

## European Works Councils and the national and local level

Improved effectiveness of European Works Councils in the transport sector through better networking with and increased competences of national and local actors

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Promoted by



and

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the European Works Council of Deutsche Bahn AG and  
the European Works Council of Deutsche Post DHL

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## Motivation and Problem Description

The present project refers to directive 2009/38/EC, esp. with a focus on the implementation of the role of EWC members, regulated in Article 10 (2), the coordination between EWC and national employee representations (Article 12) and the practical implementation of the information and consultation process described in Article 2 f and g. Another focal point are transnational company agreements and their implementation at national and local level.

The project deals with the practical implementation of the above aspects in the day-to day work of the European Works Councils (EWCs) of Deutsche Bahn AG and Deutsche Post AG / DHL.

The member states have transposed the directive 2009/38/EC into national law, in various ways, depending on the national labour law system. With the recast directive 2009/38/EC some key improvements were made which should enhance the capacity of EWC to fulfill their role in transnational workers representation. Yet, their practical implementation provides obstacles for real effectiveness in the day-to-day routine of EWCs. Various studies and investigations highlight the problem of implementing the recast of the EWC Directive and the coordination of different levels of transnational employee representation in internationally operating companies, for example, the study "Variations on a theme? The Implementation of the EWC Recast Directive", published by Romuald Jagodzinski (2015) and the research project of the University of Duisburg-Essen "Employee Representation in National and Transnational Action Fields: Company Restructuring and The Problem of Articulation "(2015 - 2017).

The present project looks on the topic from the perspective of the day-to-day work of two European Works Councils representing approx. 620 000 employees in the transport and logistics sector in all EU and in candidate countries.

Article 10 (2) of Directive 2009/38 / EC defines the role and competences of the EWC members; they shall inform employee representatives or employees of the undertakings about the content and outcome of EWC work. The recast of the EWC-Directive contains clarifications on the coordination of the involvement of workers at European and national level (Article 12), on the shaping of the information and consultation process and it clarifies the transnational competence of the EWC. To put these improved standards of employee representation into practice for the employees of Deutsche Bahn AG and Deutsche Post AG / DHL encounters obstacles becoming apparent through the following aspects:

The information flow between the EWCs and their members in several member states is impaired. Employee representatives / employees are not properly informed about the results of information and consultation resp. the related procedures are not known for several countries.

The EWCs are not always informed about matters in subsidiaries, which are of transnational character and would fall within the competences of the EWCs.

Communication and information flow within one country can be hampered. Some EWC members of one country, but different subsidiaries of an undertaking, are not connected with each other; some EWC members representing several subsidiaries, have no connection with employee representations outside their own company.

Nominated EWC members dispose sometimes of insufficient knowledge about legal background, role and tasks of a EWC and a EWC member; they are not aware of their role as employee representatives. This is esp. the case when, in the absence of a workers' representation, EWC members have been nominated by the national management.

In several countries, EWC members act in a surrounding with little tradition of employee representation, they are prevented from exercising their related rights and duties. Or they lack of competences to do so and need support.

The EWC of Deutsche Bahn AG concluded a transnational company agreement with Europe-wide standards for the support and protection of employees affected by the concentration of bookkeeping services and related reduction of workforce. In several countries, employees / employee representatives and the management have obviously not been informed about the content of the agreement and thus the agreement cannot come into operation.

## Objectives

Against this background, the project aims to improve the effectiveness of the European Works Councils of Deutsche Bahn AG and Deutsche Post AG / DHL, through

- Improved information flow between EWC, EWC members and employee representation at national and local level.
- Better knowledge of EWC about national and local legal, institutional and informal framework conditions in which EWC members act in selected countries.
- Better networking of the EWCs with EWC members and social dialogue actors of the national and local level.
- Improved cooperation between EWC members of the same country.
- Improved information of EWC members about their role, tasks and duties and improved competences to exercise them esp. at the national and local level.
- Improved information of employers at national and local level about legal background, role and rights of EWC.
- Familiarization of employees (representatives) and employers at national and local level about concluded transnational company agreements.

The present project will include findings from relevant investigations into the project work and will complement them by focusing on two concrete EWCs in the transport and logistics sector and by elaborating practical tools and training, which help the EWCs to better coordinate with the national and local level and help social actors to better implement their tasks and responsibilities.

European and national trade union organisations, including the ETUC, the ETF or UNI Europa, have provided tools, trainings and documents to support the work of EWCs. However, a deeper consideration and discussion seems to be necessary on how EWC work is transferred to the national and local level and how its effectiveness can be guaranteed there and how can be ensured that information on matters at national and local enterprise level being of transnational relevance are transferred to the EWC. The present project intends to close this gap. It thus offers an innovative added value to already existing research and support.

The results of the project are primarily related to the framework conditions in which the two involved EWCs work. However, they can also be used for other EWCs of the transport and logistics industry and beyond, and their dissemination to a broader audience is ensured.

The project was initiated by the EWCs of Deutsche Bahn AG and Deutsche Post AG / DHL and is supported by the European Transport Workers Federation, UNI Global Union Europa, the German Railway and Transport Trade Union (EVG), FNV from The Netherlands and CFDT from France. They mandated EVA Academy to coordinate the implementation of the project.

## Implementing Approach

The methodological approach is to collect secondary and empirical data of provisions concerning the legal, institutional, formal and informal framework conditions in which EWC members from selected countries act and concerning obstacles for an effective information flow between EWC, EWC members and local employees/employee representatives, national and local management and trade unions. Information will be gathered through approx. 40 interviews with EWC members and employers' representatives and through a desktop research of documents regarding the implementation of directive 2009/38/EC, esp. regarding the role of EWC members (Article 10 (2)), the coordination between EWC and national employee representations (Article 12) and the practical implementation of the information and consultation process described in Article 2 f and g, in selected countries. A report will summarize the results of the analysis phase, which will be presented and evaluated in a workshop (WS 1) with the Steering committee members as well as the board of the two involved EWCs.

Support and competence building for EWC members, employers' representatives and trade unions of national and local level is reached through the elaboration of two practical tools and through training: A task description for EWC members and recommendations for the practical implementation of selected aspects of their implementation are developed based on the analysis results. In three further workshops (WS 2 to 4), EWC members, employers' representatives of national and local levels as well as local and national trade union representatives from selected countries are trained.

## **Duration**

24 months, 12/2017 – 11/2019

## **Contact and further information:**

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