

UNI Europa Practical recommendations for SNB/EWC Coordinators

The EWC coordinator is a trade union officer appointed by UNI Europa to be its representative on the EWC. This position is linked to European Directive 2009/38/EC, which recognises the right of SNBs and EWCs to have an external expert and the company's obligation to bear the costs of such an expert.

The coordinator provides advice to the SNB/EWC but he/she also plays a key role in organising the EWC, serving as a bridge between UNI Europa and the SNB/EWC, and connecting the activities of the EWC with the policies of UNI Europa and its affiliates.

Trade Union Alliances:

UNI Europa's unique approach to multinational companies (MNCs) is based on trade union alliances (TUAs). In cooperation with the relevant UNI Europa sector, TUAs should bring together unionised SNB/EWC members, the SNB/EWC coordinator and the affiliates' representatives (trade union officials) organising in the company concerned.

In connection with EWCs the TUA should:

- secure a common trade union approach to the company concerned.
- gather information to obtain a comprehensive overview of the company.
- ensure a balance between the national interests of affiliates, in order to allow for a truly European/international approach, creating a stable basis for transnational trade union activities (such as campaigns or negotiations for a global framework agreement).
- help to develop the EWC as a tool to empower members from countries with little or weak trade union involvement to demand and enjoy the same rights as colleagues from countries with stronger trade union power.
- discuss and implement strategies for raising the unionisation rate in the company, and in the EWC.
- protect and promote the interests of employees within multinational companies operating in Europe.

Nomination:

While the nomination of coordinators is an internal process within the different sectors of UNI Europa, the following principles are observed:

- Coordinators should be union officers who are experienced in working with SNBs/EWCs, and who have proven negotiating and mediating skills.
- Ideally, they must have the capacity to adapt and a general knowledge of the different trade union cultures present in Europe and within UNI Europa membership.

- Due to the interaction between national legislation and the EWC agreement, coordinators should preferably be chosen from the country where the company's headquarters is located for the purposes of the European directive.

Coordinators must be able to communicate in an environment where different languages are spoken. They should be able to communicate in English.

Role and responsibilities of UNI Europa coordinators:

As UNI Europa's representative in the SNB/EWC, the coordinator shall:

- Participate in all pre-meetings, meetings with management and de-briefings.
- act as a link between UNI Europa and the SNB/EWC.
- be aware of and promote UNI Europa's policies with regard to the sector and cross-sectoral issues that affect or may be of interest to the SNB/EWC.
- contribute to the unionisation of the SNB/EWC with UNI-affiliated unions.
- ensure that SNB negotiations/EWC proceedings are in line with UNI Europa policies.
- Keep in touch with the trade unions that organise in the company.
- Serve as a first point of contact for member organisations in the event of situations of transnational dimension in the company, in order to disseminate information and develop a coordinated trade union response.
- Liaise with UNI Europa sector on any relevant issue concerning the SNB/EWC (e.g. election/appointment of members, agreement negotiation/renewal, extraordinary circumstances, disputes, or request for experts to assist the SNB/EWC)

As an advisor to the SNB/EWC, the coordinator shall:

- Be aware of developments regarding the EU directive and other pieces of European legislation concerning SNBs/EWCs, and/or have the necessary networks (e.g. UNI Europa, national affiliates, bodies such as the ETUI, fellow coordinators) to obtain this knowledge.
- Provide advice regarding the application of European directives, or relevant transposition law.
- Advise the SNB/EWC members on the negotiation/enforcement of the EWC agreement and be aware of other EWC agreements that can provide best practice examples, with the support of the UNI Europa secretariat.
- Help the SNB/EWC to establish its network, stimulate communication among the members in between meetings, help to overcome the language gap, and strengthen international cooperation.
- Inform the SNB/EWC of training opportunities for delegates offered by UNI Europa and the ETUI.
- Advise when necessary on the use of other experts in the wider UNI Europa network (financial, legal, etc) in accordance with the European directive.
- Remember: the coordinator is supposed to provide advice to the SNB/EWC but should never take decisions or act on its behalf.

