriebsrat braucht Impulse

Von so vielen Unternehmen ...

■ mit Anspruch auf einen Euro-Betriebsrat

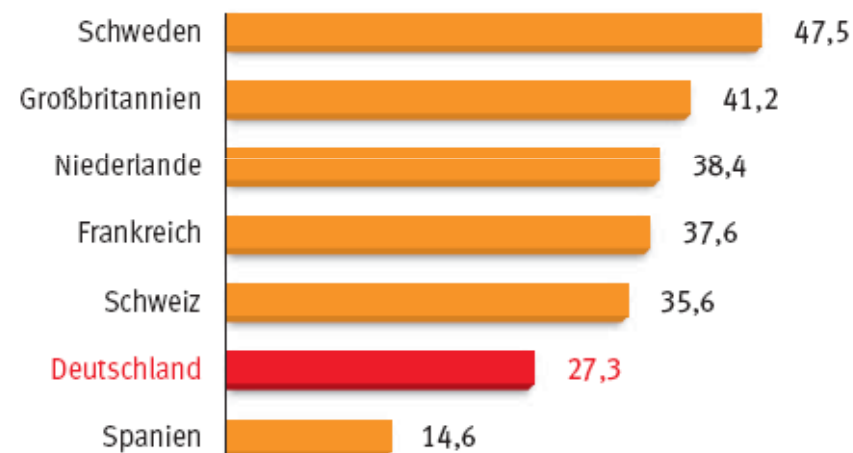
■ haben einen Euro-Betriebsrat eingerichtet



Europäisches Gewerkschaftsinstitut 2007

VIEL ZU TUN FÜR EBRs

So viele transnationale Konzerne aus verschiedenen europäischen Ländern haben einen Eurobetriebsrat (in Prozent)



Quelle: European Workscouncils database, 2005

Von 2204 Unternehmen, die einen Eurobetriebsrat haben könnten, verfügen bisher nur etwa ein Drittel über ein solches Gremium. Allein in Deutschland könnten noch 327 Eurobetriebsräte gegründet werden.



Different Models in Europe

Gewerkschaften
Trade unions
Syndicats

Betriebsrat
Works council
Comité d'entreprise

Betriebsrat + Gewerkschaften
Works council + trade unions
Comité d'entreprise + syndicats



