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1. Good communication is more important than digital solutions

Face-to-face, video or hybrid EWC meetings and conferences?



According to the European trade union federations in Brussels, with the end of travel restrictions for Special Negotiating Bodies, European Works Councils and SE Works Councils, face-to-face meetings should once again be the norm to ensure effective work and stable communication between employee representatives. In June 2022, they put forward recommendations for videoconferencing and hybrid meetings. Digital formats could be helpful to supplement EWC work with additional meetings of working groups or the steering committee. However, they should not replace the basic right to face-to-face meetings. Digital formats are not advisable, especially in the early stages of negotiations when delegates do not yet know each other well.

[Full text of the recommendations](#)

In Germany, prior to the Corona pandemic, all types of works council meetings were only allowed to be face-to-face. By means of a special temporary regulation, Special Negotiating Bodies, European and SE Works Councils are once again allowed to meet by video or telephone conference between 17 September 2022 and 7 April 2023. This had previously been the case since March 2020, but was discontinued at the end of June 2021 and had not been renewed (see [report in EWC News 2/2021](#)).

Positive effects only with good communication

Digitalisation leads to less travel, more home office, time savings and lower costs. However, this equation presupposes that communication works. For three years, a research project in Germany investigated what matters when it comes to digitalisation in production. The result appears surprising: it is not technology but human communication that is the keystone for success. Digitalisation requires even more interpersonal communication than conventional working methods. This simple insight applies all the more to European Works Councils, as empirical studies confirm (see [report in EWC News 1/2022](#)).

[Report on the research project](#)

With the Corona pandemic, digital formats have become and will remain part of EWC work across the board. However, the practical and legal problems arising from this are only partially known, hardly studied let alone resolved. Many European Works Councils, are facing such issues as:

- How many face-to-face meetings or video conferences should take place per year?
- Who decides if and when a face-to-face meeting is necessary?
- If all EWC members are present, can management representatives decide for themselves whether to give their presentations in person or by video?
- In exceptional circumstances (restructuring), do at least the representatives of the countries concerned have to be present in person at the meeting?
- Video conferencing increases the possibility of participation. In online steering committee meetings, are all EWC members allowed to dial in if they wish, participate in discussions and follow management presentations?
- Do interpreters have to be present at a face-to-face meeting or can they be connected via digital channels?
- How can secret ballots or votes be cast in a video conference or hybrid meetings?

EWC Academy consultants will discuss these questions during in-house events organized with several European Works Councils in autumn 2022.

2. Developments at European level

Corporate sustainability reporting requirements to be extended

On 21 June 2022, a preliminary political agreement was reached in Brussels between the European Council and the European Parliament on the revision of the Non-Financial Reporting Directive. In future, all companies with 250 or more employees will be required to publish not only their annual financial statements, but also information on sustainability issues such as environmental rights, social rights, human rights and governance.



After the directive enters into force, member states have 18 months to transpose it into national law. The new directive amends parts of a directive on financial reporting requirements for companies (including annual financial statements) dating from June 2013. This had already been amended in October 2014 with a reporting obligation on non-financial and diversity-related information (see [report in EWC News 2/2013](#)). The regulations now adopted will apply from 2024 to all companies that are already subject to the existing directive today. By 2026, listed small and medium-sized enterprises will also be covered.

Employee representatives will be able to better understand their company's impact on the environment and society as well as its sustainability strategy. The report should cover issues such as gender equality, equal pay for equal work or work of equal value, training, skills development, working conditions, wages, work-life balance, healthy working environment, collective bargaining and co-determination. This data must be independently audited and certified.

[Press release on the agreement](#)
[General approach and full text of Directive](#)

Demand for better protection of health in the digital world of work



On 5 July 2022, a large majority of the European Parliament voted in favour of a resolution on mental health in the digital world of work, calling on the European Commission and EU countries to take urgent action. This resolution follows the strategic framework for health and safety at work presented in June 2021, in which the European Commission announced changes to several EU directives on occupational health and safety.

However, MEPs consider these proposals insufficient and ineffective when it comes to addressing psychosocial risks. Mental health should be given the same priority as physical health. Specifically, the European Parliament calls for:

- mechanisms for the prevention of anxiety, depression and burnout and for the reintegration into the workplace of those affected by psychosocial problems
- a legislative initiative on the management of psychosocial risks and well-being at work

- a legal framework for setting minimum requirements for telework and the right to disconnect (see [report in EWC News 2/2022](#))
- protection against exploitation through artificial intelligence and algorithmic management. Such technologies should not have a detrimental effect on mental health and well-being, nor be misused for excessive control of productivity or surveillance.

