

To UNI Trade Union Alliances
To EWC/SE-WC Members and Coordinators

UNI Europa Recommendations for Multinational Companies and European Works Councils in the COVID-19 crisis

Workers in the Services sectors are at the forefront of the fight against COVID-19. It is their efforts that are maintaining the social fabric through services such as Media and ICTS, guaranteeing access to essential financial services, ensuring the supply of essential goods all across the Commerce value chain, caring for the most dependent, or ensuring the hygiene of public spaces which has become an essential task to protect against the pandemic.

Workers in multinational companies play an important role, and Trade Union Alliances and European Works Councils need to be prepared to address unprecedented challenges in workplace health and safety, unique disruptions in working methods and post-pandemic situation management.

Protecting workers' health, safeguarding livelihoods and supporting workers' income are becoming more important than ever to ensure that the way out of the health crisis is not an economic and social crisis but an opportunity for a fairer society.

UNI Europa has therefore decided to issue the following recommendations to Trade Union Alliances, European Works Councils (EWCs), Societas Europaea – Works Councils (SE-WC) and their coordinators to play their full role in the ongoing situation. **In order to overcome this crisis and protect workers' rights, TUAs, EWC/SE-WC and Unions must pool their resources to meet the current challenge.**

Please note that UNI Europa is currently collecting all agreements and good practices adopted to protect workers during this crisis. A dedicated web page will be created on the UNI Europa website. We will inform you as soon as the page is ready.

Trade Union Alliances (TUAs). Union networks must lead crisis management!

Unlike any other European Trade Union Federation, UNI approaches multinational companies from a global perspective. The virus knows no borders, neither do we. The pandemic is global, and we need to ensure that multinationals apply the same rules and protections globally as well. In addition, the solutions reached in a country or sector may serve for the others where the biggest impact of the pandemic may not have hit yet.

Trade Union Alliances are bringing together the trade unions covering a multinational company and will therefore will play an important role in negotiating minimum standards with the company, ensuring that collective bargaining at the national level is being respected and that workers are offered the same rights and protections across all countries of operation, spreading international solidarity and helping colleagues from different countries to prepare themselves to fight the crisis. During this period, we must ensure that up-to-date information reaches all players involved.

For trade union alliances:

Establish/reinforce your communication channels to disseminate information among the members and share your experience so all locations can assess the situation from the global perspective.

Make sure to fully involve both the unions organising in your company and UNI Europa. TUAs and EWC/SE-WC play an important role in our international union strategy. Unions across Europe rely on you to identify best practices and create awareness.

Some of the elements that will require more attention in the Services sectors are the following:

- **Health and Safety (H&S).** Workers whose activity cannot be suspended and must be carried out in person need a safe working environment. Share information on dangerous situations that may occur in the workplace to gather international solidarity for your industrial actions, and compile the agreements made to protect workers' health against COVID-19, with the aim of setting the highest standards in H&S throughout the company through collective bargaining.
- **Third party violence.** Many workers in the services sector are currently working under stressful and often hazardous conditions. The likelihood that workers are at risk of harassment and/or third-party violence is significant. It is more important than ever to guarantee workers' protection and prevent all kind of violence or harassment.
- **Temporary redundancies.** Many workers will be forced to stay home to prevent infection. Best practices beyond what is done by law need to be identified in different countries to avoid the loss of talent and to protect jobs and wages through collective bargaining.
- **Telework.** Overnight, hundreds of thousands of workers have been forced to telework. It is essential to ensure that workers have the necessary means and training to perform their duties in order to maintain employment in a scenario of prolonged isolation measures. Workers' rights regarding data protection must also be respected, so that this exceptional circumstance is not used as an excuse to increase monitoring of employees. Special agreements should be adopted in this regard. Working hours need to be respected as well as the right to disconnect.
- **Mental health/psycho-social risks.** Both workers who continue to perform their jobs at their workplace, and therefore face the possibility of contagion, as well as those who are now working in isolation remotely or from home, will suffer in the medium term as a result of stress and uncertainty. Here too, collective bargaining must play a role in ensuring that the highest health standards are applied in all working locations.
- **Working hours/working time.** Workers will risk significant changes of working time arrangements due to the crisis. Working overtime, evenings, shift and weekends will have an impact on both workers health and family/social life.
- **Post-crisis.** Collective bargaining at the company, national, sectoral level, and cross-sectoral must play a leading role in overcoming the crisis, once the isolation measures have been lifted, in order to prevent the health crisis from becoming a social and employment crisis. In case irresponsible employers decide to take advantage of this emergency to carry out collective dismissals, please inform your local union and UNI Europa immediately.

