

Information and consultation of employees: general framework

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At the end of the discussions, while noting the difficulties felt by some delegations, the Presidency noted that the substantial progress made enabled the majority of Member States to record their agreement in principle on the central elements of the proposal for a Directive, and in particular on: 1) the objective of establishing a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings within the European Community; 2) the scope of the Directive, enabling Member States to choose between undertakings or establishments employing at least 50 or 20 employees respectively. 3) the general concept of the framework, in particular as regards: - the affirmation of two principles to be respected in all cases when defining or implementing the arrangements for information and consultation: useful impact of the exercise and spirit of cooperation between the social partners; - the general definition of the arrangements for exercising that right, with the adoption of more detailed provisions on the practical procedures and on the content of information and consultation being delegated to the Member States; - the need for national provisions to protect the confidentiality of sensitive information so that the right to information and consultation may be exercised without compromising the smooth operation of the undertaking, by means of appropriate review procedures based on the formulas adopted in the Directive on the European Works Council; - the affirmation of the principle of adequate protection for employees' representatives and appropriate measures and penalties in the event of infringement of the right to information and consultation, to be laid down at national level; 4) importance of collective bargaining and recognition of the role of the social partners in accordance with national traditions and practices, through: - the possibility of transposition by means of agreement; - the possibility for the social partners to define freely by agreement the practical arrangements for information and consultation, under the conditions laid down by the Member States.