[Full text of the resolution](#)

[The strategic framework for health and safety at work](#)

[European Trade Union Confederation press release](#)

Making the Single Market crisis-proof - with or without the right to strike?

On 19 September 2022, the European Commission presented an Emergency Instrument for the Single Market (SMEI). The aim is to secure the free movement of goods, services and persons in the Single Market and to maintain the availability of essential goods and services in the event of future emergencies. SMEI is a reaction to structural deficiencies that became apparent during the pandemic. The explosive issue is whether strikes qualify as exceptional, unexpected and sudden events that trigger the emergency mechanism.



In a letter dated 6 September 2022 to the relevant commissioners, the European Trade Union Confederation (ETUC) had drawn attention to this danger. Legitimate strike action carried out by trade unions should in no way be considered as a crisis for the purposes of the SMEI. While the preamble does mention the Charter of Fundamental Rights of the EU, including the right to collective bargaining and industrial action, there is no direct reference to these within the articles of the regulation. The issue is not new, since in March 2012 the European Commission was already seeking to limit the right to strike under the freedom of establishment and to provide services (see [report in EWC News 2/2012](#)). After massive protests, it withdrew the draft "Monti II Regulation" in September 2012.

[Further information on the SMEI](#)

[ETUC letter to the European Commission](#)

3. The labour market after the corona crisis

Stronger recovery in Southwest Europe than Eastern Europe



At the beginning of the Corona pandemic, many sectors were affected by sharp and sudden job cuts, but in the meantime economic recovery has become widespread. Since the introduction of the euro in 1999, the unemployment rate has never been lower than it is presently. Nevertheless, jobs are still being lost and new ones created in other sectors. This ongoing upheaval in the economic landscape has been documented and analysed by the European Restructuring Monitor since 2002 (see [report in EWC News 2/2020](#)).

Since 1 January 2022, the Restructuring Monitor reports a loss of 59,700 jobs and the creation of 211,200 new jobs in 25 countries. France has suffered the biggest losses with 11,100, closely followed by Germany with 9,800 and Italy with 6,600. Compared to other European countries Portugal and Norway have lost the fewest jobs this year. French tube manufacturer Vallourec announced the closure of two sites in the Düsseldorf region with 2,500 jobs, the biggest loss in a single company in Germany since the beginning of the year. Dutch carmaker Stellantis is cutting 2,600 jobs in France and 1,800 in Italy. Spanish telecoms group Telefónica plans to cut up to 22% of its workforce (4,000 jobs) in its home country. In Spain, cuts in the banking sector also continue in 2022 with a loss of 5,000 jobs. The British online delivery service Deliveroo is pulling out of Spain and giving notice to all 3,900 staff.

New jobs in the IT sector, trade and logistics

France leads Europe in new job creation with 58,400 this year, followed at some distance behind by Germany with 24,900 and Poland with 19,600. Whereas before the pandemic Poland was always at the forefront of job growth in Europe, the country is now only in third place. Spain, after many job losses in recent years, scores well with 17,200 new jobs since the beginning of the year. The fewest new jobs are reported from Finland, Denmark and the Netherlands.

The US mail order company Amazon creates most of the new jobs: 7,000 in Germany, 3,000 in France and 3,200 in Spain. In Germany, 5,500 jobs are being created in software and battery cells for electric vehicles. 2,000 new jobs are planned in airport handling and 1,500 at Airbus. In France, the high-tech

sector is growing strongly: 7,300 people are needed in IT consultancy and 4,000 at the aerospace group Thales. The HR services company Randstad plans to hire 7,000 people permanently and the industrial services company Spie 3,000; contract logistics is also growing strongly. The French insurance company Axa is creating 2,000 new jobs.

In Italy, Open Fiber is looking for 9,500 technicians and construction workers to expand its fibre optic network. The German discounter chain Lidl is creating 6,000 new jobs in Italy, the British delivery service Just Eat Takeaway 4,000 and McDonald's 5,000. Lidl is also looking for 1,500 new employees in Poland, the same number as Google. The logistics sector is also showing strong growth in Poland. Citibank is creating 1,000 new jobs in Poland. In Spain, several IT companies are looking for a total of 9,000 new employees, and the revived tourism sector is forcing the country's largest hotel chain Meliá to create 1,200 jobs.