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Scandinavian model



Anglo-Saxonian model



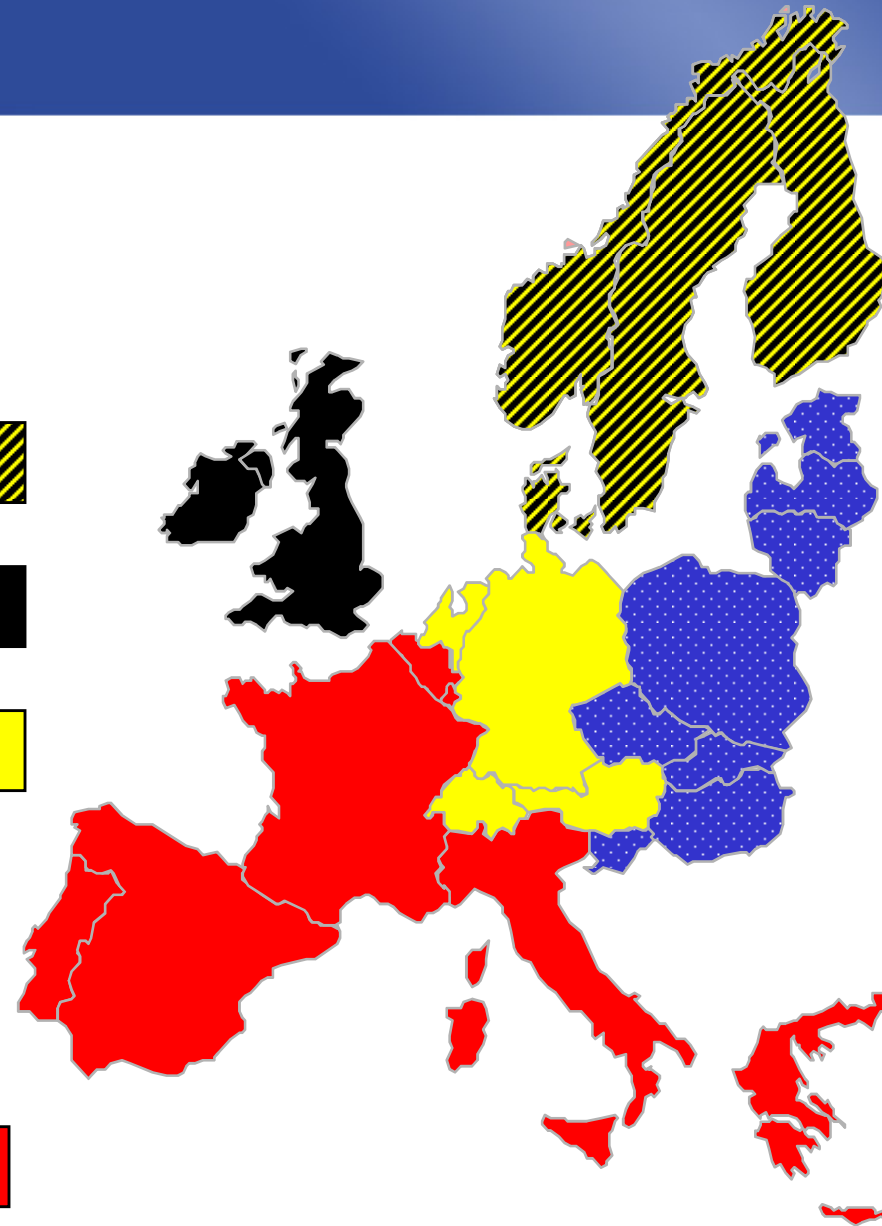
„Germanic“ model



Mediterranean model