At company level, our trade unions together with workers representatives and our trade union alliances will fight for the best conditions for workers in this crisis. We aim for best practice, not simply for companies abiding by standards set by law.

The best practices adopted in the different locations of the company, as well as those applied in other companies in the sector, can serve as a basis for promoting global agreements to protect workers' health, employment and wages. **Keep watching for information from the different union networks in the Multinational companies (TUA, EWC/SE-EW) as well as publications from local unions and UNI Europa.**

Note that there are already specific alliances and sectors that have developed standards which go into more detail on minimum standards for each industry.

You will find more details at UNI Europa web page: <http://www.uni-europa.org/>

**Recommendations by the European trade union federations for EWCs & SE-WC
Information, Consultation and Participation rights must be respected!**

In Europe, European works councils/SE- works councils provide an additional tool for working with management to address the fall-out. Through these, trade unions have legal information and consultation rights that have led in many companies to good social dialogue. In others, this is not the case. For UNI Europa, it is important that EWCs/SE works council maintain their activities and that their work is closely linked with that of trade unions at local, national, European and global level.

The voice of worker representatives and their unions must be heard. We call on EWC/SE-WC to work closely with their union and UNI Europa to address the challenges arising in the coming

Considering the high-level of connection between the supply value chains across industries, the European trade union federations have agreed joint recommendations for EWCs and SE-WCs - providing concrete examples of best practice at each step highlighting both the need for action and practical guidance as to how to tackle the crisis at company level. Solidarity and moving together is key to minimising the COVID-19 threat.

UNI Europa calls on our workers representatives in European works councils (EWC) and in companies under the European Company statute (Societas Europea - SE) to follow the joint recommendations issues by the European trade union federations, provided below.

COVID-19

Anticipating and managing the impact in multinational companies

Joint European Trade Union Federations' Recommendations to EWC/SE Coordinators and worker representatives in SNBs, EWCs and SEs

March 2020

The impact of the COVID-19 outbreak on our lives, societies and economies is unprecedented. Trade unions from all over Europe act united in defending workers' health and safety and speak with one voice: the COVID-19 crisis must not put jobs and incomes in jeopardy!

The consequences on work differ very much from one company and from one sector to another. Your European trade union federations are carefully analysing sector-specific developments to report on.

Worker involvement through information, consultation and participation in company decision-making is more important than ever to anticipate and deal with the social and economic consequences which may arise from this crisis. Considering the high-level of connection between the supply value chains of the sectors we represent, the European trade union federations have decided to issue very practical joint recommendations to worker representatives in European Works Councils (EWC) and in companies under the European Company statute (*Societas Europaea* - SE).

Our aim with these recommendations is twofold: advising members in EWC/SE-WC on how they can and should play a role in dealing with the COVID-19 crisis in their company; and requesting members in EWC/SE-WC to support national and European trade Unions to put pressure on management to make sure that the most effective measures are taken in each company site to protect workers' health, safeguard jobs and support workers' income, for all workers be them on standard, temporary or atypical contracts.

These recommendations may be revised as the situation develops.

