

Information and consultation of employees: general framework

1998/0315(COD) - 11/03/2002 - Final act

PURPOSE : minimum requirements for employee information and consultation at Community level.

COMMUNITY MEASURE : Directive 14/2002/EC of the European Parliament and of the Council establishing a general framework for informing and consulting employees in the European Community

CONTENT : This general framework directive establishes minimum requirements applicable throughout the Community while not preventing Member States from laying down provisions more favourable to employees. There are several reasons for the need for a directive, inter alia, the fact that existing legal frameworks for employee information and consultation at Community and national level tend to adopt an excessively a posteriori approach to the process of change. They also neglect the economic aspects of decisions taken and do not contribute either to genuine anticipation of employment developments within the undertaking or to risk prevention. In order not to impose unnecessary burden on SME's the scope of the Directive is restricted, according to the choice made by Member States, to undertakings with at least 50 employees or establishments employing at least 20 employees. Member States determine the practical arrangements for exercising the right to information and consultation at the appropriate level. They must ensure, where appropriate, that management and labour have a leading role by allowing them to define freely, by agreement, the arrangements for informing and consulting employees which they consider to be best suited to their needs and wishes. There are provisions ensuring that undertakings and establishments are protected against disclosure of certain particularly sensitive information. The employer is allowed not to inform and consult where this would seriously damage the undertaking or the establishment or where he has to comply immediately with an order issued to him by a regulatory or a supervisory body. Member States have to ensure that there are adequate administrative or judicial procedures available, as well as sanctions, to enable the obligations deriving from the Directive to be enforced. On a transitional basis, Member States in which there is no established statutory system of information and consultation of employees or employee representation may limit the application of the directive to undertakings employing at least 150 employees or establishments employing at least 100 employees until 23/03/07 and undertakings employing at least 100 employees or establishments employing at least 50 employees during the year following that date. **DATE FOR TRANSPOSITION** : 23/03/05. **ENTRY INTO FORCE** : 23/03/02.