

European Works Councils in Spain

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European Works Councils as
Transnational Organisations?**

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Aims of the paper

- Brief overview on IR in Spain
- Bibliography on IR in Spain in English and German
- EWCs in Spain
- EWC research in Spain
- Main prospects and problems
- Present a nearly definitive version

IR in Spain

- Historical context: Democratic transition and European integration
- The unions: duopolistic model
UGT – socialdemocratic
CCOO – socialdemocratic, former communist
ELA-STV, LAB, CIG – Basque and Galician nationalists
- The employers' organisation: CEOE and CEPYME
- The problem of 'representativeness'

Workers' representation at firm level in Spain

Direct representation:	<ul style="list-style-type: none"> • Shop stewards (10 – 49 employees)* • Works Council (> 49 employees)
Union representation:	<ul style="list-style-type: none"> • Union delegates (representing the affiliates of the resp. unions in plants with > 250 employees)
Information and participation rights of the Works Council:	
Information rights:	<ul style="list-style-type: none"> • Economic performance of the firm • Labour contracts • Sanctions, accidents and diseases
Consultation rights:	<ul style="list-style-type: none"> • Changes in the personnel organisation and structure • Training • Classifications and extra pays
Additional tasks:	<ul style="list-style-type: none"> • Control of labour norms • Health and safety • Social policies of the firm • Cooperation in productivity increase measures

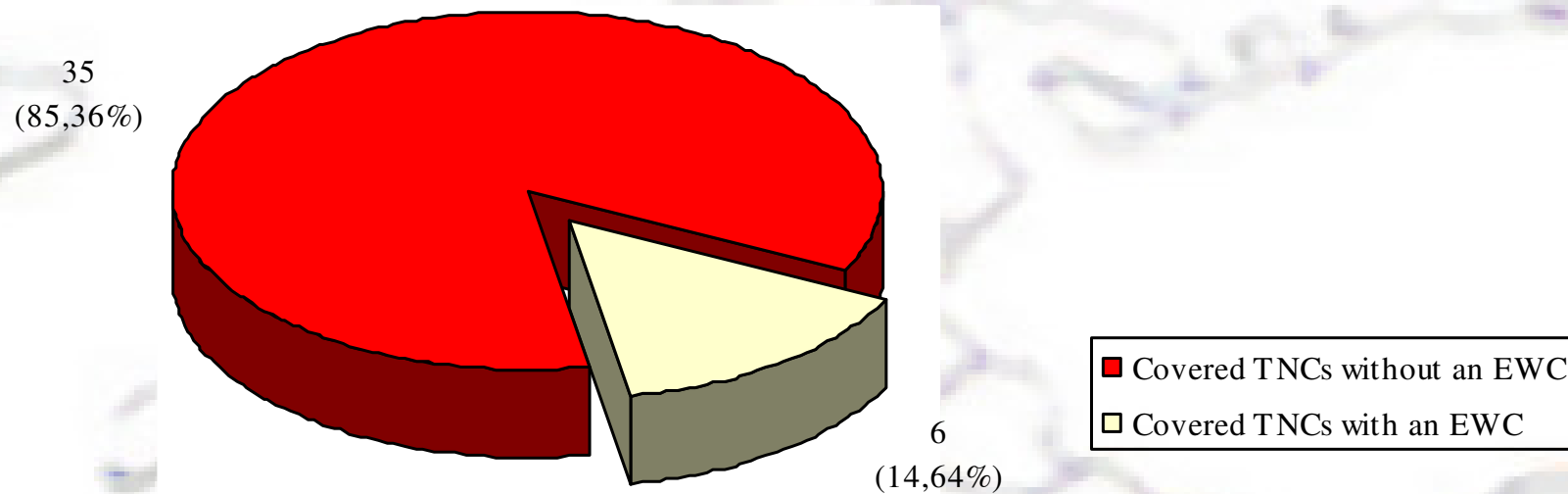
Coll. bargaining and conflicts

- Dualistic: WCs and unions
- High coverage rate (erga omnes)
- High strike record

EWCs in Spain

- 24th April 1997: legal normative transposition
- Few Spanish MNCs, many subsidiaries
- Positive impacts:
 - Increasing knowledge and interest in transnational cooperation
 - More national interplant coordination
- Problems:
 - marginal position, reinforced by EU enlargement
 - lack of operativity

