

THE VIEWS OF EUROPEAN WORKS COUNCIL REPRESENTATIVES

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The following data are drawn from a survey conducted by Jeremy Waddington on behalf of the European Trade Union Confederation. The survey comprised a structured sample of companies covered by six European Industry Federations (EIFs). The EIFs that participated in the project included the European Metalworkers Federation, European Federation of Building and Woodworkers, European Federation of Public Service Unions, European Federation of Food, Agriculture, Tourism Trade Unions, European Trade Union Federation for Textiles, Clothing and Leather and Union Network International –Europa. To date, a total of 409 questionnaires have been returned and entered onto a computer. Questionnaires returned after the initial period of data entry are in the process of being entered and will be available for subsequent reports. Those that responded to the survey came from 24 countries and comprised 83.7 per cent men. Respondents were experienced representatives insofar as their average age was 50 years, they had been representatives in some form for an average of more than 15 years and currently hold, on average, more than two posts within their national industrial relations systems. Only 3.2 per cent (N=13) of the respondents did not belong to a trade union.

The following points are pertinent to the analysis included below;

- The EWC representatives that responded to the survey served on a total of 196 EWCs.
- On average, the constituency of each EWC representative covered six workplaces or sites.
- The average size of each EWC was 20 employee representatives. This figure excludes management.
- Less than half the EWC representatives (46.9 per cent) reported that all the employee representatives on the EWC were trade union members.
- More than one third of EWC representatives (34.7 per cent) indicated that there was a seat reserved on the EWC for a representative of the appropriate European Industry Federation.
- About half (53.3 per cent) of the EWC representatives had provisions in the EWC agreement for formal training specifically on EWC work.
- Over half (54.4 per cent) of the EWC representatives reported that the initial EWC agreement had been renegotiated.
- On average, respondents had attended 4 meetings of the full (plenary) meetings of the EWC.
- No fewer than 88.0 per cent of representatives attended preparatory meetings before the plenary meeting of the EWC. Debriefing meetings, however, were attended by 58.4 per cent of EWC representatives.
- A select committee (or equivalent) exists for 78.9 per cent of EWC representatives.

Principal Research Findings

1. It is apparent that at a large number of EWCs the agenda items specified in the Directive have not been raised at the EWC meeting at all. The terms of the Directive are thus not being met at many EWCs.
2. Less than one third of the EWC representatives report 'useful information and consultation' on all the issues mentioned in the Directive. Considerable progress is thus required if the EWC agenda is to be shifted from what is essentially an information agenda to an agenda that incorporates both information and consultation (see Table 1).
3. Turning to a trade union policy agenda reveals an even less satisfactory situation. Issues such as health and safety and environmental protection are reported by about one third of EWC representatives to have appeared on the agenda of the EWC. In contrast, issues such as trade union rights, working time and profit sharing/financial participation are reported by more than half the EWC representatives as having not appeared on the agenda of the EWC. It thus appears that there is a considerable amount of work to be done before a trade union agenda is brought to EWCs. More than half of the EWC representatives report that the issue of 'trade union rights' had not even been raised at the EWC. This is very disturbing for the future if one argues that that development of EWCs is, in part, dependent on the establishment of working relations between trade unions and EWCs (see Table 1).
4. Research on the content of EWC agreements shows that the country of origin of companies influences the nature of the agreement. Agreements with companies based in Anglo-Saxon countries tend to place more restrictions on employee representatives than agreements concluded by companies based on continental Europe. This relationship is carried through to the agenda of the EWC with the following consequences;
 - The majority of issues are more likely to have been raised at EWCs based in continental European companies than at Anglo-Saxon companies.
 - The quality of information and consultation was lower within Anglo-Saxon owned companies than in continental European owned companies.
5. Three agenda items were thought the most important by the majority of EWC representatives.
 - Corporate strategy
 - Closures or cutbacks
 - Economic or financial situation of company
 There were no significant differences between EWC representatives from different countries on these items (see Table 3)
6. Over one third (33.9 per cent) of EWC representatives indicated that an item had been excluded from the agenda of the EWC on the grounds of confidentiality and a further 41.9 per cent indicated that an issue had been excluded from the agenda of the EWC by management on the grounds that it was a national issue. Less than a third of the representatives thought that management was justified in these actions (see Table 4).

