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Project proposal: **To.Be.E. EWC** - Towards a better employee involvement in undertakings: roles and tasks of the main actors in establishing and improving European Works Councils.

DETAILED WORK PROGRAMME

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| Call for proposals | Information, consultation and participation of representatives of undertakings |
| Funding Programme | 04.03.01.06 |
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| Title of the action | To.Be.E. EWC - Towards a better employee involvement in undertakings: roles and tasks of the main actors in establishing and improving European Works Councils |
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BACKGROUND – RATIONALE AND PROBLEM ANALYSIS

EU directives on information and consultation rights recognize the role of national and European trade unions in negotiation procedures, targeted to the establishment of European Works Councils in European Union-scale undertakings or employees' "representative bodies" in European undertakings (Dir. 2001/86) and European Cooperative Enterprises (Dir. 2003/72). The Directive 2009/38 provides for the development of coordination between the European and national levels of information and consultation.

Together with the mentioned Directive 2001/86/EC supplementing the Statute for a European Company (SE) with regard to the involvement of employees;

Also improve the involvement of employees' representatives: the Directive 2002/14/EC establishing a general framework for informing and consulting employees; the Directive 2001/23/EC on the protection of employees' rights in case of transfers of undertakings; Directive 2005/56/EC on cross-border mergers of limited liability companies. The national transpositions of these Directives, enforce locally the matter.

European Works Councils or similar bodies of information, consultation and participation allow employees of different countries to get involved and play a role in the company decision-making process. In this way they may try to contribute to the anticipation and management of change.

Nevertheless, the establishment of Special Negotiation Bodies (SNB), in a first step, and European Works Councils (EWCs), in a second step, is a complex process that takes a long time.

Furthermore, once installed, the management of the body is often hard.

As the MuMMIA project (VS/2012/0303, it is a project promoted by the partner FILCAMS-CGIL in the same budget heading) pointed out, the process of establishing a European Works Council in

multi-sectoral transnational companies is even more complex and longer. Such processes involve not only more actors from different countries, but also from different sectors, with different cultures and interests. Thus, negotiations aimed at developing an EWC agreement in multi-sectoral TNCs are often subject to a slowing down and even risk to come to a standstill.

However, business diversification strategies are becoming very common among companies. Choices such as acquisitions, mergers, take-over, relocation, closures and redundancies are continually adopted by the central management of TNCs. **Worker representatives are often in the situation to suffer those choices, without having the capacity to exercise any influence.** Worker representatives from different countries and sectors are **not able to co-operate (they have often never met and worked together) and take a strong and effective action in due time.**

The European Trade Union Institute's online database of European Works Councils records about 2,400 multinationals falling under the EWC directive. Among these at least 10% of Community-scale undertakings have a multi-sectoral perimeter and at least 20% of Community-scale groups of undertakings are characterised by a multisectoral structure.

Active EWCs are 1.030 numbering around 16-21.000 components, workers employed in a company with an established EWC are 17-19 millions (ETUI - R. Jagodzinski paper - Conference of the project VS/2012/0303).

The MuMMIA project has also divided **the process of setting up and managing a European Works Council in four phases**, as follows:

- 1) First of all, the decision to start up the process, following to the conversion of a company into Societas Europea (SE) or pursuant to an alliance among trade unions from different countries aimed at setting up the Special Negotiating Body.

During this phase, it is crucial to identify the geographical and sectoral perimeter of the company, thus, of the national and European trade union cluster to be involved. It is important to identify contact people per each trade union (policy officers; delegates and worker representatives) as well as external experts, if needed.

- 2) During the second phase,
 - a. all actors, once identified and involved, have to build alliances each other. The support from a European Trade Union Federation is crucial.
 - b. they have to activate the procedures for the setting up of the SNB, nominating/electing members and fulfilling the timeschedule,
 - c. to start up negotiation to reach an agreement for the establishment (or the renewal) of the European Works Council (or any other Information and Consultation Body)

In this phase it is important that European and national trade union play an active role; policy officers and worker representatives have got involved; external experts help to follow the right procedures.

- 3) During the third phase,
 - a. the European Works Council is set up, through the election/nomination of its members
 - b. the body starts to work, through the nomination of the Steering Groups, the drafting of the regulations, its ordinary and extraordinary activities.