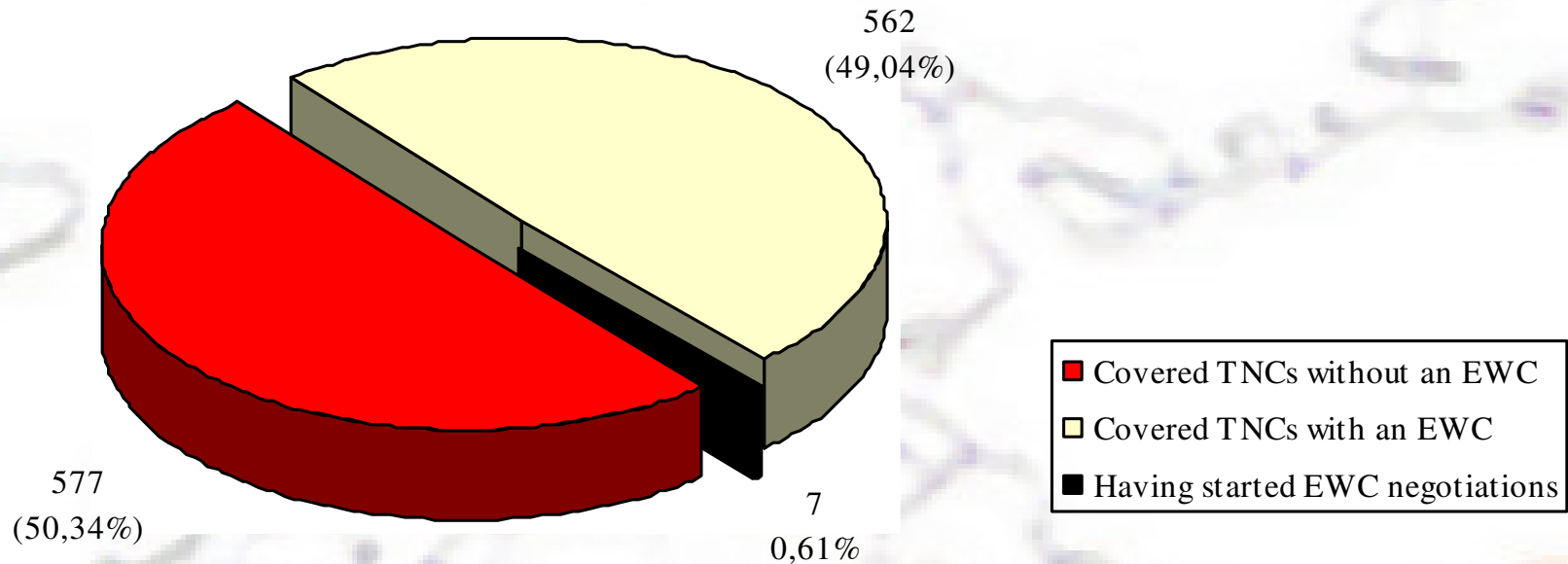
***Transnational companies headquartered in Spain covered by the Directive 94/45/EC
with an established European Works Council***



N = 41 / Compliance rate with the Directive (14,64%).

Source: ETUI-REHS Database on European Works Councils (2006).

Foreign transnational companies with operations in Spain covered by the Directive 94/45/EC with an established European Works Council



N = 1146 / Compliance rate with the Directive (49,04%).

Source: ETUI-REHS Database on European Works Councils (2006).



Foreign transnational companies with operations in Spain covered by the Directive 94/45/EC with an established European Works Council (by country of origin).

EWC research in Spain

- Low-developed public and academic debate on EWCs and Europeanisation of industrial relations
- low-developed scientific research on EWCs in Spain, dominated by juristic analysis
- low internationalisation degrees of Spanish industrial actors
- low participation rate in international comparative studies on EWCs

Main outcomes

- Need for bargaining rights and operativity
- Low interest due to marginal subsidiary position
- Lack of national interplant coordination
- Practical problems and disappointments reinforce passive attitudes
- Different IR cultures, particularly compared to co-determination countries

EWC debate in Spain

- Union officials:

We need a revised directive that recognises our right to participate in EWC meetings (...) but we also need to discipline the activity of our representatives in EWCs. (...) It is very difficult for non unionised representatives to recognise that they represent the whole workforce of a country (...), they also must have a general view of the company. (...) Sometimes it is very complicated to coordinate and be informed because firms have many resources to discipline and make yellow their employees.

Globalisation has come to stay (...) it is very difficult to establish common stances and interests between so different countries. At first they will be absolutely delighted to receive transfers of productive capacity from Western Europe and it will be very difficult to achieve some basic solidarity between us and them.

EWC debate in Spain

- EWC delegates:

Our relations inside the EWC depend on personal affinities (...) we have simultaneous translation to all the languages at the meetings, but it would be more interesting to have the possibility of establishing informal relationships with our colleagues. (...) Language is a huge barrier that impedes us to establish direct contact with other representatives.

As the EWC has no bargaining capacity we only can support local actions and decisions taken by plant works councils (...), it would be interesting to provide EWCs with a true negotiation power, but for the moment this is not possible.

EWC debate in Spain

- Employers' representatives:

EWCs only function well in those companies with a previous willingness. Those without this frame of mind consider EWCs as purely formalities both by managers and employee representatives.

(...) lack of interest both from trade unions and management (...). As a result of the very small size of the Spanish firms covered by the directive, they found it very difficult to implement an efficient EWC because of costs.

We are against the revision of the directive and we consider that in this case, the real revolution is to observe the normative (...). If we want a well functioning transnational information and consultation system to communicate certain strategic issues to the workforce, like delocalisation, transfer of production, organizational changes, new policies of human resources management or general goals of the firm (...) we don't need to alter the directive in an unknown direction.

Main prospects and problems

- Feel of need – operational difficulties and disappointing experiences
- Need for bargaining competences
- Need for training and union implementation
- Combine EWC with sectoral bargaining development