Best practices:

- On first contact with the SNB/EWC, the Coordinator should make a list of its members including:
 - Names of the representatives
 - Countries and place of work
 - Contact Information
 - Languages spoken
 - Trade unionDetermining the level of unionisation of the SNB/EWC is vital to understanding its strength and cohesion. The work of the coordinator is also to encourage unionisation. It is important to identify which workplaces are not organised or properly represented in the SNB/EWC and to work with UNI Europa in alerting the national unions.
- Obtain an updated copy of the EWC agreement if UNI Europa or its affiliates have not provided it. The coordinator should be familiar with the agreement, know how to proceed on its basis, and provide advice on whether it needs to be updated as well as in the case of its renegotiation. It is also important that they share the agreement and subsequent revisions with UNI Europa in order to incorporate it into our database.
- Regular contact. It is important that the coordinator maintains close contact with the select committee and with the UNI Europa sector concerned.
- Encourage members to establish their communication network and share information between meetings in order to:
 - improve the cohesion of the group,
 - benefit from the exchange of information,
 - anticipate transnational issues such as production transfers, plant closures or redundancies.
- Learn about the use of digital tools that help improve communication and alleviate language differences. Computer-assisted translation tools in connection with SNB/EWC members' proprietary communication tools can make a real difference.
- Identify management representatives and establish good relationships. In some cases, this will not be possible but in general, an EWC works better when there is a good relationship between its members and management. The coordinator should cultivate these relationships and have direct access to management representatives. Bear in mind that coordinators have a privileged dialogue with the top management of large multinational companies, which can open doors to build relationships between the MNC and UNI Europa and its affiliates as well.
- Report regularly to UNI Europa. A short e-mail after the meetings or when something significant happens will allow UNI Europa and its affiliates to be aware of the evolution of the EWC and will facilitate their intervention if necessary.

Contact UNI Europa and your own union whenever you have questions. Coordinators are a key part of UNI Europa's and its affiliates' strategy in multinational companies. UNI Europa provides you with several resources that you can use in the performance of your duties or for the training of both EWC members and coordinators. Some of these resources are listed in Annex 2. However, all coordinators are invited to maintain close cooperation with the sectoral directors/secretaries and to ask for the training and means you consider necessary to carry out your task and ask for help whenever necessary.

Annex 1: 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

Annex 2. Relevant documents

Statements:

[Stepping up multinational corporations' responses to Covid-19](#)

[Anticipating the impact of Brexit on multinational companies: recommendations for workers representatives](#)

[Temporary arrangements for transnational meetings during the COVID-19 crisis](#)

[Worker involvement in managing Covid-19 crisis](#)

Reference legislation:

- [Directive 2009/38/EC](#) on European Works Councils
- [Directive 2001/86/EC](#) supplementing the Statute for a European Company (SE) with regard to the involvement of employees
- [Directive 2002/14/EC](#) establishing a general framework for informing and consulting employees in the European Community
- [Directive 2001/23/EC](#) on the safeguarding of employees' rights in the event of transfers of undertakings
- [Directive 2017/1132](#) of the European Parliament relating to certain aspects of company law
- Directive Due diligence
- The [national transpositions](#) of these Directives within the 30 countries of the European Economic Area.

Sites of interest:

UNI Europa: <https://www.uni-europa.org/>

UNI Europa contact list: <https://www.uni-europa.org/about/our-staff/>

[UNI Europa MNC/EWC site: https://www.uni-europa.org/category/multinationals-and-european-works-councils/](https://www.uni-europa.org/category/multinationals-and-european-works-councils/)

ETUI database on EWC agreements, court cases and legislation: <http://www.ewcdb.eu/>

ETUI general information on workers' participation: <http://www.worker-participation.eu/>

European legislation: <https://eur-lex.europa.eu/homepage.html>