[The Restructuring Monitor database](#)

4. Industrial and innovation policy in Central Eastern Europe

The "extended workbench" is falling behind in innovation

Almost twenty years after joining the EU, the Central Eastern Europe countries are deeply integrated into the economic division of labour in Europe. Despite rising wages, however, the gap in per capita income compared to Scandinavia, Germany and the Benelux countries is stagnating. The convergence of living conditions is stuck halfway. To change this, an active industrial and innovation policy would be necessary, according to a study by the Budapest office of the Friedrich Ebert Foundation.



This question is all the more urgent because European industry is facing a huge modernisation and restructuring agenda in the coming decade. The technological upheaval and the energy transition are probably the most profound, comprehensive and rapid changes since the beginning of industrialisation. A changed division of labour between the countries is also to be expected. Central Eastern Europe where industry is very CO₂-intensive, less productive and automated than in the West is less prepared for this than Western Europe.

The proportion of people with advanced IT skills and IT graduates lies in the same order of magnitude as the EU average, especially in the Czech Republic, Hungary and Romania. Nevertheless, the economy as a whole still lags far behind in the level of digitalisation. In terms of innovation, Poland and Romania have some catching up to do, while Estonia and the Czech Republic are doing much better.

Example automotive industry

The entire region is stuck in contract manufacturing ("extended workbench"), while technological competence and authority for decision-making remain in the headquarters of international corporations in Western Europe, the USA or Japan. In order to break out of this dependency, the country's own technological capacities would have to be strengthened and the innovative capacity of the companies promoted through active industrial policy. This applies particularly strongly to the Czech Republic, where the share of industry in economic output is almost 30%, higher than the EU average and Germany.

The automotive industry plays a special role. Czechia and Slovakia each produce almost as many passenger vehicles as France and the UK. Western Europe is increasingly dependent on parts supplies from Eastern Europe. This was strikingly demonstrated by a strike in Hungary, which led to production disruptions at German sites in January 2019 (see [report in EWC News 1/2019](#)). Large strikes were also reported in the automotive industry in Slovakia (see [report in EWC News 1/2018](#)).

[Full text of the study](#)

5. Recent court rulings in France

French Supreme Labour Court upholds warning against EWC member

On 15 June 2022, the Social Chamber of the Court of Cassation in Paris (comparable to a Labour Court) dismissed the appeal of a French EWC member of the major British bank HSBC. French management had issued her with a warning notice for violating the bank's IT security rules during an



EWC meeting in London and thus breaching confidentiality rules. HSBC's EWC agreement dates back to October 2015 (see [report in EWC News 2/2016](#)).

At a meeting of the French General Works Council on 21 March 2017, she had received confidential information about the establishment of subsidiaries in Greece and the UK and their impact on employment. She then proceeded to prepare a list of questions for the upcoming meeting of the European Works Council on 30 March 2017. However, for this purpose, she did not use the encrypted device that had been provided to her personally for her EWC activities, but the works council's laptop. She then copied the document onto a works council USB stick and printed it out on a printer at her hotel in London, rather than using an employer's computer which allows secure remote printing. As a consequence, the confidentiality of this information towards unauthorised third parties was no longer guaranteed. The court ruling states that the printed document contained confidential information about the financial situation of the Greek subsidiary, planned strategies and business operations, which was strictly confidential until the expiry of a secrecy period. This had previously been expressly communicated by the employer.

[Full text of the court ruling](#)
[Report on the court ruling](#)

French government forced to disclose secret merger documents

On 23 June 2022, two trade unions won a case against government before the Paris Administrative Court. Within two months, the Ministry of Economy must disclose the written commitments made by the Finnish telecommunications group Nokia to the French government in October 2015 in order to obtain authorisation to buy the network equipment manufacturer Alcatel-Lucent. If the ministry refuses, it faces a fine of €5,000 for each day of delay. The ruling also has a significance throughout Europe, since Nokia's EWC has no right to be consulted as provided for in the EU Directive (see [report in EWC News 2/2015](#)).



The confidential documents are highly sensitive because they also contain promises to safeguard jobs. So far it was publicly known that Nokia had committed to keeping 2,500 engineers on French soil until 1 June 2020. Only twelve days after the expiry of this deadline, it became known that 1,233 jobs, one third of the workforce, would be slashed. Up to this time, Nokia had received €273 million in public research funding, saved €39 million in profit taxes, and nevertheless cut one third of all jobs in France. There were similar discussions about compliance with a commitment after the takeover of Alstom's energy division by the US group General Electric (see [report in EWC News 2/2019](#)).