7. No fewer than 80.0 per cent of the EWC representatives report that the company within which the EWC was based had restructured to some degree during the past three years. However only 24.2 per cent of EWC representatives had been informed of the restructuring before the decision was finalised and less than 20 per cent had been consulted before the decision on restructuring was finalised (see Table 5).

8. Only 0.8 per cent of EWC representatives think that the EWC is 'very effective' as a 'means to influence management' (see Table 6).

9. EWC representatives continue to seek support for their EWC activities from their national trade unions. Support from this source is regarded as the most useful by many EWC representatives (see Table 10).

10. Further training in 'employment law and industrial relations in other member states' is the training that is most in demand (see Table 11). Other issues where there is high demand for training include;

- EWC 'best practice'
- Company/management practice in other EU member states
- Language training
- European institutions and regulations

11. There is overwhelming support for the revision agenda proposed by the ETUC and supported by European Industry Federations (see Table 12). The only issue on which less than half the EWC representatives agree is 'gender balance according to workforce composition'. This reflects the majority male composition of EWC representatives. If just women EWC representatives are considered, there is a large majority in favour of this revision issue. Most support is placed on the following items in the revision agenda;

- Consultation before management decisions are implemented: this reflects the inadequacy of current consultation practices.
- Negotiation/codetermination rights in addition to information and consultation rights: see also the large proportion of EWC representatives that report the agreement of joint texts by their EWC.
- Specific rights in cases of mergers and acquisitions. It is worth noting that the rate of mergers and acquisitions is currently very high due to adjustments to meet the demands arising from the Single European Market.
- Specified time limits on the provision of information with management.
- Training for EWC representatives to be included in the Directive

12. There are considerable national variations in the views of representatives towards EWCs. To a considerable degree these variations are dependent upon the characteristics of the industrial relations system with which the respondent is familiar and how EWCs 'fit' in with this system (see Table 14).

13. No fewer than 110 (26.9 per cent) EWC representatives suggested that the EWC agreement made provision for the conclusion of joint texts. Furthermore 104 of these 110 representatives reported that such joint texts were already in place (see Table 15).

Some Policy Questions

1. What measures are required to broaden the agenda of the EWC and to improve the quality of information and consultation? It is likely to be more difficult to achieve these objectives in Anglo-Saxon owned companies.

2. How might support to EWC representatives be improved? Support is now provided principally from national trade unions and European Industry Federations. What improvements within these organisations are required to improve the quality of support to EWC representatives?

3. What are the appropriate relations between EWCs and trade union organisations and how might these be achieved?

4. Is it appropriate to co-ordinate the activities of the different EWCs? If so, how might co-ordination be undertaken?

5. Support and servicing requirements to EWC representatives vary along a number of dimensions, including;

Office holders

EWC members

Employed by continental European MNC

Employed by Anglo-Saxon MNC

How can trade unions adjust servicing and support to incorporate these variations? What are the training implications of these variations?

6. Do EWCs have a role in negotiation/co-determination and, if so, what is this role? The data presented here suggest that the number of joint texts concluded by EWCs is rising and that EWCs have engaged in consultation on profit sharing/financial participation. How can these activities, underway within an increasing number of EWCs, be linked to broader trade union campaigns?

7. How do EWCs 'fit' into the developing framework of European collective bargaining? Is it appropriate that EWC activities are developed independently of the broader framework of European bargaining **OR** is it necessary to ensure that EWC activities are 'bound' into the broader framework of European bargaining? If it is the latter, how might this be achieved?

8. What will be relations between EWCs and institutions arising from the European Company Statute? Some European Industry Federations and trade unions mention that there are insufficient co-ordinators to organise special negotiating bodies for EWCs. Will the implementation of the European Company Statute mean that resources on the employees' side become even more stretched?

Categories of Respondent

EWC representatives: all respondents to the survey (N=409).

Office holders: respondents to the survey who held an office within the EWC, usually either the chair of the employees' side or a member of the Select Committee (N=151).

EWC members: respondents to the survey who held no office within the EWC (N=258).

Anglo-Saxon companies: respondents to the survey who worked in companies based in the UK and the USA (89).

