



Europäischer Ford-Betriebsrat – Ford European Works Council

Europäischer Ford Betriebsrat · Ford-Werke AG · D/NM-1107 · Henry-Ford-Str. 1 · 50725 Köln (Cologne)

European Commission
Mr Vladimír Špidla
Commissioner for Employment, Social Affairs and
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Dear Commissioner Spidla,

At the end of last year, the Ford European Works Council (FEWC) celebrated its tenth anniversary in a ceremony in Brussels. All participants acknowledged the development of our European body of employee representation since 1996 and characterised it as a point of reference for committed and pro-active workers' participation and lived European citizenship. Moreover, it was recognised that the FEWC has evolved into an integral part of Ford's corporate governance and has made it evident that success in business depends to a large extent on a trustful cooperation between management and employees.

Furthermore, speakers also pointed to those additional rights and provisions that FEWC and Ford of Europe management voluntarily agreed upon in the past years that frequently exceed the provisions of the directive 94/45/EC. Hence, it became evident that major accomplishments of the FEWC would not have been possible without the introduction of these additional measures. Therefore, participants concluded that the experiences of the FEWC can be used – to a certain extent – as blueprint for those rights and structures that need to be put in place in order to enable EWCs to both effectively represent the interests of all employees in Europe and – in co-operation with the Company – to reach socially responsible agreements in case of restructuring or other items of cross-national character.

In particular, this relates to the following aspects:

- Provision allowing for two ordinary meetings a year,
- Right to preparatory and follow-up meetings,
- Provision for further additional meetings when required by exceptional circumstances,
- Provision for interpreters for all meetings and all necessary languages,
- Translation of all relevant documents in all necessary languages,
- Right to set up a select committee,
- Provision for quarterly meetings between the select committee and the central management,



- Provision for an EWC secretariat/bureau,
- Full recognition of external union representatives,
- Information and consultation must be provided in good time and therefore before a final decision is taken by the company thus allowing employee representatives to exert influence on the proposed matter,
- EWC members have access to all sites within a company,
- The selection of relevant EWC topics is based on the question whether or not a matter has a significant implication on the workforce in more than one country and is not limited to a rigid pre-defined list of topics,
- Provision of training measures for EWC members,
- Right to deal with cross-country issues by the negotiation of European works agreements.

Based on these experiences, we kindly request you to urgently resume the pending revision of the directive 94/45/EC. It goes without saying that we support related initiatives of the ETUC and its affiliated national unions and welcome the resolution of the European Parliament dated May 10th, 2007 and the opinion of the European Economic and Social Committee dated September 13th, 2006.

We know from personal contacts to a number of other EWCs that the ability of many EWCs to act effectively is very much restricted. In most of the cases this is due to a very rigid application of the confined provisions of the EWC directive by management. Therefore, we recommend taking the following aspects into consideration within the framework of the required revision of the directive:

1. The directive has to be tailored to the legislative context arising from more recent directives in the field of workers' participation such as 2001/86/EC and 2002/14/EC:
 - a. More precise definition of 'information and consultation' with regards to timing and content in order to enable employee representatives to exert influence on company decisions and to ensure a preventive and anticipating participation of employee representatives;
 - b. Full recognition of external union representatives providing them with the right to information and to table a motion;
 - c. Provision for adequate sanctions in the event of violation of the EWC directive or EWC agreements. Those sanctions shall be effective, proportionate and dissuasive.
2. Increase of frequency of meetings:
 - a. Minimum of two meetings per year;
 - b. Provision for preparatory and follow-up meetings;
 - c. Right to convene exceptional meetings;
 - d. Provision of interpreters and translators for all meetings/documents and all necessary languages.
3. Right to establish an appropriate infrastructure allowing EWCs to properly function between one meeting and the next:



- a. Right to establish a select committee (irrespective of the size of an EWC) and regular meetings of this body with management;
 - b. Installation of a secretariat/bureau, lead by the highest elected employee representative of the EWC (chairman or secretary);
 - c. Provision for EWC members to gain access to all the sites within a company.
4. Introduction of a new criterion with regard to the selection EWC relevant topics: Instead of determining a confined catalogue, topics should be selected in line with the question whether or not a matter has a significant implication on the workforce in more than one country. The burden of proof if a topic is of pan-European relevance shall rest with the management.
5. More precise definitions and provisions are required regarding cases when restructuring leads to a change of a company's structures. This relates to:
- a. Mergers and segregations of companies,
 - b. Joint ventures and subsidiaries,
 - c. Renegotiation of agreements in order to adapt the existing agreements to the modified company structures, thus avoiding the negotiation of an entirely new agreement.
6. As the size of an EWC is clearly defined by the provision of proportionality in the current form of the directive the maximum number of members should be dropped.
7. Provision for training measures for EWC members. The incurring costs shall be borne by the company.
8. Right to settle pan-European issues by the negotiation of European works agreements.

Over the past 13 years the European works councils have become vital institutions of the so called European social model. There is a good chance to further enhance the effectiveness of EWCs by a revision of the directive 94/45/EC. In view of the on-going process of globalisation such strengthening of workers' participation is urgently required in order to prevent workers from becoming the losers of this process.

Dear Commissioner, on behalf of all FEWC members I urgently call on you to re-initialise the process of the revision of the directive 94/45/EC and would like to kindly request you to take the aspects mentioned above into consideration.

Yours sincerely,

Dieter Hinkelmann
*Chairman of the
Ford European Works Council*