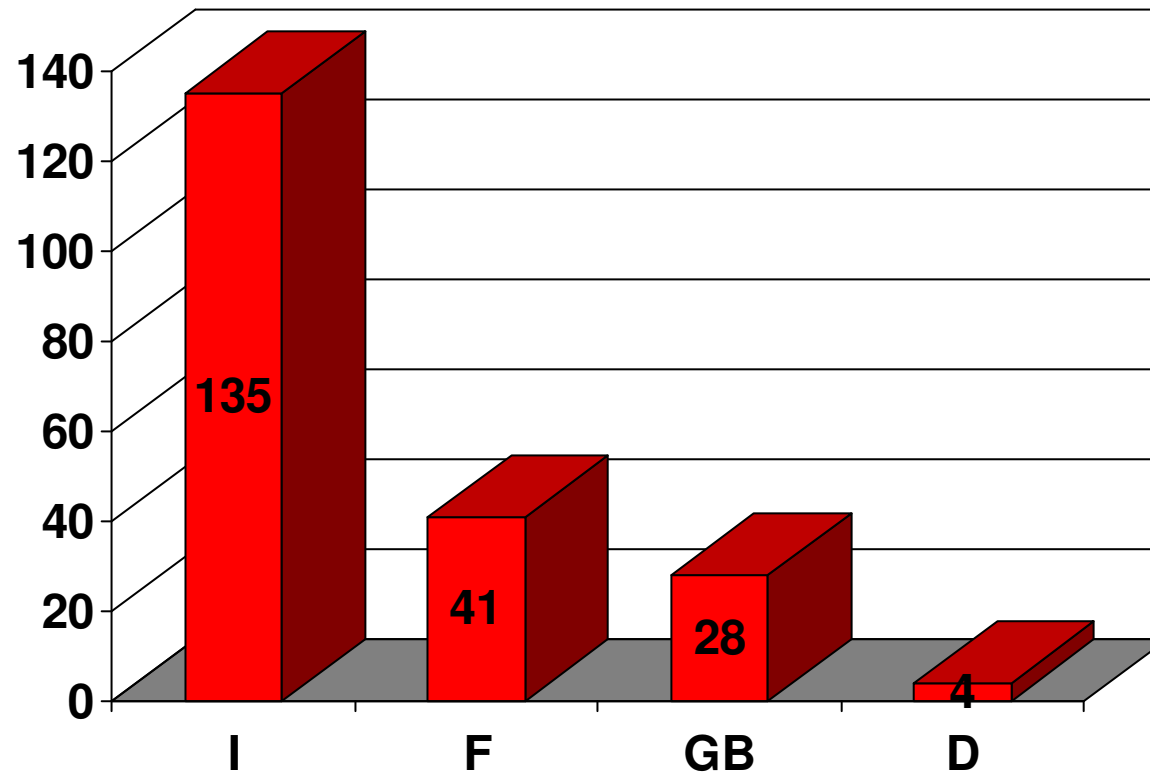


Transformation model



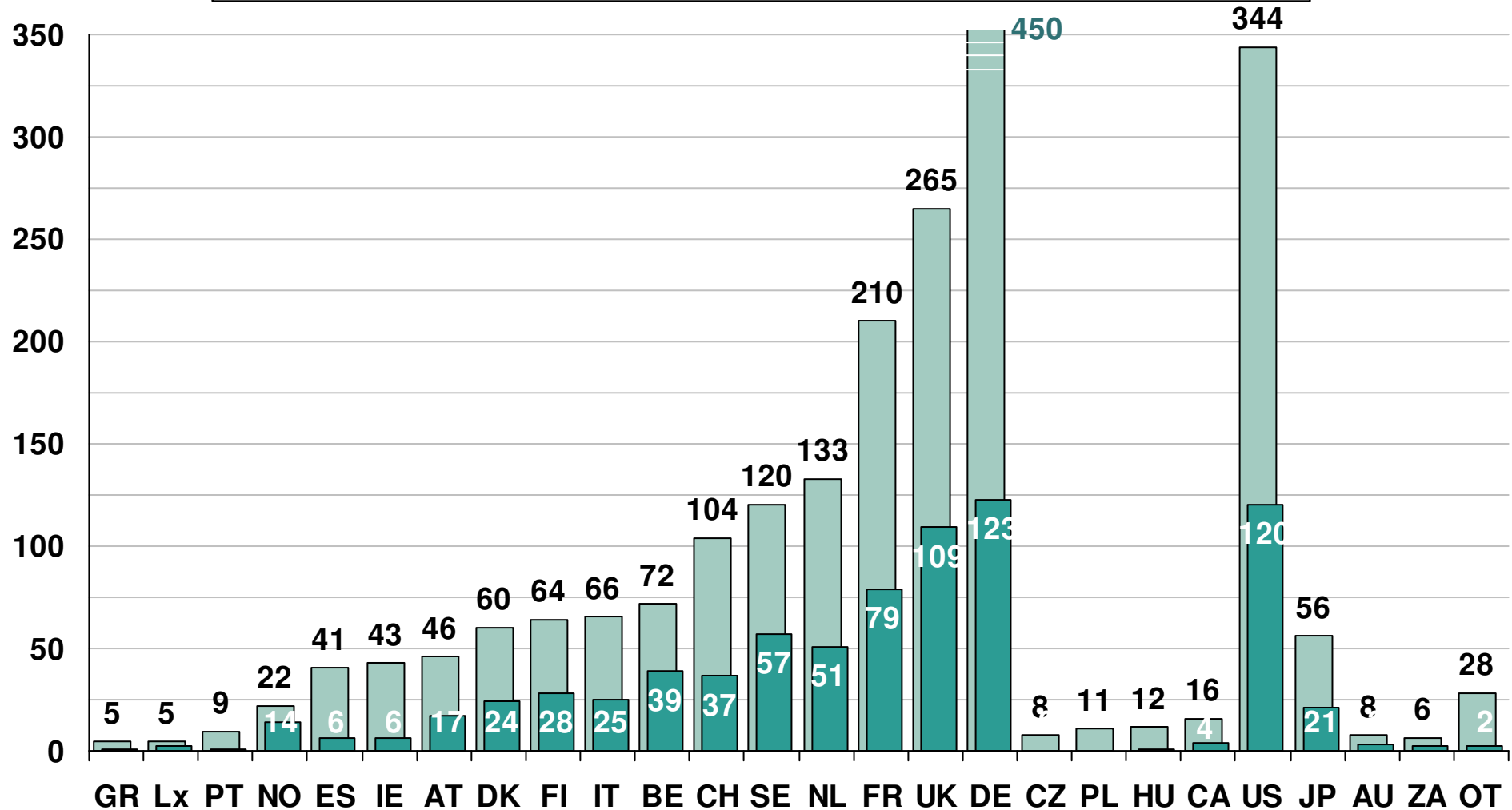


Strike days per 1.000 employees



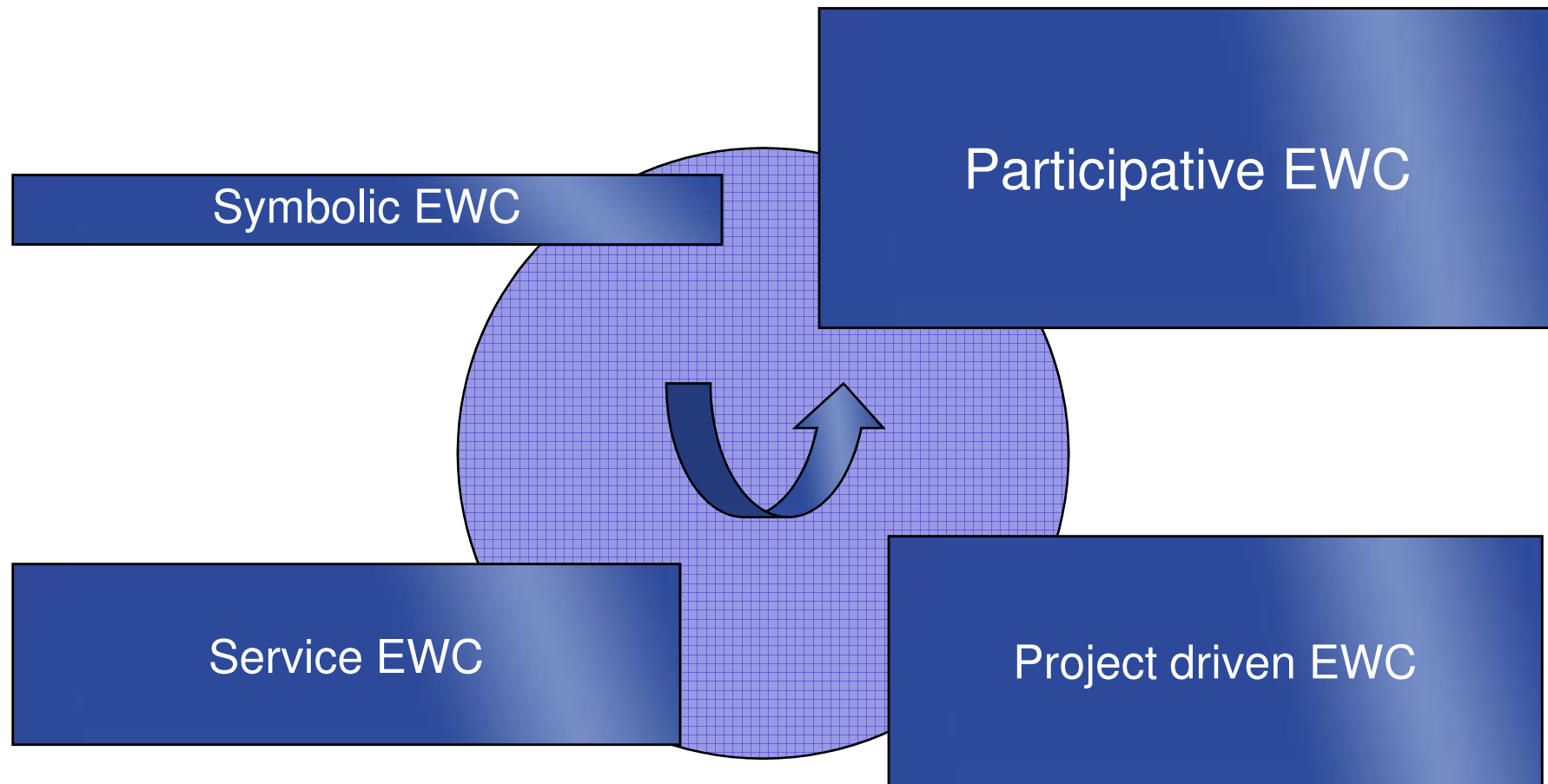


■ MNCs affected by the EWC Directive
■ number of affected multinationals having an EWC





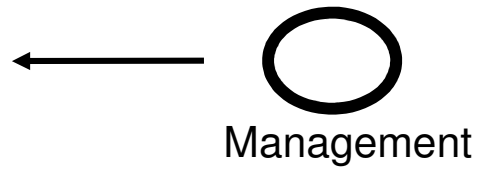
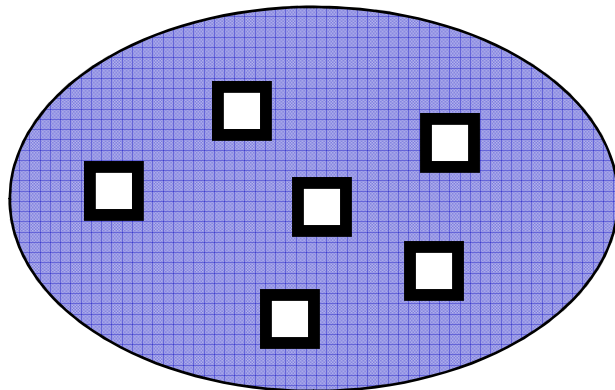
Does the EWC need co-determination?