Continental European companies: respondents to the survey who worked in companies based in the range of Continental European countries (N=308).

Nordic: Danish, Finnish, Norwegian and Swedish respondents to the survey (N=88).

Germanic-Dutch: Austrian, Dutch, German and Swiss respondents to the survey (N=159).

Southern European: Greek, Italian, Portuguese and Spanish respondents to the survey (N=44).

Franco-Belgian: Belgian, French and Luxembourgian respondents to the survey (N=75).

Anglo-Irish: British and Irish respondents to the survey (N=17).

Eastern European: Czech, Hungarian, Latvian, Polish, Slovakian and Slovenian respondents to the survey (N=13).

The country-based groups of respondents exclude the EWC representatives that are not members of a trade union.

TABLE 1

**WAS THE QUALITY OF THE INFORMATION AND CONSULTATION
ADEQUATE?**

ALL EWC REPRESENTATIVES

Issue	Not Raised %	Raised, but useless information %	Useful information, but no consultation %	Useful information and consultation %
Economic and financial situation of the company	7.6	6.4	55.0	31.1
Corporate strategy and investment	8.3	6.4	52.6	32.8
Changes to working methods	37.4	11.0	33.7	17.8
Closures or cutbacks	16.1	11.2	44.5	28.1
Mergers, take-overs or acquisitions	23.2	6.8	53.3	16.6
New technology policy	42.8	9.3	37.7	10.3
Reorganisation of production lines	41.6	8.1	35.9	14.4
Transfers/relocation of production	30.8	5.4	43.3	20.5
Employment forecasts	29.6	12.0	41.8	16.6
Research and development policy	34.7	16.1	37.2	12.0
Vocational training	43.3	8.6	31.5	16.6
Equal opportunities	46.7	8.6	29.8	14.9
Health and safety	33.3	9.0	28.9	28.9
Environmental protection	38.6	12.5	25.4	23.5
Trade union rights	52.1	13.9	16.4	17.6
Working time	54.3	12.7	23.2	9.8
Profit sharing/financial participation	58.7	9.3	19.1	13.0
Parental leave	81.7	3.7	9.3	5.4
Other	94.6	1.2	2.2	2.0

Note: EWC representatives that stated 'other' were asked to specify what this item was. The majority of EWC representatives mentioned either pensions or communications as the 'other' item.

TABLE 2**WHO TOOK THE INITIATIVE ON THE AGENDA?****ALL EWC REPRESENTATIVES**

Issue raised	By management %	By employee representatives %	Shared %
Economic and financial situation of the company	32.1	11.4	56.6
Corporate strategy and investment	38.1	17.2	44.7
Changes to working methods	33.3	32.7	34.0
Closures or cutbacks	38.9	34.4	26.8
Mergers, take-overs or acquisitions	48.1	21.5	30.4
New technology policy	44.7	21.8	33.5
Reorganisation of production lines	49.1	18.7	32.2
Relocation of production	43.2	30.9	25.9
Employment forecasts	31.2	39.9	29.0
Research and development policy	45.7	24.1	30.2
Vocational training	11.4	52.2	36.3
Equal opportunities	5.7	52.7	41.7
Health and safety	16.1	35.7	48.3
Environmental protection	24.8	32.1	43.1
Trade union rights	6.9	76.5	16.6
Working time	10.0	57.2	32.8
Profit sharing/financial participation	26.6	40.7	32.7
Parental leave	6.8	60.9	32.3

Note: Data only include those respondents who stated that the issue had been raised at their European Works Council. The value of 'N' thus varies for each of the issues.

TABLE 3**WHAT WAS THE MOST IMPORTANT ISSUE RAISED AT YOUR EUROPEAN WORKS COUNCIL?**

Issue raised	All EWC representatives %
Closures or cutbacks	26.1
Corporate strategy and investment	25.1
Economic and financial situation of the company	20.0
Mergers, take-overs or acquisitions	6.1
Relocation of production	5.1
Employment forecasts	2.3
Changes to working methods	2.0
Reorganisation of production lines	1.3
New technology policy	0.5
Research and development policy	0.5
Other	2.8
Equal opportunities	2.5
Health and safety	2.3
Trade union rights	1.5
Environmental protection	0.8
Working time	0.8
Profit sharing/financial participation	0.5
Vocational training	/
	N=409