[Full text of the court ruling](#)
[Interview with a trade union representative](#)
[Report on events at General Electric](#) (see page 9)

6. Case law in Germany

Nuremberg Regional Labour Court rejects SE complaint



On 1 September 2022, the Nuremberg Regional Labour Court rejected the application of two works councils of the family-owned company Brose Fahrzeugteile from Coburg, to convene a Special Negotiating Body for the SE & Co. KG (SE limited partnership) (see [report in EWC News 1/2022](#)). The judges ruled similarly to the Hamburg Regional Labour Court in October 2020 in the case of the Japanese optics and photography group Olympus, which uses the structure of an SE limited partnership to completely avoid any components of pan-European employee representation (see [report in EWC News 4/2020](#)). As in Hamburg, an appeal to the Federal Labour Court on points of law has been granted. The Olympus case was referred to the European Court of Justice in May 2022 (see [report in EWC News 2/2022](#)).

[Further information on the legal form of the European Company \(SE\)](#)

Landmark ruling on the recording of working time

On 13 September 2022, the Federal Labour Court ruled that all employers in Germany must systematically record the working hours of their employees. Previously, this was only required for overtime and Sunday work. The judges based their decision on a ruling by the European Court of Justice in May 2019 (see [report in EWC News 2/2019](#)). In order to comply with the EU Working Time Directive, which provides for a maximum weekly working time as well as daily and weekly rest periods, the daily working time worked must be measured, through an objective, reliable and accessible working time recording system.



The ruling is considered the most important labour law decision of the entire year in Germany, with far-reaching effects on models of trust-based working time, mobile work and home office. German lawmakers have not yet reacted to the Luxembourg ruling. Now the government is under immediate pressure to act. Employment Minister Hubertus Heil (social democrats) is considering an amendment to the Working Time Act. In February 2020, for the first time, a German labour court awarded compensation to a plaintiff on the basis of the European Court of Justice's decision because the employer had not correctly recorded working time (see [report in EWC News 2/2020](#)).

[Report on the court ruling](#)
[Explanations from the German Trade Union Confederation](#)

7. New EWC agreements

Late adaptation to the 2009 EWC Directive



On 5 May 2022, a new EWC agreement under French law was signed for the Elior Group at its headquarters in La Défence near Paris. This is the first update of the text since the establishment of the EWC in 2005 and the provisions of the revised EWC Directive have only just been incorporated. Elior, with 99,000 employees, specialises in community catering and cleaning of healthcare facilities in seven European countries and the US. The UK is no longer represented on the EWC since Brexit.

The EWC, which consists of twelve employee representatives, including six from France, meets once a year under the chairmanship of the employer and is consulted on the strategic direction of the company at European level within the next five years. Other delegates come from Spain, Italy and Portugal. Luxembourg and Monaco do not have a representative since the workforce there is too small. The new EWC agreement provides for a right of access for EWC members to exchange views with employee representatives on site. In the case of exceptional circumstances, the EWC must give its opinion within 45 days (two months if an expert is involved), although a method agreement ("accord de méthode") with longer deadlines can be negotiated for complex restructuring. As is customary in France, Elior has very extensive rules on the assistance of experts.

Face-to-face meetings are considered the norm and can only be replaced by video conferences if the secretary (the spokesperson for the employee representatives) agrees. Videoconferences are only held as a matter of principle for extraordinary meetings on issues with less impact on workers' interests. The representatives elect a board of four members, including the secretary. In France, it is common practice to precisely define time-off work other than for meetings. All EWC members at Elior receive an annual allowance of 30 hours, board members 120 and the secretary 150 hours. The entitlement to training is quite restrictive. Each EWC member has three days' training in the first five-year term, and only one day per term thereafter.

[Full text of the EWC agreement](#)

EWC established after spin-off from US group

On 22 June 2022, an EWC agreement was concluded for the Innio Group at its headquarters in Jenbach (Tyrol). The company produces motors for the energy industry and until 2018, was part of the US conglomerate General Electric which has had a European Works Council since the late 1990s. A completely new structure was agreed for the EWC in 2018 (see [report in EWC News 1/2018](#)). Innio has been without its own EWC since the sale to a US financial investor.



The new EWC agreement covers 3,400 employees in ten EU countries, excluding the UK and Switzerland. The EWC has 15 members, five from Austria, three from Germany and two from Hungary.

The select committee consists of five members. The term of office is four years, although Austrian law normally provides for five years. All meetings are held in person; video conferences are permitted if travel is restricted. The EWC is competent in transnational issues if at least 30 employees in the EU and five per country are affected, which is a relatively low threshold. All other features of the EWC agreement are based on the subsidiary requirements of EWC legislation.