EWC in practice *Typology*

Symbolic EWC



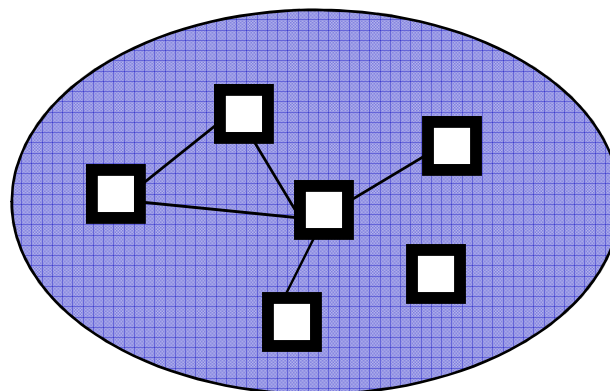
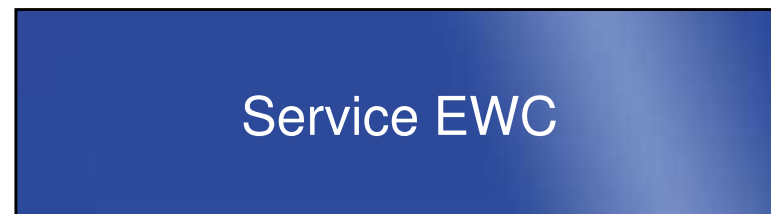
EBR - EWC - CEE





EWC in practice

Typology

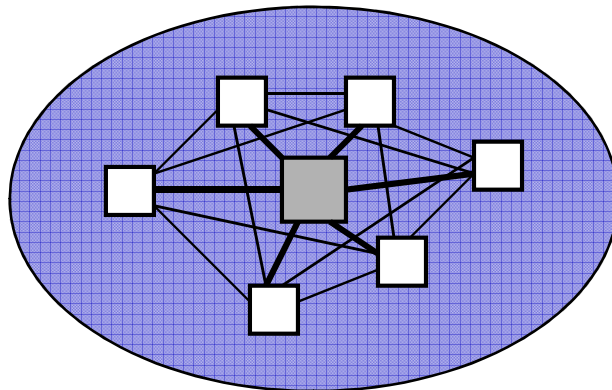


EBR - EWC - CEE





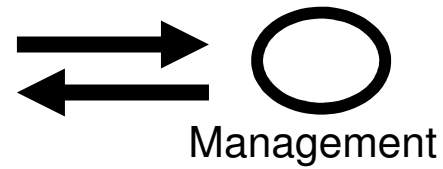
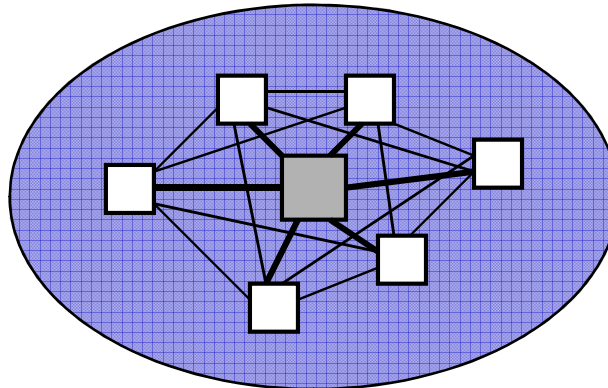
EWC in practice *Typology*





EWC in practice *Typology*

Participative EWC



GM Europe EBR - EWC - CEE

European Employee Forum



Co-Determination or collective bargaining?

works council
co-determination
works agreement

trade union
free collective bargaining
collective agreement

negotiations → agreement
legally binding?
If negotiations fail:
peace obligation?



Does the EWC need co-determination?

- It isn't about "co-determination" but negotiation rights
- The most important point: relocations
- Initial kick-off for the EMF: General Motors case
- Position paper of the EMF (June 2005) on how to deal with company restructurings
- Position paper of EMCEF and UNI (later)
- EU experts group on transnational agreements



EMF principles for cross-border restructurings

- Development of an early warning system
- Full compliance with the information and consultation rights both at national and European level
- Set up an ad hoc working group (EWC + EMF)
- Full transparency of information
- Common platform of demands
- Consideration of concrete negotiation solutions
- Development of a communication strategy
- Planning of cross-border activities
- Explore all legal possibilities (e. g. EU merger control)
- Binding commitment (internal + with employer)



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Examples of merger cases





Examples of participation rights

→ RWE Energy (agreement)



→ UniCredit (agreement)



→ Schneider Electric (discussion)



→ Sanofi-Aventis (discussion)





Examples of transnational activities