TABLE 4**ISSUES EXCLUDED FROM THE AGENDA OF THE EWC**

	Yes %	No %	Don't know %	If yes, was management justified %
Has an issue been excluded by management on grounds of confidentiality	33.9	47.5	18.6	31.4
Has an issue been excluded by management on the grounds that it was a national issue	41.9	45.4	12.7	29.8

Office holders were less likely to think that management was justified in excluding these items than were EWC members. For example, 30.6 per cent of office holders thought management was justified on excluding an issue on the grounds of confidentiality whereas 33.8 per cent members thought management was justified. Similarly, 26.2 per cent of office holders thought management justified in excluding an issue on the grounds of it being national whereas 32.6 per cent of EWC members shared the same view.

TABLE 5**THE EWC AND COMPANY RESTRUCTURING**

No fewer than 327 (80.0 per cent) of respondents reported that management had restructured the company to some degree in the past three years.

	When was the EWC informed of the restructuring? %	When was the EWC consulted over the restructuring? %
Before the decision was finalised	24.2	19.9
Before the decision was made public	37.0	29.7
After the decision was made public	25.7	20.5
The EWC was not informed/consulted	13.1	30.0
	N=327	N=327

TABLE 6**HOW EFFECTIVE IS THE EUROPEAN WORKS COUNCIL?****ALL EWC REPRESENTATIVES**

	Very effective %	Effective %	Neutral %	Ineffective %	Very ineffective %
As a source of information	20.5	56.0	15.5	4.3	3.8
As a means to express an opinion on matters within the company	18.0	50.1	20.8	7.3	3.8
As a check on information from management	6.8	55.8	25.8	8.3	3.5
As a means of consultation	12.6	43.0	29.4	8.3	6.8
As a means to influence management	0.8	18.3	38.0	27.0	16.0

TABLE 7**HOW EFFECTIVE IS THE EUROPEAN WORKS COUNCIL?**

	All	Office Holders	EWC Members	Anglo-Saxon Companies	Continental European Companies	Nordic	Germanic-Dutch	Southern European	Franco-Belgian	Anglo-Irish	Eastern European
As a source of information	3.85	3.92	3.83	3.84	3.85	3.74	3.88	3.89	3.92	3.59	3.92
As a check on information provided by management	3.54	3.57	3.52	3.61	3.50	3.59	3.46	3.63	3.60	3.47	3.62
As a means of consultation	3.46	3.51	3.43	3.39	3.48	3.37	3.59	3.59	3.29	2.88	3.77
As a means to influence management decisions	2.61	2.64	2.55	2.59	2.62	2.66	2.57	2.93	2.58	2.18	2.46
As a means to express an opinion on matters within the company	3.71	3.75	3.69	3.80	3.67	3.52	3.72	3.70	3.94	3.88	3.31

Note: Respondents were asked to indicate their response on a five point scale; very effective, effective, neither effective nor ineffective, ineffective and very ineffective. Points on the scale were scored 5 to 1. A score of three was thus 'neither effective nor ineffective'. The scores presented in Table 7 are the average scores for each of the categories of EWC representative. An average score greater than three indicates that representatives thought their EWC to be effective, while an average score less than three suggests that representatives considered the EWC to be ineffective.

TABLE 8**WHAT IS THE ROLE OF THE SELECT COMMITTEE?**

	EWC representatives %
Preparation of agenda for EWC plenary	62.3
As a means to communicate between meetings of the EWC	61.6
Preparation of pre-meeting agenda	43.8
Information and consultation in exceptional circumstances	56.5
Preparation and approval of EWC plenary minutes	37.7

HOW EFFECTIVE IS THE SELECT COMMITTEE?