8. SE Works Councils and Supervisory Board Co-determination

Online furniture retailer with very restrictive rules for SE works council



The Westwing Group, a Munich-based start-up founded in 2011, has been operating as a European Company (SE) since 23 February 2022. By these means, the management was not only able to completely avoid co-determination in the supervisory board, but also to impose major restrictions on the ability of the new SE works council to function - a bad

example in German SE history.

Westwing is an internet retailer for a complete range of Home & Living products with 2,300 employees in five EU countries and is growing strongly; at the beginning of the SE conversion process in mid-2021, there were 400 fewer. The legal form of the SE has become the norm for internet start-ups in Germany. The financial investors at Westwing are the same as at the food delivery company HelloFresh (see [report in EWC News 1/2017](#)), the fashion shop Zalando (see [report in EWC News 4/2015](#)) or the delivery service Delivery Hero (see [report in EWC News 2/2018](#)). In addition to Germany with 800 employees in marketing, Westwing has a presence in Poland where the central warehouses are located with over 1,000 employees.

The SE participation agreement was signed on 11 February 2022. The new SE works council, called the SE Consultation Body, has eight members: three each from Germany and Poland, one from Spain and one for the small countries (currently Italy and the Netherlands). Switzerland and the United Kingdom are not included. It has a term-of-office of three years and is responsible for all matters affecting workers in more than one country. However, there are severe restrictions: the annual plenary meeting only deals with issues that affect more than 15% of the European workforce. The three-member steering committee is involved in exceptional circumstances when at least 30% of the European workforce is affected (currently 700 workers). If more than 90% of the workforce in a single country is affected (e.g. if all branches in that country are closed), then there is no right to be consulted, only to be informed.

Additional, very unusual restrictions

All meetings, including the annual plenary session, are generally held by telephone or video conference and only exceptionally as a face-to-face meeting. Resolutions can be passed by e-mail. There is no double consultation procedure as provided for in the standard rules of the SE Directive. Prior to sending information to the workforce, the SE works council must always consult the company's legal department beforehand. Central management may have the courts approve the necessity for any training and experts. Termination of the SE agreement or renegotiation in the event of structural changes is severely restricted and does not lead to the default provisions of the SE Directive. This firmly establishes overall working conditions that make normal and efficient works council work almost impossible.

[Full text of the conversion report](#)

German automotive group establishes subsidiary for e-mobility

Volkswagen is bundling its future global battery activities within a European Company, the new PowerCo SE. On 23 March 2022, an SE participation agreement was concluded at the company's headquarters in Salzgitter. Around 5,000 people are to work there from 2025 in a gigafactory for battery production. On 7 July 2022, the foundation stone was laid in the presence of Chancellor Olaf Scholz (photo). A total of five more production sites with 15,000 jobs are planned in Europe, including in Sagunto (Spain), in Eastern Europe and in Sweden.



While many companies abuse the establishment of a European Company to freeze or to escape co-determination, e.g. Tesla (see [report in EWC News 4/2019](#)), PowerCo is planning to have full-parity

representation on the supervisory board right from the start, despite the still relatively small workforce. There are also good regulations for the SE works council, which are based on the SE agreement of Cariad, the software subsidiary of Volkswagen. Their SE agreement was concluded in March 2021 and is considered one of the best in the whole of Europe (see [report in EWC News 2/2021](#)). Unlike at Cariad, however, there is no provision for a legally enforceable social plan for PowerCo.

[Report on the laying of the foundation stone and about the new company.](#)

Italian IT service provider converts German subsidiary into SE



On 1 July 2022, an SE participation agreement was signed at the headquarters of Reply Deutschland in Gütersloh. With 1,900 employees, the IT consulting company is close to the 2,000 threshold above which a supervisory board with full-parity representation must be established. To avoid this, Reply Deutschland was converted into an SE. The parent company, based in Turin, has 10,500 employees worldwide, but no European Works Council. The SE works council, which only covers Germany and Croatia, is therefore the only transnational employee representation body.

The SE works council can hold up to four plenary meetings a year and call in two experts. Video conferencing and resolutions may be passed by circulation, but cannot be requested by the employer. There are precisely defined deadlines for information and consultation. If the central management does not agree with the SE works council's opinion, the SE-typical second consultation procedure takes place with a view to reaching an agreement. In the event of disputes, a conciliation procedure is agreed on, before going to the labour courts. All other points are based on the standard rules of the SE Directive. Not a single employee representative is allowed on the supervisory board. In order to avoid full-parity co-determination, the French IT company Sopra Steria had already converted its German subsidiary into an SE in 2018, but granted the employee representatives more than one third of all seats on the supervisory board (see [report in EWC News 2/2018](#)).

