Statute for a European mutual society: involvement of employees

1991/0391(COD) - 05/03/1992 - Legislative proposal

PURPOSE: to organise the participation of employees in the EMS in order to recognise their place and their role in the proposed organisation.

PROPOSED ACT: Council Directive completing the statute of the European Mutual Society in matters concerning the role of workers.

CONTENT: The proposal deals with the role of workers in future European Mutual Societies, the establishment of which is the subject of a separate and simultaneous proposal (see COD/1991/0390).

Principle: the national provisions of the State where the EMS has its headquarters may be applied concerning the participation of workers in the supervisory and administrative bodies. Failing that, the Member State should make specific provisions to ensure at the least, consultation of and information to workers, in accordance with the model, the outlines of which are given in the proposal.

Minimum provisions: the choice of model relating to participation and/or to the system of information and consultation is an indispensable condition for the registration of an EMS. The proposal states the national provisions apply to matters concerning the participation of workers in administrative or supervisory bodies in national organisations. However, if the Member State of the EMS's seat has no rules on the participation of workers or if it does not wish to apply such provisions to the EMS, it must conform to certain minimum provisions:

-the implementation of a system for the adoption of a procedure for information and consultation in EMSs with at least 50 workers;

-the administrative board of the EMS must inform and consult the workers in good time and determine the areas on which at least the information and consultation must be provided, and especially on all proposals which may have serious consequences for the interests of workers or all questions concerning the conditions of employment.

The directive specifies certain fundamental principles concerning the modalities of election and exercise of mandates. Accordingly, the workers' representatives must be elected and represent the workers of all the various offices or factories of the EMS, even if they are part-time employees.