Recommendation #1

Postpone annual/ordinary and negotiation meetings

Should your management wish to cancel the meeting of your Special Negotiation Body (SNB), of your European Works Council (EWC) or of the Works Council of your European Company (SE-WC); or should management propose to hold the meeting remotely via videoconferencing

⇒ Call instead for the meeting to be postponed and take place physically as soon as possible after the COVID-19 crisis is over

This recommendation applies equally to your ordinary plenary EWC/SE-WC meeting(s), to meetings of EWC/SE-WC working groups/committees, to EWC/SE-WC training seminars and to any meeting aimed at (re-) negotiating your EWC/SE agreement. This recommendation aims to ensure that videoconferencing does not substitute for genuine face-to-face meeting, and that management does not use the COVID-19 crisis as an excuse to call off your ordinary meetings during 2020.

HOW? Here is a concrete example

At Generali, the EWC Select Committee meeting planned for early March was cancelled. The Committee asked the Management to share electronic copies of the planned presentations, which they received.

At Coca-Cola European Partners, the first EWC meeting had to take place at the end of March. The meeting has been postponed and not cancelled.

At Korian, a group active in elderly care services, negotiation for the setting up of an EWC concluded end of 2019. The very first EWC meeting was planned in March 2020. It has been decided there too not to cancel but to postpone the meeting at a later date.

Recommendation #2

Request an online extraordinary meeting on COVID-19

Workers' rights to information, consultation and participation do not stop because of the COVID-19 crisis, neither are the provisions of your EWC/SE-WC agreements suspended. As multinational companies may intend to adapt their operations to cope with the COVID-19 crisis, information and consultation procedures in such extraordinary circumstances must be respected. There cannot be any decision on restructuring, downsizing or job cuts without prior information, consultation and participation of worker and trade union representatives at both the European and the national level.

Although the ordinary meeting of your EWC/SE-WC can be postponed, the COVID-19 crisis is such that it can be considered an exceptional circumstance of a *de facto* transnational nature which justify calling for extraordinary meetings to inform and consult on the potential impact of the crisis on workers' interests.

The European trade union federations have always advocated for EWC/SE-WC meetings to take place face-to-face. However, physical meetings must be banned under the current circumstances to protect each other's health and stop the spread of the virus. Therefore, the European trade union federations exceptionally recommend the use of online meetings, under specific conditions to be agreed by both parties.

⇒ Request an extraordinary meeting on the COVID-19 crisis, to be held via videoconference, AFTER having set the rules for the exceptional use of online meetings

Please find in appendix a template of rules for the exceptional use of online meetings we recommend you agree with management in advance. It must be made clear that holding meetings via videoconference is limited to the COVID-19 crisis period. Adapt these rules to the specific situation of your EWC/SE-WC, especially as your EWC/SE agreement may already contain provisions governing the use of online meetings and videoconferencing.

HOW? Here is a concrete example

At Alstom, the EWC first requested an emergency update on the COVID-19 situation via a conference call with the Management, during which simultaneous interpretation in all languages was provided. Based on the information received, the EWC submitted a formal request for an extraordinary meeting.

At Kraft Heinz, the EWC requested an extraordinary meeting and received a presentation translated in all EWC languages about the measures taken in each country to protect workers' health. A conference call took place between the EWC Select Committee and the European management leadership team including management representatives responsible for supply chains, manufacturing, health and safety and human resources.

Recommendation #3

Request regular updates from management on COVID-19 in writing

To be able to anticipate as early as possible the likely consequences of the COVID-19 crisis on jobs

⇒ Request a regular (e.g. daily) update on the situation, by asking management to send the following information in writing and per country:

- Measures taken by management or negotiated with trade unions in the company and all along its supply and subcontracting chains to protect workers' health and safety, as well as the health and safety of patients (e.g. in private health and elderly care facilities) and customers (in the service, energy, hospitality, utilities, and transport sectors, etc.)
- Measures taken in the company in case workers or their family members have a COVID-19 related illness (e.g. complement to state paid sick leave).
- Measures taken in the company and all along its supply and subcontracting chain to mitigate the potential consequences on jobs (e.g. contingency plans, short-time working schemes, extended overtime, and compensatory measures to secure workers' income)
- Measures taken by management to mitigate the consequences on business operations (e.g. shift patterns changes in production, logistic or administration; temporary plant shutdown; and alternative to supply chain disruption)
- Trends regarding employment levels
- Evolution of the economic and financial (e.g. on loans and credit) situation

HOW? Here are concrete examples

At **Lafarge Holcim**, the EWC drafted a list of questions to management, and has requested a weekly information update.