In this phase the main actors involved are: the EWC (effective and deputy) members and the coordinator (usually nominated by one – or more, in case of pluri-sectorial company – European Federation). Also the external experts play an important role, as they, together with the trade union policy officers, should take on an external coordination role, to ensure a good connection among European and national trade unions, and among worker representatives at any level, with a view to improving the communication channels among the EWC members and the workers.

- 4) We can also have a fourth phase in case of re-negotiation of the agreement. In this case, the steps are the same, but need to be updated.

UNI-Europa, like other European Trade Union Federations, defined some guidelines with a view to leading the process establishing a European Works Council. UNI Europa approach applicable to all Industries, on matters related to European Works Councils (EWCs). UNI guidelines, set out the basic strategies and approaches. They have been drawn up through the work of the cross-sectoral working group “Stronger EWCs @ UNI Europa”; they are intended to provide guidance not only to UNI Europa affiliates, and coordinators and members of EWCs and SNBs.

This project intends to turn theoretical and basic guidelines into an **operating process, standardizable, representable by a flowchart diagram consisting of a set of inputs and outputs. There are more figures/actors involved in the process. This project will provide those actors with specific tools helping to standardise any procedures and cooperate in an easier way:** manuals to perform each task and checklists to check that everything is going to be alright, in terms of process adherence and error prevention in any situation.

By this way, **the project will strengthen the workers’ cooperation within the European Union, prepare the setting up of new transnational information, consultation and participation bodies and improve the management of the bodies already installed.**

OVERVIEW OF THE PROJECT ACTIVITIES

The action will last for 24 months and is divided in work packages (WPs).

WP1. Construction of a flowchart diagram, representing the process of setting up and managing European Works Councils. The responsible body is FABI. It will be in charge of identifying how

many and which steps there are along the process, how many and which actors are involved and which are the objectives of each step.

The flowchart diagram will be presented to partner organisation at the first meeting of the Steering Committee, that is, the Committee leading the project. It is formed of representatives of each partner organisation and 4 external experts.

During this phase of the project, FABI will be in charge of selecting the external experts:

- 1 external expert with competencies in EWC-related organising issues;
- 1 external expert with competencies in EWC-related legal issues;
- 1 external expert with competencies in EWC-related financial issues;
- 1 external expert with competencies in methodology, editing and communication.

The external experts will participate to the Steering Committee meetings.

Deliverables:

- 1 kick off meeting + minutes (the meeting will be aimed at presenting the project, adopt work programme and assign role and responsibility of each partner. Please see below).

WP2. Questionnaire-based survey to identify knowledge needs of the main actors as regards information, consultation and participation processes. The responsible body is FABI, with the support of the experts in the preparation of the questionnaires (definition of methodology and revision of the questions) and the co-applicants in the submission and collection of the questionnaires. In particular, UNI-Europa will circulate the questionnaire among EWC Coordinators and European Trade Union Officers/Officials. FABI will elaborate answers and report to the Steering Committee.

The questionnaires, consisting in about 20 questions, will be divided in two parts: one on general issues, the other one on sectoral and geographical peculiarities. The questionnaire will be accompanied by a brief document (about 2 pages), explaining the objectives of the survey and giving summary background information.

The questionnaire will be checked and validated by 3 external experts (with competencies in labour affairs, financial affairs and legal affairs) before submitting.

The partner organisations will submit the questionnaires to their own contact peoples dealing with target companies. The **target companies belongs to different sectors and are:**

BANK SECTOR: Unicredit – ASSOCIATE ORGANISATION; Intesa San Paolo (no EWC installed); CreditAgricole; HBSC; GROUPAMA (insurance sector).

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COMMERCE SECTOR: IKEA; H&M; Gucci; Abercrombie

TAW SECTOR: Adecco

ICT SECTOR: Dell; Alten; Det Norske Veritas.

Contact persons should be: trade union officers in charge of organising and industrial relations; delegates at the workplace; EWC members (more roles).

Furthermore, FAB I will carry out a focus on UNICREDIT, associate organisation to the project. UNICREDIT will reply not only to the questionnaire, but also to some interviews.

