

Name of the country: [Iceland](#)<sup>1</sup>

Transposition Act = Consolidated legislation - Act on European Works Councils (Lög um evrópsk samstarfsráð í fyrirtækjum) amended last by Act 51/2019

### 1. Presence of legally based administrative or judicial conflict solving procedures for:

		No	Yes	Unclear	brief explanation
A	SNB (including the pre-SNB phase, i.e. requesting the necessary information about the company, staff distribution, etc.)		Yes		
B	EWC based on Art. 6 agreements		Yes		
C	EWC based on art. 13 agreement	No			Art. 13 agreements are excluded from the coverage of the EWC act (Article 36)
D	EWC based on subsidiary requirements			No mention (only that SR EWC shall be established)	although the EWC Act stipulates: Article 32 Disagreement. Disputes that may arise regarding the conclusion or implementation of an agreement made on the basis of this Act will be brought before a general court.

### 2. Litigation on different sets of rights: presence of national provisions

		No	Yes	Which authority (e.g., court) is competent <sup>2</sup>
A	Breaches against the provision of information to the SNB as per art. 4 (4) of Directive 2009/38/EC (information on the number of employees)/Failure to establish a SNB			General court <sup>3</sup> or Labour court <sup>4</sup>
B	Operation of the EWC: breaches and compliance with the law (statutes), agreement or Subsidiary Requirements			
C	Challenging management on the use of confidentiality and secrecy/withholding information)	No		
E	Individual rights of the SNB/EWC members under national EWC legislation			

<sup>1</sup> European Commission (2018: 14): Only in three Member States does the national legislation not seem fully compliant with the minimum standards set out in key substantive provisions<sup>25</sup> and in 11 Member States for other provisions.

<sup>2</sup> Material and geographical competence.

<sup>3</sup> Art. 32 of the EWC Act.

<sup>4</sup> On the basis / for the cases governed by the Act on Trade Unions and Industrial Disputes, No. 80/1938 (e.g. the protection of workers' representatives is granted/governed by this act.



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F	(Others to be filled in)			
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### 3. Capacity to act in court

		Brief explanation/ differences for 2A-2F above)
1	Who/which body can start a judicial procedure?	
2	What legal status (ius standi) is a requirement to start a judicial procedure? (legal personality, capacity to act in courts, other forms?)	
3	What is the legal status of the EWC (legal personality or other capacity to act in court)?	No mention
4	In case of lacking capacity to act in court: how can it be circumvented (think of representation by trade unions)?	Representation by trade unions <sup>5</sup> (collective) or individual <sup>6</sup>
5	Who represents the EWC in law?	
6	What is the capacity to act in court of joint type ('forum' or French-type) EWCs composed of both management and employees' representatives and can it be an obstacle?	No differentiation in law

### 4. Starting a procedure and timelines

		Brief explanation
1	Does the law set conditions as to how the EWC can take a valid decision on entering a judicial procedure? Think of voting, quorum, the necessity of a physical meeting to take a decision,...	
1.a	Does the law contain any requirements on the internal rules concerning question 1?	
2	How does one file a case in court? (Who, format, steps)	
3	What is the deadline to start a judicial procedure?	
4	Are there other relevant deadlines in the judicial procedure?	
5	What is the role of out of court settlements once a case has been filed?	
6	How long does a judicial procedure typically take?	
7	Is an injunction or a summary procedure possible?	

### 5. Costs

		Brief explanation
1	What are the court fees for a judicial procedure?	
2	Is legal representation by a lawyer required in a judicial procedure?	
3	Who pays the costs for:	General clause on covering operating costs

<sup>5</sup> According to Art. 45 of the Act on Trade Unions and Industrial Disputes, No. 80/1938 if a party is represented by trade unions the right to approach the Labour Code is collective.

<sup>6</sup> According to Art. 45 of the Act on Trade Unions and Industrial Disputes, No. 80/1938 parties unaffiliated to trade unions may submit their cases on their own.



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	- Legal expert	Generally Limited to one expert Article 12 (1999)
	- Court fees	
	- Other costs (travel/interpretation)	
4	Does a EWC normally have an independent budget and/or an own bank account under a given national legislation?	
5	Can the EWC be sentenced to pay the costs of the other party in the judicial procedure?	
6	Can the EWC <i>members</i> be sentenced to pay the costs of the other party in the judicial procedure?	

## 6. Sanctions

		Brief explanation
	How is a breach of law classified?	Violation <sup>7</sup> (??)
1	What are the sanctions for breaches of EWC laws?	Fines, no level specified. Imprisonment explicitly excluded <sup>8</sup>
2	Can the court rule to stop or reverse the companies' decision-making?	
3	Whom should fines be paid to?	To the Treasure <sup>9</sup>
4	Can a member of management be held personally liable (personal vs. corporate liability)	Probably
5	Can individual EWC members be sentenced to pay fines or be subject to other sanctions?	Unclear
6	Can the EWC collectively be sentenced to pay fines or be subject to other sanctions?	unclear

## 7. Out of court settlements

		Brief explanation
1.	In general, are alternative conflict resolutions available in a given country can out of court settlements be reached once a case has been filed? Does it happen in practice?	State Conciliation and Mediation Officer based on Section III, Art. 20 of the Act on Trade Unions and Industrial Disputes, No. 80/1938

## 8. Resources for EWCs

		Brief explanation
1.	Can unions provide legal support or financing for litigation?	

<sup>7</sup> Art. 35 of the EWC act.

<sup>8</sup> Explicitly excluded in Art. 70 of the Act on Trade Unions and Industrial Disputes, No. 80/1938.

<sup>9</sup> aRr. 70 of the Act on Trade Unions and Industrial Disputes, No. 80/1938.



2.	What other resources are available in terms of legal support to EWCs and/or EWC members in your country (e.g., Arbeiterkammer, legal support centres)	



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