9. The view beyond Europe

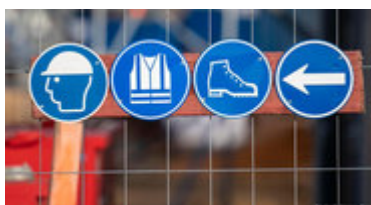
Call for an International Labour Court

In a special report for its Global Worker magazine from June 2022, the International Industrial Trade Union Confederation (industriALL) in Geneva highlighted the need for global legal security for workers through the establishment of a labour court. Currently, there is an International Labour Organisation (ILO) committee for complaints against governments, but not against companies. The agreement on fire and building safety in the textile industry in Bangladesh (see [report in EWC News 3/2013](#)), monitoring of International Framework Agreements between trade unions and multinationals (see [report in EWC News 3/2021](#)) or the new supply chain laws demonstrate that more legal certainty and enforcement is needed worldwide.



[Full text of the special report](#)

Occupational health and safety declared a global human right



On 10 June 2022, the International Labour Organisation (ILO) decided in Geneva that health and safety at work will become part of the core labour standards that UN member states must implement in their national law. In the ILO, governments, trade unions and employers' organisations work together to promote social justice, as well as human and labour rights. The new rules are to be monitored and progress and obstacles in individual countries made transparent through annual reports.

It is the first addition to the fundamental principles and rights at work in a quarter of a century. The fundamental rights previously adopted by this UN specialised agency include the prohibition of forced labour, child labour and discrimination in the workplace, as well as freedom of association and the right to collective bargaining. The ILO's core labour standards can also be found in international framework agreements between trade unions and multinational corporations (see [report in EWC News 3/2021](#)).

[ILO press release](#)
[Presentation of the core labour standards](#)

Apple employees do not want to return to the office

Since 5 September 2022, Apple employees in the USA have once again to work three days a week in the office. This aims to partially put an end to the period of home office work from the Corona pandemic. The CEO described benefits of face-to-face collaboration as "irreplaceable". Research on remote work shows a deterioration in work culture and an increase in unimportant meetings, leading to lower productivity. Those employees working at home waste five and a half hours a week on useless activities to demonstrate digital presence to their superiors. A group of workers called "Apple Together" launched a petition on 22 August 2022 and wants to continue working flexibly at home. For the first time in the US there has been a local union representation at Apple since June 2022 (see [report in EWC News 2/2022](#)).



[Press report on the petition](#)
[The petition against the return to the office](#)

10. Interesting websites

Trade union petition platform "Action Europe"



In June 2022, the European Trade Union Confederation (ETUC) launched a petition platform called "Action Europe" in five languages. It was created as part of the "Digital Trade Union Movement" project and initially includes three campaigns: on the Supply Chain Directive (see [report in EWC News 1/2022](#)), on occupational health and safety and the ILO Convention on violence and harassment at work.

[The new ETUC platform](#)

Industrial relations in Central and Eastern Europe

The Central European Labour Studies Institute (CELSI), based in Bratislava, Slovakia, is a non-profit research institute working on industrial relations and social systems in Central and Eastern European countries. It is currently running a project on the future of the automotive industry, which plays a major role in Slovakia and Hungary (see [report in EWC News 1/2019](#)). Collective bargaining in the four countries of the Visegrád group was also examined.



[The CELSI website](#)
[Trade union landscape in Eastern Europe including Ukraine](#)

Ranking companies for a sustainable future



The World Benchmarking Alliance (WBA), founded in 2018 in Amsterdam, aims to encourage companies to measure their contribution in progressing with respect to the United Nations Sustainable Development Goals. To this end, a number of rankings have been created, including, for example, the 2,000 most influential companies in the world. The list shows where each company stands compared to its peers, where it can improve and where urgent action is needed. Founders of the WBA were some companies such as the British insurance company Aviva, Ford or Ikea, the Dutch, British, German, Danish and Swedish governments as well as the European Commission.

[The WBA website](#)
[Ranking of the 2,000 most influential companies](#)

Company portraits on the compatibility of ecology and good business

Works councils do have a role in climate and environmental policy, according to the Hans Böckler Foundation on its co-determination internet portal. Concrete examples show how sustainability and good business can be reconciled in the workplace and how works councils can accompany the transformation. Some of the examples are: green electricity in container handling, green steel, ecological paper production, transformation of the chemical industry, environmental protection officers in tyre production, occupational health and safety in offshore wind power, sustainability at a confectionery manufacturer.



