

# EWC in Malta

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GIORGIO VERRECCHIA

# Establishing of the EWCs

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- the European Works Councils can be created in Community-scale undertakings, and thus employing at least 1,000 workers in the Member States, including at least 150 employees in at least two or more Member States.
- European Works Council shall be appointed on a proposal that may make the central management or a group of workers with at least two Member States.

| 00<br>ins<br>tru<br>cti<br>ons                                       | PERCORSO-PATH   | 1        | 2 (Annex)   | 3 (Annex)   | 4 (Annex)                                  | 5                                | 6  | AA                                   | BB                                  |
|--|---|----------|---|---|--|----------------------------------|--|--------------------------------------|-------------------------------------|
| 0<br>FO<br>RE<br>W<br>OR<br>D<br>Ov<br>era<br>ll /<br>RO<br>LE       | ROLE / RUOLO  | START UP | Construction of the Trade Union Alliance ALLEANZA SINDACALE | setting up of the Special Negotiating Body SNB/ COSTRUZIONE DSN | EWC founding negotiation process NEGOZIATO | Management of the EWC / GESTIONE | Renewal of a EWC Agreement RI-NEGOZIAZIONE | Sector details SPECIFICITÀ SETTORE - | Country details SPECIFICITÀ PAESE - |
| A  | Trade Union Organizers at local, regional, national and European level Federations (UNI) and Confederation (ETUC) | X        | X   | X   |  |                                  |  |                                      |                                     |
| B<br>(An<br>nex<br>)   | Shop Stewards   | X        | X   | X   | X  |                                  |  |                                      |                                     |
| C  | EWC MEMBER  |          | X   |   |  | X                                | X  |                                      |                                     |
| D  | EWC STEERING  |          |   |   |  | X                                | X  |                                      |                                     |
| E  | PRESIDENT/SECRETARY   |          |   |   |  | X                                | X  |                                      |                                     |
| F<br>Edit<br>ed<br>by<br>Fra<br>nce<br>sco<br>Col<br>asu<br>onn<br>o | Technical Secretary "Segreteria tecnica"  |          |   |   |  | X                                |  |                                      |                                     |
| G<br>(A<br>nn<br>ex)   | SNB /EWC COORDINATOR  |          |   | X   | X  | X                                | X  |                                      |                                     |
| H  | EXPERT  | X        | x   | X   | X  | X                                | X  |                                      |                                     |
| I  | Member of Board of Directors B.O.D.   |          |   |   |  |                                  |  | Germany / Societas Europaea          |                                     |

# Objectives of the EWCs

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- European Works Councils are primarily aimed to transfer information to European employees representatives (information about all relevant aspects of companies activity), and to consult with the companies' management multinational decisions on the situation of workers.
- These decisions often concern processes of organizational changes in the companies, relocation of production in the factories, protection workers against the negative effects of restructuring and many more.

# Matters

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- The Council has also the right to information and consultation in matters relating to:
  - the employment situation and possible developments in this area
  - introducing important/significant organizational changes in the companies
  - introducing new working methods or production processes.
  - Changing of the company location or a location of a substantial part of company or the transferring of production to another company or companies
  - mergers and divisions of companies
  - production reduction
  - redundancies

# Aim

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- Generally the aim of the EWC is that workers, through their representatives chosen from amongst them, are to be given information and are consulted on the company's future as well as any decision to be taken that would affect them.

# Transposition

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- EU Directive 94/45/EC (recast 2009/38) on the establishment of a European Works Council (EWC) or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees was transposed into Maltese law through the enactment of the [European Works Council \(Information and Consultation\) Regulations](#) in 2003.

# The EWC Regulation

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- The members of special negotiating bodies (SNBs) representing Maltese employees are **directly elected** by and from among the employees concerned, with the Regulations laying down detailed balloting rules.
- The same selection method applies to the Maltese members of 'statutory' EWCs - ie those based on the Directive's subsidiary requirements, essentially where no agreement can be reached by management and SNB.

# The EWC Regulation

- In SNBs in multinationals based in Malta, the SNB seats are to be allocated among countries - in addition to the basic allocation of one representative from each Member State where the multinational has an establishment or undertaking - in line with the following criteria: one additional member from each Member State where at least 25% but less than 50% of the multinational's total workforce in the Member States is employed; two additional members from each Member State where at least 50% but less than 75% of the multinational's total workforce is employed; and three additional members from any Member State where at least 50% but less than 75% of the multinational's total workforce is employed. The same allocation criteria apply to statutory EWCs in multinationals based in Malta.

# Confidentiality

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- members of SNBs and EWCs, or of any other body established under the Regulations in order to facilitate informing and consulting employees, as well as any persons who assist them, **shall not reveal any information which has been provided to them in confidence.**
- This prohibition applies even after the expiry of the term of office of the persons concerned.
- However they may, in accordance with their duties as an SNB/EWC member, expert or employees' representative in an alternative information and consultation procedure, disclose such information to the body or council of which they are a member, to another employees' representative in a procedure, or to the members, body or person they are employed to advise;

# Confidentiality/secret

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- central management shall not be obliged to transmit certain information to the SNB or EWC, or in connection with an alternative information and consultation procedure, where it can show that such disclosure would adversely affect the position of the organisation, or where the information is of a kind that meets objective standards for determining that it should be withheld agreed between the central management and the SNB, EWC or the employees' representatives in an information and consultation procedure;

# Small Countries for European Works Councils

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- there is an EU project entitled “Small Countries for European Works Councils - European Actions for the Promotion of European Works Councils among multinational undertakings in small European and new member states”.
- The main goal of this project is to promote European Works Councils as ideal tools for the promotion and facilitation of information dissemination, consultation and participation of representatives of companies.

# Small Countries for European Works Councils

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- The project is especially addressed to new EU members and the smallest EU countries such as Estonia, Cyprus and Malta.
- In these countries the number of Community-scale undertaking is quite low.
- In Malta there are only a few multinational or transnational companies

# EWCs members in Malta

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- The T & G (Transport & General Workers' Union) in UK and the De La Rue company (a banknotes printing company) agreed that workers in the latter company's subsidiary in Malta could elect representatives from amongst them.
- Other companies operating in Malta that established EWCs are:
  - British American Tobacco (Malta) Ltd. (cigarettes manufacturing company)
  - Trelleborg Sealing Solutions Ltd. (producer of automotive o'ring's )
  - Baxter (A pharmaceutical company)
  - HSBC Bank Malta p.l.c.
  - Hilton Hotel
  - ST Microelectronics