

European Works Council or procedures for informing and consulting employees in Community-scale undertakings

1994/0113(SYN) - 22/09/1994 - Final act

OBJECTIVE: to improve workers' right to information and consultation in Community-scale undertakings and groups of undertakings by establishing a works council or a procedure for informing and consulting workers in this type of undertaking. **COMMUNITY MEASURE:** Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings for the purpose of informing and consulting workers. **CONTENT:** the directive makes the following provisions: .

Definitions: a Community-scale undertaking is: * an undertaking which employs at least 1,000 workers in the Community as a whole and, in at least two Member States, at least 150 workers in each state; * a group of undertakings: - with at least 1,000 workers in the Community; - with at least two undertakings in different Member States and - with at least one undertaking which employs 150 workers in another Member State. . **Establishment of a European Works Council or a procedure for informing and consulting workers in the undertakings or group of undertakings:** this council is set up under the responsibility of the central management of the undertaking in a Member State or, where there is none, by the representative of the central management in the Member State (or even by the management of the undertaking which employs the largest number of workers in a Member State). The council is established either at the initiative of the central management itself or at the request of at least 100 workers employed in at least 2 enterprises in two different Member States. A special negotiating group is set up in order to start negotiations on the establishment of this council. The directive describes the designation and composition of this special negotiating group. . **Content of the agreement:** the agreement should define the procedures for informing and consulting workers and must state in writing: * the undertakings affected by the agreement, * the composition of the works council, the distribution of seats and the terms of office, * the attributions and the procedure for informing and consulting workers, * the frequency, duration and venue of council meetings, * the financial resources allocated to the council, * the term of the agreement. The central management and the special negotiating group may decide to set up one or more procedures for informing workers instead of establishing a works council. These procedures must provide information on transnational issues which seriously affect workers' interests. . **Subsidiary requirements set out in the legislation of the Member State in which the central management is established will apply:** * if the central management and special negotiating group so decide; * if the central management refuses to start negotiations within 6 months of the initial request to convene the special negotiating group; * if, within 3 years of the request, they are unable to conclude an agreement establishing a European Works Council or an information and consultation procedure and if the special negotiating group has not decided not to start or to cancel negotiations. . **Confidentiality clause:** the members of the special negotiating group and of the European Works Council must not divulge confidential information given to them to third parties. Special provision may be made for undertakings which directly or fundamentally pursue an ideological objective regarding information or opinions. . **Protection of workers' representatives:** the workers' representatives and the members of the works council will have the same protection and the same guarantees in the exercise of their duties as workers' representatives acting at national level. . **Sanctions:** provision is made for sanctions in the event of failure to comply with the present directive. - **Transposition by the Member States:** 22 September 1996, except in the United Kingdom, which has opted out of the social chapter of the Maastricht Treaty. - **Review:** the Commission will review the provisions of this directive and propose any amendments needed by 22 September 1999.