[Company portraits](#)
[Co-determination internet portal homepage](#)

11. New publications



Battery manufacturing in the European automotive industry

At the end of June 2022, the European Trade Union Institute published a study on the future of the automotive industry on the road to electromobility and the emerging supply chains for battery manufacturing. The authors who are working on the mobility of the future at the M-Five research and consulting services centre in Karlsruhe, examine the ramp-up of lithium-ion battery cell production in Europe. They describe the technology and the innovation system, analyse the supply chain, location factors and impact on employment. A location matrix identifies attractive European locations for battery cell manufacturing and compares Europe's competitiveness with the USA, China, South Korea and Japan. The analysis of the impact on employment paints a differentiated picture of job losses and the creation of new jobs accompanied by a strong need for reskilling.

[Further information on the study](#)
[Download the study](#)
[Working paper from the Hans Böckler Foundation](#)

Co-determination for Artificial Intelligence (AI) in the workplace

At the beginning of July 2022, the Interdisciplinary Research Centre for Technology, Work and Culture (ifz) in Graz presented a handbook for works councils so that they can assess planned or already deployed AI-based technologies and become involved in their implementation. The handbook was developed in a research project that evaluated practical working experience in workshops with works councils and trade unions. One focus was on ethical considerations (e.g. issues around data protection), equal opportunities (e.g. inclusion through assistance systems) and the concrete needs of employees. Individual chapters of the handbook shed light on questions such as how AI-supported assistance systems should (not) be designed, what co-determination could look like in company agreements or what legal rules exist for the use of AI-supported assistance systems in the workplace. Nine sets of questions round off the publication, including fairness and ethics, transparency, data protection, monitoring and modifiability.



[Further information on the handbook](#)
[Download the handbook](#)
[Trade union position paper on AI in the workplace](#)
[Spanish government guide on AI in the workplace](#)

Collective bargaining in times of crisis, war and inflation

This is the subtitle of the current European Collective Bargaining Report from the Hans Böckler Foundation, which was published at the beginning of August 2022. In the current year, wages in the EU could fall by 2.9% in real terms - a unique occurrence in recent decades. This should not lead to a redistribution of wealth at the expense of workers, the authors say. For despite high inflation, many companies continue to make high profits and pay out billions of €s in dividends, e.g. the German car industry. The collective bargaining report evaluates data from all 27 EU countries and calculates the possible scope for redistribution, taking into account increased import prices. The overall economic potential for wage increases is 15% in Poland this year, closely followed by Lithuania and Bulgaria.



The Scandinavian countries have the lowest leeway for redistribution at 5-6%, and Germany 7.4%. Czechia, the country with the lowest unemployment rate in the EU, came out on top in 2021 for wage increases through collective bargaining (see [report in EWC News 4/2018](#)).

[Overview of the contents of the Collective Bargaining Report](#)
[Download the European Collective Bargaining Report](#)
[Study on real wage losses in the UK](#)
[Report on the increase in corporate dividends](#)

French-German comparison on the right to disconnect

In August 2022, this dissertation was published in a series of publications from the German-French Lawyers' Association. Constant availability has led to a blurring of the boundary between working time and rest time. According to an empirical study, 25% of all employees check their e-mails in the evening, and the trend is rising. In Germany, this has not yet been reflected in labour law. In contrast, France introduced a right to disconnect for employees in 2017, long before the Corona pandemic, and was the first country in the world to do so. The author describes the new legal situation, presents initial court rulings and analyses 13 company agreements, including the French Post Office, Michelin and Airbus. He also describes the implementation in other countries, including Belgium and Spain. Finally, he examines what would have to be taken into account in German labour law in order to establish such a right.



[Further information and ordering the book](#)
[Trade Union Guide on the Right to Disconnect](#)

12. The EWC Academy: examples of our work

European Works Council faces complete overhaul



The formerly state-owned Spanish telecoms company Telefónica is expanding its cyber, cloud and big data business with a newly founded Telefónica Tech division. A number of acquisitions have been made for this purpose in recent months, and more are planned. In addition to Germany and Spain, the new division already has a presence in Austria, Slovenia, Croatia, Ireland, the Netherlands, Denmark, Sweden, Norway and non-EU countries (United Kingdom, Switzerland and Serbia) with a total of over 2,000 employees.