	Very effective %	Effective %	Neutral %	Ineffective %	Very ineffective %
To influence the EWC agenda	22.5	61.1	13.5	1.0	1.9
To communicate between EWC meetings	26.3	51.3	17.3	4.3	0.7
As a means to develop networks among employee representatives	17.0	39.9	27.8	13.1	2.3
To provide useful and accurate minutes	8.5	38.3	34.0	10.6	8.5
To react quickly in exceptional circumstances	10.1	53.7	25.2	9.4	1.7

TABLE 9**WHAT FORM OF COMMUNICATION TAKES PLACE BETWEEN THE FORMAL MEETINGS OF THE EWC?****EWC members**

	About once a week %	About once a month %	About once in 3 months %	About once in 6 months %	Never %
Letters	1.9	3.7	7.4	10.5	76.5
Telephone	8.1	20.8	19.7	7.5	43.9
Fax	1.2	3.7	10.5	11.1	73.5
E-mail/computer	21.9	30.9	24.2	16.9	6.2
Meetings	2.6	5.8	5.8	17.3	68.6

EWC office holders

	About once a week %	About once a month %	About once in 3 months %	About once in 6 months %	Never %
Letters	3.7	7.4	15.7	6.5	66.7
Telephone	11.6	24.8	19.0	8.3	36.4
Fax	3.1	13.3	9.2	7.1	67.3
E-mail/computer	27.0	30.2	18.3	20.6	4.0
Meetings	3.6	3.6	15.3	24.3	53.2

TABLE 10**SUPPORT RECEIVED BY EUROPEAN WORKS COUNCIL
REPRESENTATIVES AND ITS UTILITY****ALL EWC REPRESENTATIVES**

Source of support	Support received %	Utility rating %
Support/information from national trade union office	56.7	58.2
Training from union training dept. or college	52.8	56.9
Support/information from local trade union office	46.5	43.7
Advice/support from EIF	29.1	37.8
Training from service organisations associated with national unions	16.9	52.2
Training from pan-European trade union service organisations (ETUCO or AFETT)	12.5	56.9

Note: Respondents were asked to specify all the different types of support that they had received and to specify the two forms of support that were the most useful. The utility rating is calculated by expressing the number of respondents who thought that a particular form of support was the most useful as a proportion of all those that had received the support. For example, 216 respondents stated that they had received ‘training from union training department or college’ and 123 respondents thought that this form of support was among the two most important forms of support. The utility rating is thus 123 expressed as a proportion of 216 or 56.9 per cent.

TABLE 11**ON WHAT ISSUES WOULD YOU LIKE TO RECEIVE MORE TRAINING FOR YOUR EWC WORK?**

Training issue	All EWC representatives %
Employment law and industrial relations in other member states	52.3
EWCs 'best practice'	48.9
Company/management practice in other EU states	47.2
Language training	45.5
European Union institutions and regulations	39.6
Information and consultation rights of EWCs	38.4
Developing communication systems	35.7
Analysis of company results and financial information	35.7
About other trade unions	33.0
How to contact EWC reps. in other countries	20.8
Equal opportunities	20.8

Respondents were asked to specify the three areas in which they would most appreciate additional training, hence the percentage figures add up to more than 100 per cent.

TABLE 12

WHICH ISSUES ARE MOST IMPORTANT TO INCLUDE IN THE REVISION OF THE EWC DIRECTIVE?

ALL EWC REPRESENTATIVES

Issue	Strongly agree %	Agree %	Indifferent %	Disagree %	Strongly disagree %
Consultation before operational management decisions implemented	79.0	17.1	2.5	0.7	0.7
Negotiating/codetermination rights in addition to information and consultation rights	55.4	33.2	8.9	1.2	1.2
Specific rights for EWC in cases of company merger or take-over	55.0	39.4	4.8	/	0.8
Specified time limits on the provision of information by management	48.1	41.1	6.5	2.3	2.0
Training for EWC reps. included in the Directive	48.0	44.6	6.7	/	0.7
Specified time limits for consultation with management	42.2	45.0	6.8	2.8	3.3
Greater provision for meetings of EWC reps. at times other than the formal EWC meeting	40.0	44.5	13.5	0.5	1.5
Guaranteeing a formal trade union role	36.6	36.6	17.7	4.7	4.5
Guaranteeing a trade union seat on the EWC	35.4	34.9	18.3	6.0	5.3
Information on a wider range of issues	35.4	45.6	16.9	1.3	0.8
Companies covered by Directive to include joint venture and franchise operations	34.5	37.8	25.7	1.3	0.8
More companies should be covered by the Directive	26.6	47.6	23.3	1.3	1.3
More assistance in interpreting information from management	23.1	56.0	20.1	/	0.8
Gender balance of EWC according to workforce	21.3	30.1	41.8	4.8	2.0