Partner organisations will collect the questionnaires, once filled in. The questionnaire results will be elaborated by FAB I (through its internal research centre). Results will be shared with the Steering Committee.

The questionnaire-based survey will point out which is the actual knowledge of the actors above mentioned as regards information, consultation and participation mechanisms and procedures and will be useful to prepare the tools in the following phase in the action.

Deliverables:

- Questionnaire-based survey;
- Elaboration Paper;
- 1 Steering Committee meeting – minutes.

WP3. Preparation of manuals and checklists. Manuals will be aimed at informing each target group on what needs to be done in each step of the process (standardised procedures); checklists will be aimed at checking that everything is going to be alright and preventing any errors. A number of about 20 manuals and checklists are expected. That amount derives from a early calculation of the phases of the process and the actors involved in, as follows:

Phase 1: the construction of the trade union alliance; Actors: Trade Union Organisers; Shop Stewards; Experts; European trade union officers;

Phase 2: the EWC founding negotiation process; Actors: Trade Union Organisers; Shop Stewards; SNB members; Experts; European trade union officers;

Phase 3: the management of the EWC; Actors: EWC Coordinator; EWC President-Coordinator; EWC Members; EWC Steering Group Members; Technical Secretaries; Experts;

Phase 4: the renewal of an EWC agreement; Actors: EWC Coordinator; EWC President-Coordinator; EWC Members; EWC Steering Group Members; Experts.

Each target group will have its own manual and checklist, through which to improve to perform their role.

The responsible bodies for this work packages are: FILCAMS (for manuals and checklists relating to the preparatory phases and the negotiation procedures) **and FABI** (for manuals and checklists relating to EWC management).

The Steering Committee will revise documents and provide inputs by email exchanges and conference calls. The external experts will provide technical inputs on methodology, support the development of the tools and then check, integrate and validate manuals and checklists, before publishing.

Deliverables:

- Draft manuals and checklists

WP4. Preparation of appendages and organisation of national workshops. Each manual and checklist will be accompanied by an appendage, taking into considerations the sectoral and national peculiarities impacting the EWC-related mechanisms. Each partner organisation will provide appropriate information on its own country and sector. One of the topic of these appendages will concern the co-determination system, in force in Germany. That will be focused by the external expert with competencies in legal affairs.

Each partner organisation will organise 1 national workshop in its own country, targeted at the groups above mentioned, with a view to promoting exchanging and networking. A number of 20 people is expected.

It will be the opportunity to discuss draft manuals and checklists and to collect information for the preparation of the appendages. 1 representative from FABI or FILCAMS and 2 external experts will attend the meetings to ensure the achievement of the expected results and stimulate debates on topics of interest.

Minutes of each workshop will be translated in all the languages of the partnership, with a view to regularly informing partners on the ongoing achievements.

FABI and FILCAMS will be in charge of integrating every inputs coming from workshops. Draft manuals and checklists with the appendages enclosed will be validated by the Steering Committee.

Deliverables:

- Draft appendages.
- Email exchanges and conference calls among Steering Committee members.
- Steering Committee meeting - minutes
- 5 Workshops – minutes
- 1 Steering Committee meeting

WP5. Organisation of the European conference. Once finalised, the collection of manuals and checklists will be printed in English and presented during a European conference, in Brussels,

organised by FABI and FILCAMS with the support of UNI-Europa and open to all its member organisations.

The final layout of the tools will be realised by the external expert with competencies on editing and communication. He/She will ensure that the tools will be published in an appropriate way for practical uses, such as training purposes.

The Conference will be held in May 2016. A number of about 50 participants is expected. During conference, the flowchart diagram and the tools will be presented and discussed. Participants will be asked to test the tools in their own countries and sectors as well as to plan some training courses for EWC-related actors.

Furthermore, during conference, participants will be invited to exchange viewpoints about the role of common tools in the information, consultation and participations processes: **if and how common approaches, common methods and standardised procedures can improve co-operation at transnational level and the achievement of the results.**

The Conference will be an important **evaluation meeting**, as it will be open to other countries and organisations, that will give us some feedback about the quality and the relevance of the tools. During conference, we will asked participants to fill in an evaluation questionnaire.