The EWC was established in 2004 under UK law for the mobile operator O2 when it was not yet part of Telefónica. Step by step, all mobile phone companies outside Spain were later sold and finally only Germany remained (see [report in EWC News 2/2021](#)). The acquisitions now add many new countries. The EWC Academy is currently acting as advisor for the integration of the new division into the EWC of Telefónica.

First plenary session after the Corona pandemic

From 13 to 15 September 2022, the members of the European Works Council of Mayr-Melnhof Packaging met in Vienna after a long break. Since April 2018, it has been operating "by law" on the basis of the subsidiary requirements, as negotiations on a new EWC agreement failed (see [report in EWC News 2/2018](#)).



Mayr-Melnhof currently has two European Works Councils: one for the larger Packaging division and another for the smaller Carton board division. Central management is seeking to merge them and at the same time integrate the new workforce, which will grow by one third due to two major acquisitions this year. In the meeting it was decided to start negotiations with central management on a new EWC agreement and to commission the EWC Academy together with the GPA trade union as experts.

In recent years there have been several court cases between the EWC and central management. In March 2022, the Labour and Social Tribunal in Vienna had for the first time clarified fundamental issues of EWC legislation in Austria (see [report in EWC News 1/2022](#)). On 26 August 2022, the Vienna Administrative Court refused to impose a fine on management on the grounds that in Austria fines are only possible for complaints filed by Special Negotiating Bodies, but not by European Works Councils (see [report in EWC News 4/2021](#)). This loophole in the law constitutes a violation of the EU Directive, which the EWC officially reported to the European Commission in Brussels on 20 September 2022. The Federal Ministry of Labour in Vienna was also informed on the subject and is investigating a possible adaptation of the Labour Constitution Act.

Negotiations in the British chemical group



On 4 and 5 October 2022, a meeting of the Special Negotiating Body of Vesuvius was held at Düsseldorf Airport. It was the sixth round of negotiations in the British company, which produces refractory materials for the steel industry in ten European countries. After central management terminated the EWC agreement, it dissolved the EWC. Such a period without a works council was declared inadmissible by a French court in a similar case in December 2021 (see [report in EWC News 4/2021](#)).

The new EWC will be governed by Polish law, the country with the largest workforce. This will make Vesuvius the second company with an EWC agreement under Polish law, after paper manufacturer Arctic Paper (see [report in EWC News 3/2016](#)). In analysing the Polish EWC law, delegates noticed that it contains two special clauses that could constitute a breach of the EU Directive. On 16 August 2022 they filed an complaint with the European Commission to have this investigated. The employee representatives are advised by the EWC Academy.

13. Current seminar schedule

The EWC Academy and its forerunner organization have been holding conferences and seminars for the members of European works councils, SE works councils and Special Negotiating Bodies since January 2009. So far, 857 employee representatives from 295 companies have taken part including many of them for several times. This represents around 25% of all transnational works council bodies in Europe. In addition, there are numerous in-house events and guest lectures given to other organizations.

[Overview of the forthcoming seminar dates](#)

15th Hamburg Conference for European and SE Works Councils

After the restrictions caused by the Corona pandemic, our annual conference will once again take place on the usual date, namely 30 and 31 January 2023, where the latest developments in the EWC and SE landscape, case studies ("best practice") and current court decisions are always presented. This time the conference will also focus on a report on the planned revision of the EWC Directive.



[The conference program](#)

[Flashback: Report from the last Hamburg conference](#)

EWC Conference in Ireland for the first time *(date change)*



In recent years the EWC Academy has held six European Works Council conferences in London. After Brexit we are moving them to Dublin, as many UK and US companies have done with their EWC (see [report in EWC News 1/2021](#)). The conference will take place from 29 to 31 March 2023 and will be simultaneously interpreted. The evening program will include a visit to the Guinness Storehouse, the historic brewery with a panoramic view of the city (photo). Participation is open not only to EWC members who are subject to Irish law, but to all who wish to share their working experience with Anglo-Saxon management.

[The conference program](#)

EWC and SE Seminar at Montabaur Castle

The next introductory seminar for (future) members of European Works Councils, SE Works Councils and Special Negotiating Bodies will be held in Montabaur from 11 to 14 April 2023. The castle is located at the ICE railway station halfway between Frankfurt and Cologne. Several seminar modules are offered for both beginners and advanced participants.



[Seminar program](#)

[Report from a previous introductory seminar in Montabaur](#)

In-house events

An overview of possible topics for in-house events can be found here:

[Examples of in-house seminars](#)

14. Imprint

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