Revision of European Works Councils Directive

2019/2183(INL) - 02/02/2023 - Text adopted by Parliament, single reading

The European Parliament has adopted by 385 votes to 118, with 99 abstentions, a resolution containing recommendations to the Commission on the revision of the European Works Council Directive.

Social dialogue, including information and consultation of workers, is a key element of the European social model. **European Works Councils** (EWCs) reflect the importance attached to worker representation and their proper functioning plays a significant role in the proper management of multinational companies. Around 1 200 EWCs currently exist in the EU.

The shortcomings of Directive 2009/38/EC and its lack of enforcement contribute to a fragmented implementation of workers' information and consultation rights on transnational matters across the EU.

Call for a long awaited revision of Directive 2009/38/EC

Parliament reiterated its call on the Commission to present, by 31 January 2024 at the latest, a **proposal for a revision** of Directive 2009/38/EC with a view to clarifying its objectives, definitions and procedures and strengthening the right of workers' representatives to information and consultation, in particular during restructuring processes.

Members stressed that that EWCs are one of the main instruments to enhance workplace democracy on transnational issues, enforcing workers' rights, increasing worker participation and promoting mutual trust between management and employees. They consider it essential to **strengthen EWCs and their ability to exercise their information and consultation rights**, as well as to increase the number of EWCs, while taking into account the different industrial relations systems in the Member States.

To increase visibility, as well as to create incentives for the development of EWCs, Parliament called on the Commission to collect data on undertakings falling within the scope of Directive 2009/38/EC and to organise a **high-level conference** in 2023 to mobilise undertakings falling within the scope of the directive, EWCs, social partners from various sectors as well as national labour market institutions on the importance of EWCs in order to put this topic at the top of the political agenda.

Ensuring timely and meaningful consultation

The EWCs still face major difficulties to enforce their rights, especially on timely information and prior and effective consultation on matters of transnational character that could have an impact on jobs and working conditions of the workforce in Europe, including changes deriving from the green and digital transitions.

It is recommended that the Commission and the Member States **promote the strengthening of information and consultation rights**, and meaningful consultation processes. A revision of the definition of the term ‘consultation’ in Directive 2009/38/EC is called for in order to ensure that the EWC’s opinion is taken into account in the decisions of undertakings and that opinion is delivered before the completion of the consultation at the relevant level, before the governing bodies of the undertaking come to a decision.

EWC members should have timely access to meaningful and up-to-date information about envisaged decisions of a transnational character.

Parliament also recommended the following:

- **strengthen the subsidiary requirements** in Directive 2009/38/EC, which serve as a basis for negotiated agreements: Members note that the three-year delay following a request before the subsidiary requirements apply, in the event of a failure to conclude an agreement, is excessive, is often not used effectively and is to the disadvantage of workers;

- **clarify the scope of confidentiality**: as part of the revision of Directive 2009/38/EC, the Commission should require Member States to clearly define in what cases confidentiality is justified to restrict access to information;

- **improve dispute resolution** by providing guidance on how to resolve the negative effects that such disagreements may have on EWC members and employees' representatives;

- **introducing effective, dissuasive and proportionate penalties**: provisions governing Member State penalties need to be strengthened, while at the same time ensuring that it does not create a burden to the business;

- **ending the exemption of pre-Directive agreements**: more than 25 years after the adoption of the first EWC Directive, many pre-Directive agreements are still in force and have not been adapted to the requirements of Directive 2009/38/EC. Members consider that it is essential that all EWC agreements are governed by the same rights and obligations;

- **ensuring access to justice**: Parliament reiterated its call on Member States to ensure facilitated administrative and legal proceedings for an effective access to justice for EWCs and special negotiation bodies, and for the specification of legal status, including granting legal personality, of EWCs. It also stressed the importance of ensuring a gender balance in the composition of EWCs.