TABLE 13**DOES INVOLVEMENT IN THE EWC ASSIST YOU IN?****ALL EWC REPRESENTATIVES**

	Very effective %	Effective %	Neutral %	Ineffective %	Very ineffective %
Understanding how your company functions in Europe	27.2	58.0	10.9	/	3.8
Discussions/negotiations in your company	14.2	60.3	21.7	/	3.7
As a means to enable employee reps. to undertake assessments of company affairs	13.5	53.1	27.6	2.0	3.8
Relations with management	11.5	56.3	26.5	3.0	2.8
Dealing with management at your place of work	7.8	51.0	30.4	3.8	7.0
Securing greater influence for workers	7.5	32.0	47.3	6.8	6.5
Co-ordinating union activities within your country	6.8	19.8	50.3	11.8	11.5
Co-ordinating union activities across Europe	5.8	35.3	39.5	10.3	9.3
Improving relations with other unions	5.0	37.6	39.6	9.7	8.2
As a means to organise union action	4.5	26.5	46.5	12.5	10.0
Trade union recruitment	/	9.4	66.3	12.0	12.2

TABLE 14

DOES INVOLVEMENT IN THE EWC ASSIST YOU IN?

	All	Office Holders	EWC Members	Anglo-Saxon Companies	Continental European Companies	Nordic	Germanic-Dutch	Southern European	Franco-Belgian	Anglo-Irish	Eastern European
Discussions/negotiations within your company	3.81	3.88	3.77	4.33	3.74	3.60	3.97	3.81	3.82	3.71	3.85
Understanding how your company functions	4.05	4.18	4.00	4.09	4.02	3.88	4.11	4.21	4.14	3.82	3.38
Securing greater influence for workers at work	3.27	3.29	3.26	3.43	3.24	3.06	3.31	3.53	3.38	3.35	3.00
Dealing with management at your workplace	3.49	3.56	3.43	3.63	3.45	3.52	3.36	3.60	3.53	3.29	3.92
Relations with management	3.71	3.79	3.68	3.83	3.67	3.70	3.75	3.63	3.70	3.23	3.92
As a means to enable employee reps. to assess company affairs	3.71	3.80	3.68	3.72	3.70	3.44	3.87	3.49	3.78	3.65	3.69
As a means to organise union action	3.03	3.08	3.01	3.09	3.02	2.88	3.16	3.07	3.13	2.88	3.31
Trade union recruitment	2.73	2.77	2.71	2.76	2.71	2.61	2.85	2.76	2.75	2.94	2.33
Relations with other unions	3.21	3.36	3.18	3.28	3.19	2.98	3.35	3.25	3.36	3.47	2.62
Co-ordinating union activities across Europe	3.18	3.26	3.15	3.21	3.17	3.02	3.25	3.05	3.45	3.41	2.62
Co-ordinating union activities within your country	2.99	3.03	2.97	2.72	3.01	3.06	2.95	3.14	3.22	2.88	2.85

Note: Respondents were asked to indicate their response on a five point scale; very effective, effective, neither effective nor ineffective, ineffective and very ineffective. Points on the scale were scored 5 to 1. A score of three was thus 'neither effective nor ineffective'. The scores presented in Table 14 are the average scores for each of the categories of EWC representative. An average score greater than three indicates that representatives thought their EWC to be effective, while an average score less than three suggests that representatives considered the EWC to be ineffective. As several of these questions refer to union organisation, the non-members in the survey were excluded from this part of the analysis.

TABLE 15**EWCs AND JOINT TEXTS**

Respondents were asked to specify whether the EWC agreement under which they operated made provision for the conclusion of joint texts. A total of 110 (26.9 per cent) of respondents indicated that such a provision was included whereas 139 (34.0 per cent) indicated that there was no such provision and 160 (39.1 per cent) did not know. Among the 110 respondents with such a provision available to them 104 had pursued the option and concluded a joint text. The table below illustrates the subject areas of these joint texts.

	<i>%</i>
Health and safety	63.5
Promotion of equality	44.2
Skills training	40.4
Staff mobility	31.7
Subcontracting	9.6
Smoking policy	7.7
Other	17.3
	N=104