Deliverables:

- 1000 copies of the collection in English
- 1 European Conference
- 1 Steering Committee meeting - minutes
- Evaluation questionnaires

WP6. Dissemination activities. Website and presentations at local level. Each co-applicant is responsible for dissemination of the action. It is an activity lasting for the whole duration of the action and beyond. It consists of: presentations and reports during UNI-Europa meetings (events on EWC; Executive and Management Committee meetings etc); presentations and reports to member organisations and governing bodies; the creation of a website (FABI will create and manage the website, also after the end of the project) where to find all material concerning the project (events, documentation and tools) in all the languages of the project (EN – IT – SE – NL – RO); the creation of a news-letter (FABI will create it) to ongoing inform stakeholders; a set of presentations at local level.

Each co-applicant will be in charge of organising national dissemination events to present the collection and promote the implementation in its own sector and country.

After the presentations at local level, the Steering Committee will meet to evaluate the whole action and plan follow-up action (e.g. the organisation of training courses during which to illustrate the project outputs).

Deliverables:

- 1 website
- 1 newsletter
- Some presentations at European level
- Some presentations at national and local level
- 1 Steering Committee meeting – minutes.

The collection of supporting documents to prepare mid-term and final financial report will be carried out along the whole duration of the project.

TIMESCHEDULE

The project will last for 24 months and workpackages will be carried out, as follows:

- WP1. 1 month to build the flowchart diagram (from December 2014 to January 2015)
- WP2. 6 months to carry out questionnaire-based survey (from December 2014 to May 2015)
- WP3. 6 months to prepare manuals and checklists (from January 2015 to June 2015)
- WP4. 8 months to organise workshops and prepare appendages (from June 2015 to January 2016)
- WP5. 5 months to organise the European conference (from January 2016 to May 2016)
- WP6. 24 months to organise dissemination activities (for the whole duration of the action).

ROLE AND TASKS OF EACH PARTNER ORGANISATION

FABI (Italy) will be responsible for coordinating the action, in accordance with FILCAMS and the whole Steering Committee;

FABI will select external expertises and monitor their activities;

FABI will prepare questionnaire and elaborate results;

FABI will draft manuals and checklists;

FABI will collect inputs from partners to prepare appendages;

FABI will organise a workshop in Italy in co-operation with FILCAMS;

FABI (or FILCAMS) will participate in the other national workshops with 2 experts;

FABI will organise the conference in Brussels, in co-operation with FILCAMS and UNI-Europa;

FABI will set and develop all contents into the website

FABI and FILCAMS send out regular news-letters;

FABI will deal with translations and publications.

FABI will co-ordinate dissemination activities.

FILCAMS will support FABI to day-by-day implement the project;
FILCAMS will be part of the Steering Committee;
FILCAMS will contribute to the questionnaire-based survey;
FILCAMS will co-operate to the preparation of manuals, checklists and appendages;
FILCAMS will co-operate to the organisation of the workshop in Italy and the conference in Brussels.
FILCAMS will participate to the other national workshops;
FILCAMS will contribute to the organisation of the dissemination activities.

UNI-Europa (European level) will contribute to the administration of the questionnaires;
UNI-Europa will attend Steering Committee meetings;
UNI-Europa will contribute to the organisation of the conference;
UNI-Europa will contribute to the dissemination activities.

HANDELS (Sweden) – FNV (The Netherlands) – TUFIB (Romania) – MUBE (Malta) will:
contribute to the administration and collection of the questionnaires;
revise manuals and checklists;
contribute to the preparation of the appendages;
organise a workshop in their own countries;
organise a presentation at local level in their own countries;
recruit participants for the European conference.
contribute to the dissemination activities.

EXTERNAL EXPERTS, according to their own competencies, will:
cooperate to the methodology of the survey;
provide technical inputs on how to prepare manuals and checklists;
provide technical inputs on how to inter-act within information and consultation processes;
provide technical inputs on the interpretation of data/figures coming from company accounting;
follow the development of the activities above mentioned, also by attending the workshops;
attend the Steering Committee meetings;
gathering, editing and communicating the outcomes of the project's activities;
cooperate to audio visual realization, according to their availability to appear;
validate manuals and checklists and illustrate them.