At **UniCredit**, the Management created a dedicated intranet page for all employees to keep them up-to-date on COVID-19 developments.

At **Compass**, the Management is sharing in writing regular updates with the EWC members concerning governmental restrictions (schools and restaurants closures by country) and number of workers infected and in quarantine in each country. Management also provides a clear overview of governmental measures and complementary company measures adopted with respect to sick pay arrangements, temporary cessation of work, and care of dependents, etc.

In these circumstances, the Select Committee should ensure a permanent dialogue with central management always in coordination with the EWC/SE-WC. At the same time, management must allow the Select Committee members to carry out videoconferences amongst themselves and with other EWC/SE-WC members.

Recommendation #4

Share information about the situation in each country between yourselves

In addition to information provided by management, communication within the EWC/SE-WC and exchange of information amongst EWC/SE members is more important than ever

⇒ Ensure that every EWC/SE delegate regularly reports back on the situation in their country, including on:

- Government measures (especially full or partial lockdown, adoption of emergency legislation, bolstering temporary unemployment schemes, and state-wage compensation in case of dismissals)
- Measures taken by the social partners and/or government via bi- or tri-partite agreements at the national or sectoral level (especially agreement on working time arrangements; protocols to safeguard workers' health, and definition of the scope and nature of "crucial and essential activities")
- Measures taken at the company level either via company agreements or unilateral management decisions (e.g. protective measures for workers, social distancing measures, cleaning and disinfecting measures, temporary shutdown, topping up legal allowance to secure 100% of net salary, exceptional paid leave, extension of telework, application of measures to workers including on non-standard employment contracts, and measures applying to blue-collar/white-collar workers)
- How the trade unions and worker representatives are involved in managing the COVID-19 crisis.

HOW? Here are concrete examples

At BASF, a questionnaire has been drafted for each EWC delegate to answer (e.g. are worker representatives / trade unions in your country informed about cases of infected workers?). Answers are collected by the EWC Secretariat and feedback provided to all EWC delegates.

At Volkswagen, a regular update is sent by e-mail to members of the European and Global Works Councils. The update includes a report on the situation in all affected countries, China included.

At KBC, the EWC Select Committee is in constant communication to keep each other updated on the developing situation in each country concerned.

At Mondelez, the EWC Chair took the initiative to create an Excel document with information about the situation in each country and site. This document is regularly updated and disseminated thanks to the contributions of all EWC members.

Recommendation #5

Urge management to deal with the crisis on the basis of social dialogue

Social dialogue and collective bargaining have an essential role to play in managing this unprecedented health crisis. Invite management to engage with trade unions at the national and the local level to adopt effective measures to protect workers' health and to negotiate agreements putting in place effective measures to safeguard the employment and income of all workers. In particular, social partners must work together to reach agreements at all levels on short-time work arrangements that provide a high level of wage compensation for workers.

⇒ Remind management to engage negotiation at company level to deal with the crisis on the basis of emergency law and national/sectoral agreements

HOW? Here are concrete examples

At Safran, due to a persistent lack of social dialogue in the UK, the EWC sent a letter to the Management calling "for the immediate establishment of a specific national COVID-19 negotiating group for the UK with local trade unions and their representatives in order to find very quickly the best solutions to manage in a coordinated way the consequences at all levels".

