



TOGETHER FOR A FAIR DEAL FOR WORKERS

IS/SG/bg
Brussels, 28 March 2024

To: Members of the Employment and Social Affairs
Committee of the European Parliament
Letter sent by e-mail

CC: Coreper I

Dear Member of European Parliament,

I am writing to you in my capacity as Deputy General Secretary on behalf of the European Trade Union Confederation (ETUC) and its affiliates to express our strong support for the proposed amendments by the European Commission to the European Works Council (EWC) Directive. These amendments, underpinned by extensive consultations and a comprehensive impact assessment, aim to rectify the directive's current shortcomings and strengthen workers' rights within the European Union.

The opposition from certain employers' organisations and federations, challenging the scientific underpinnings of the proposed amendments and resorting to arguments that verge on misinformation, cannot be overlooked. Such positions undermine the essence and purpose of the directive in particular in respect of social dialogue, which thrives on mutual trust, respect, and, fundamentally, a balanced legal framework that acknowledges the inherent power disparities between employers and workers' representatives.

The need for reform is clear, urgent and evidenced. As it stands, the effectiveness of EWCs in ensuring transnational workers consultation is significantly hindered by legal and practical limitations. Notably, scientific evidence proves that only a minority of EWCs are consulted in a timely and meaningful manner ahead of crucial transnational decisions. This gap not only undermines workers' rights but also erodes trust in the European project among committed EWC members.

Incidentally, a proper consultation procedure in no way prevents the management from making decisions quickly. On the contrary, it contributes to making a well-founded decision and avoids costly and time consuming corrections at its implementation. The contracting parties are free to agree procedures in their agreement on how to deal with objectively time-sensitive decisions.

The proposed compromise amendments by the rapporteur MEP Dennis Radtke target these issues directly. They aim to ensure that consultations are genuine, with EWCs' positions considered integral to decision-making processes. This involves defining clear guidelines for timely consultations and establishing more substantial enforcement mechanisms, including deterrent fines and the potential for injunctions to delay decisions until lawful consultations are completed. Let me make it clear at this point that the interim injunction in no way introduces features of co-determination. Statements to the contrary are an unfaithful attempt to spread misinformation. In reality, it is rather a powerful non-financial sanction instrument to ensure compliance with the law.



Furthermore, the amendments seek to balance the inherent power asymmetry between employers and workers' representatives, ensuring that the dialogue occurs within a fair and legally protected framework. This is crucial for fostering a genuinely collaborative environment conducive to the sustainability of company for workers and businesses.

We are also advocating for the elimination of loopholes that have historically allowed employers to bypass meaningful consultation. It is also paramount to address the misuse of confidentiality clauses that stifle meaningful consultations. The requirement for employers to justify the confidentiality of information based on objective criteria is a step toward transparency and effective dialogue.

The abolition of exemptions for pre-directive agreements, while allowing companies and workers the choice to adopt agreements under the amended directive, is a testament to the balanced nature of the proposed reforms. It respects the autonomy of social partners while providing a pathway to enhance the efficacy of EWCs.

The ETUC believes that these changes do not introduce new rights but are essential to effectively enforce the rights already enshrined within the Directive. **Therefore, we urge you to support the proposed compromise amendments by rapporteur MEP Dennis Radtke and to reject all alternative compromise amendments.**

I am enclosing for your information the position of the ETUC, adopted at its Executive Committee on 26 March 2024 on "Democracy at Work matters. For a European Works Council Directive that delivers for workers."

Thank you for considering our perspective on this vital matter. We are at your disposal for any further information or discussion and look forward to your positive response.

With kind regards,

Isabelle Schömann
Deputy General Secretary