

# Information and consultation of employees: general framework

1998/0315(COD) - 09/10/2001

The committee adopted the report by Fiorella GHILARDOTTI (PES, I) amending the Council's common position under the codecision procedure (2nd reading). In its amendments, the committee stressed that employees must be consulted and informed at the planning stage, before decisions were taken. The information given must contain all relevant facts, including details of the company's financial situation and strategic plans. If a decision had an adverse effect on employees, such as large scale redundancies or closure of an establishment, the final decision should be postponed so that consultations could continue with a view to avoiding or mitigating these consequences. MEPs also wanted to maintain the provision originally proposed by the Commission, which had not been included in the Council's common position, whereby Member States should provide for more stringent sanctions in cases of serious breaches by employers of the information and consultation requirements. The committee added a clause stipulating that social partners could not conclude agreements below the minimum standards laid down in the framework directive. The rights of employees' representatives should be specified and their legal protection strengthened. Member States should take measures to prevent companies from evading the thresholds of the directive (50 employees per undertaking and 20 employees per establishment) by breaking up undertakings or establishments into smaller units. In addition, MEPs called on Member States and the two sides of industry to examine ways to implement the general principles of the directive in the public sector. The committee rejected Council's proposal of granting transition periods for those Member States which did not have a general system of information and consultation of employees. It also reinstated the two-year period the Commission had originally proposed for the transposition of the directive, instead of three years proposed by the Council.