Recommendation #6

Request a physical extraordinary meeting to take place as soon as the COVID-19 crisis is over

As soon as the outbreak is over, to ensure a socially responsible management of the consequences of the COVID-19 crisis

⇒ Request an extraordinary meeting at the earliest convenience to inquire about the impact of the crisis on the company operation, sites and jobs in every country

Recommendation #7

Contact your European trade union federation

If dialogue with management fails and in the event that:

- the measures adopted by your company in each country to protect workers' health, safeguard jobs and income are not sufficient,
- workers are not treated equally either because of their status (e.g. measures do not apply to temporary workers, or blue-collar workers) or their location (e.g. rules differ from one site to another, or from one country to another),
- management take advantage of the crisis to carry out collective dismissals,
- worker representatives and trade unions are excluded from decisions which may affect workers' interests.

⇒ Please contact your European trade union federation

We commit to do our utmost to support you and ensure a coordinated approach in all countries where the company operates.

We would also like to hear about good initiatives which can help colleagues in other EWCs/SEs.

⇒ Please inform your European trade union federation about any creative, inspiring good practice which your EWC/SE-WC has developed

Your contact persons in each European trade union federation are listed below:



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Appendix

Joint rules for the exceptional use of online meetings due to the COVID-19 crisis

Securing [name of the company] workers' health and safety and ensuring quality social dialogue to mitigate the impact of the current COVID-19 crisis on the company operations and employment are priorities jointly shared by [name of the company] management and the EWC [or SE-WC].

While both parties recognise that face-to-face meetings are one of the essential factors in ensuring good dialogue, they also appreciate the need to make temporary arrangements to secure both the continued involvement of the EWC [or SE-WC] in the company decision-making process, and the health and safety of EWC [or SE-WC] delegates.

As long as physical meetings continue to be banned due to the COVID-19 crisis, management and the EWC [or SE-WC] decide to temporarily resort to online meetings, along the following principles:

1. Ordinary EWC [or SE-WC] meetings as well as meetings aimed at renegotiating the EWC [or the SE] agreements (if applicable) will not be held online. These meetings will be postponed and reconvened as soon as the containment measures are lifted, and the situation once more allows face-to-face gatherings.
2. If extraordinary meetings for information and consultation purposes are requested, they will be held online. Although videoconferences do not have the level of flexibility and interactivity which face-to-face meetings allow, the parties will do their utmost to conduct these in the best possible way.

In particular:

- Management will facilitate these meetings by giving the delegates as much information as possible in writing, in their own language, ahead of the meetings;
- Interpretation will be provided by professional interpreters;
- Good quality IT equipment (and technical support) will be made available to each meeting participant during joint meetings as well as preparatory and follow-up meetings;
- Preparatory and follow-up meetings will continue to be organised for workers' representatives. The confidentiality of these online pre- and post- meetings will be guaranteed;
- Experts assisting the EWC [or SE-WC], including representatives of European trade union federations, will continue to attend all meetings;
- A list of participants at online meetings will be circulated. Minutes of meetings will be drafted and adopted in accordance with the EWC [or SE-WC] agreement and sent to all EWC [or SE-WC] members as soon as possible after the meeting.

The EWC [or SE-WC] may decide, on a case-by-case basis who should participate in these online meetings. Extraordinary meeting participants could either be:

- All EWC [or SE-WC] members;
- The Select Committee, on a mandate from the EWC [or SE-WC];
- The Select Committee enlarged to include EWC [or SE-WC] member(s) not represented in it, on a mandate from the EWC [or SE-WC].

3. Select Committee meetings with the company will go ahead online. Management must allow the Select Committee members to carry out videoconferences among themselves and with other EWC [or SE-WC] members.

These rules govern the operation of the EWC [SE-WC] during the COVID-19 crisis only. They are therefore temporary and will automatically be repealed as soon as face-to-face meetings are permitted again.

Made on (date)

Signatures

For the company

For the employee representative (The EWC/SE-WC members, or the Select Committee/EWC/SE-WC Chairperson on a mandate from the EWC/SE-WC)