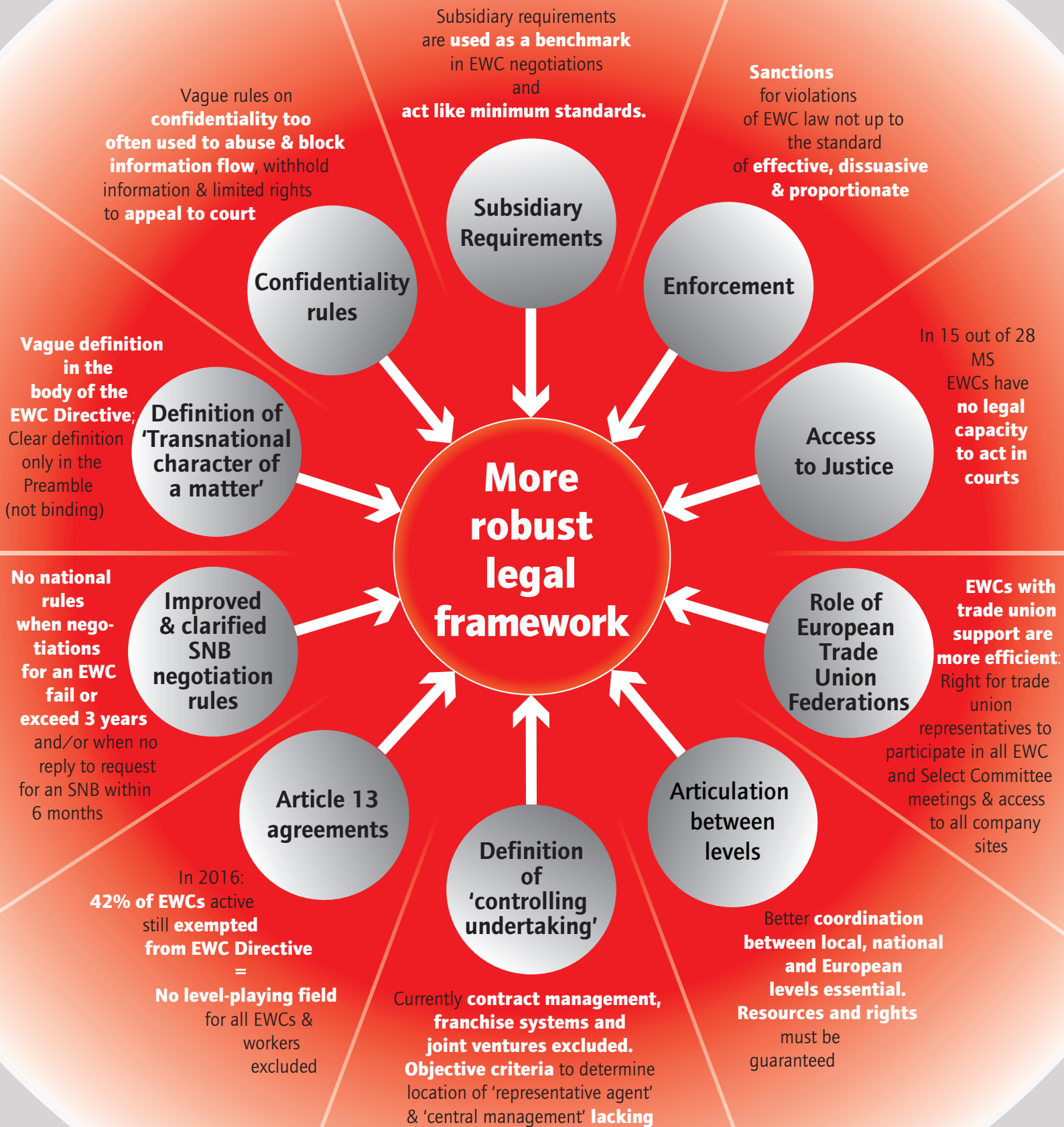


Changes to the EWC legal framework:

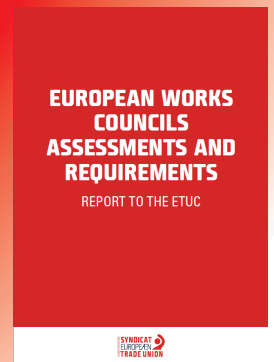
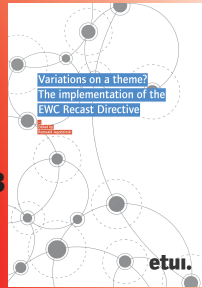
trade unions' assessment



Sources:

- 1) ETUC position paper - For a modern European Works Council (EWC) Directive in the Digital Era Adopted at the ETUC Executive Committee on 15-16 March 2017 in Malta
- 2) De Spiegelaere S. & Jagodzinski R. (2015) 'European Works Councils and SE works Councils in 2015. Facts and Figures, ETUI, Brussels.
- 3) Jagodzinski R. (ed.) (2015) 'Variations on a theme? Implementation of the EWC Recast Directive. ETUI, Brussels.
- 4) www.ewcdb.eu

Changes to the EWC legal framework: pressing evidence



EWC Recast Directive only **confirmed existing practice** and had **little/no impact**

Subsidiary requirements **used as a benchmark** in EWC negotiations and **act like minimum standards.**

Sanctions not effective, dissuasive & proportionate

Recast: no stimulating effect

Few new EWCs each year

Significant variation

Minimum standards matter

Ineffective implementation

In 15 MS EWCs have **no legal capacity to approach courts**

Expiry of SNB negotiation term - what after?

Problems with definitions: transnationality & confidentiality

EWCs with trade union support more efficient.

More robust legal framework

very few EWCs involved in strategic decision-making

EWCs unable to influence decision-making

disregard for the role of trade unions

Better **coordination** between local, national and European levels **essential; insufficient resources**

EWCs largely **unable to play their role** (timing ignored, meaningless consultation, no role in restructuring)

EWCs: very limited impact on restructuring

Problems with confidentiality

Recast Directive had **limited impact on agreements & practice**



42% of EWCs active still exempted from EWC Directive = No level-playing field for all EWCs & workers excluded

- Sources:
- 1) ETUC (2016) 'European Works Councils. Assessment and Requirements. Report to the ETUC.
 - 2) De Spiegelaere S. & Jagodzinski R. (2015) 'European Works Councils and SE works Councils in 2015. Facts and Figures, ETUI, Brussels.
 - 3) Jagodzinski R. (ed.) (2015) 'Variations on a theme? Implementation of the EWC Recast Directive. ETUI, Brussels.
 - 4) De Spiegelaere (2016) 'Too little, too late?'. ETUI Report 138.
 - 5) Waddington et al. (2016) 'Managers, BusinessEurope and the development of European Works Councils', ETUI Working Paper 2016.06
 - 6) Pulignano V. and Turk J. (2016) 'European Works Councils on the move: management perspectives on a development of a transnational institution for social dialogue'. KU Leuven / CeSO
 - 7) European Commission (2015) 'Study to evaluate the effectiveness of the European Works Councils in the transport sector', a study by ICF

etui.