

UNI Europa recommendations- Elements for an EWC agreement:

An EWC agreement must include the standards and definitions set by the EWC Directive 2009/38/EG, including subsidiary requirements and provisions of the applicable national transposition law. In addition, UNI Europa recommends including the following points:

Meetings:

- The EWC must be able to hold at least two meetings per year.
- The right to extraordinary meetings – whenever the EWC considers it necessary - must be included.
- The agenda for the meeting(s) should be agreed between the Select Committee of the EWC and management.
- The official EWC meeting should last at least one day.
- Ideally, one full day should be set aside for a preparation meeting as well as sufficient time for de-briefing afterwards.
- Travel time for EWC meetings must be treated as working time.

Select committee:

- According to the subsidiary requirements of EWC Directive 2009/38/EC, the employees' representatives within the EWC must have the right to elect a select committee.
- The mandate of the select committee members comes from the agreement and is given by the full EWC.
- The EWC agreement must define the role and responsibilities of the select committee so that it at least contains the following rules:
 - It discusses and agrees with management on the location, agenda and structure of the plenary meeting,
 - In co-operation with management, it discusses and agrees on the minutes and statements of the plenary meeting.
- The select committee must have the right to hold regular meetings financed by the company.
- It must be informed and consulted by management in good time, especially in the period between official meetings if extraordinary transnational aspects become relevant.
- The select committee must have the right to produce and circulate position papers. Furthermore, it should have the right to have these papers translated into the relevant languages at the company's cost.

- The select committee must have the right to hold meetings fully or partially without any management representatives being present.
- Information and consultation that takes place in select committee meetings with management must not replace information and consultation at full EWC meetings.
- In order to have a strong select committee, it is recommended to have provisions for elected substitutes

Composition of members:

- EWCs should be representative of the composition of the company workforce, both in terms of gender and in relation to other factors (for example, different types of employees).
- Equality issues (e.g. anti-discrimination, equal pay) should be included within the remit of the EWC.
- Only legitimate employee representatives (according to national law) should be members of an EWC. The way in which each member has been elected or appointed in his country must be transparent for the whole EWC.
- Management must not appoint or nominate employee representative members.
- UNI Europa is in favour of including employee representatives from countries that are not European Union Member States or part of the European Economic Area. Historically, the trade union movement has fought to include Swiss employee representatives in EWCs within companies operating in Switzerland. Since the Brexit referendum in 2016, European trade union federations have urged EWCs to include clauses to keep the UK within the scope of the EWC agreement beyond the date of withdrawal. EWCs are key to safeguard and strengthen democracy at work and other countries “beyond” the EU should have the possibility to be represented in the EWC; if full participation cannot be achieved, representatives should be included as observers.
- In order to have a strong EWC, all members should have substitutes.
- A maximum number of members should be avoided.

Information and consultation:

- The definitions (“information”, “consultation” but also “transnationality” including Recital 16) of the EWC directive 2009/38/EC should be explicitly incorporated in the agreement. If the national legislation which is going to be applied provides for better and even more concrete rules, then these provisions should be incorporated.
- It should be clear that the duty to conduct proper information and consultation on the part of management must be based on a written report made available in good time, prior to the pre-meeting, to all members of the EWC in the appropriate languages.
- The most relevant issues subject to information and consultation (e.g. the structure, economic and financial situation, probable development, production and sales, for information, and probable trend of employment, investments, substantial changes concerning the organisation, introduction of new working methods or production processes, transfers of production, mergers, cut-backs or closures of undertakings, establishments or important parts thereof, an collective redundancies, in the case of information and consultation) should be listed in the agreement. However, this list should not be exclusive and should allow the necessary flexibility to

accommodate to the times. For example, the agreements signed in 2000 would not include digitalisation as an element of information and consultation, but in 2020 it is an absolute priority.

Languages:

- Simultaneous interpretation from and into all relevant languages must be provided by management for the main EWC meeting, the pre-meeting, de-briefing meetings and select committee meetings.
- Long-term plans to achieve one major working language with suitable language training should be avoided and cannot be used to restrict simultaneous interpretation and translation where necessary.

Trade union experts and additional experts:

- The agreement must provide for a permanent seat for a trade union expert appointed by UNI Europa.
- In addition, the EWC and the select committee must have the right to invite experts (financial, economic, legal, ...) of their own choice to all meetings.
- Management should be informed of this; it is not acceptable, however, for experts only to be invited for certain pre-determined points on the agenda – they must be able to participate in the entire meeting unless otherwise specified by the EWC.
- The EWC agreement must ensure that the company covers the cost of at least one expert, at least concerning travel and accommodation.

Confidentiality:

- The rules for confidentiality can only cover such information as has been explicitly and reasonably designated as a business secret.
- The rules of confidentiality should not apply to information concerning decisions affecting workers and therefore subject to consultation (e.g. production transfers, restructuring, redundancies, plant closures)
- The rules of confidentiality must not apply to members of organisations that are already covered by national rules of confidentiality.
- The rules of confidentiality must not apply between EWC members.
- The EWC members should be able to discuss the confidentiality of certain pieces of information.
- Infringements to the rules of confidentiality by employees can only trigger sanctions on the basis of the respective national laws, rules and traditions.

Costs and means required:

- All costs in connection with the work of the EWC must be covered by management. These include travel, accommodation, interpretation, translation, communication facilities, training, wages for the time spent on EWC work.
- EWC members should have access to communication facilities. These tools must be in line with the times and comparable to the resources used by the management of the company. Private and secure internet access, a modern laptop, a smartphone with international calls enabled, as well as

access to email and videoconferencing, together with the necessary training to use these tools, are essential requirements to develop the activity of EWC members beyond 2020, and should be regularly reviewed, also according to technological advances.

- EWC members should have access to translation services in order to communicate and exchange information between meetings. This should include reliable computer assisted translation (CAT) for internal communications and quality translation for official documents. The privacy of such communications shall be preserved
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