

# Information and consultation of employees: general framework

1998/0315(COD) - 14/04/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under cooperation procedure, the European Parliament adopted the report by Fiorella Ghilardotti (PSE,IT), which approves the Commission proposal for a Council directive establishing a general framework for informing and consulting employees in the European Community, subject to amendments, notably in the following areas: - proposing that strengthened dialogue and mutual trust within undertakings with a view to promoting employee involvement in the operation and future of the undertaking and increasing its competitiveness can be achieved through the continuing acquisition of qualifications, the employment of workers in innovation and adherence to new forms of work organisation which are more creative and rewarding for both sides; - removing the provision that the minimum employee level for application of the proposed directive can be raised from 50 to 100 employees in the case of the more innovative measures proposed on the information and consultation of employees on developments in the employment situation within the undertaking; - providing that existing provisions at national level in this field may not be altered to the disadvantage of employees; - requiring that protection of undertakings against public disclosure of certain particularly sensitive information must not entail any restriction of the right to information and consultation; - proposing that other Community level employee information and consultation rights must not be affected by the proposed directive, provided that they are more favourable to employees; - providing that the implementation of the provisions of the proposed directive shall under no circumstances constitute sufficient reason to justify a lowering of the general level of protection for employees in the field covered by it; - describing the purpose of the proposed directive as being to establish minimum requirements (rather than a general framework) for the information and consultation of employees in undertakings in the European Community; - adding specifications to the definition of "employer" and "employees' representatives" within the meaning of the proposed directive; - defining "social partners" within the meaning of the proposed directive; - providing that consultation should occur during the planning stage, so as to ensure that influence can be exerted; - deleting the provision which allows Member States to lay down particular provisions applicable to undertakings which pursue directly and essentially political, professional organisation, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions, provided that, at the date of the proposed directive's adoption, such particular provisions already exist in national legislation; - requiring that the Member States will determine the levels (plant, undertaking or group of undertakings at national level) which, depending on the subject dealt with, guarantee full compliance with the objectives of the proposed directive; - providing that, without prejudice to existing national provisions or practice, Member States shall create mechanisms designed to foster and promote social dialogue also in small and medium-sized enterprises, which do not come within the field of the proposed directive's application, in order to extend to them the achievement of the general objectives contained in it; - seeking to ensure that, in implementing the proposed directive, the minimum standards laid down at national level are upheld, while also allowing the social partners the freedom to conclude agreements which provide for rules and arrangements which are more favourable for employees than those laid down by the proposed directive; - providing that particular attention be given, in promoting information on the recent and reasonably foreseeable future development of the undertaking's activities and its economic and financial situation, to the areas of investment, production, sales and structure; - detailing the kind of decisions likely to lead to substantial changes in work organisation or contractual relations upon which information and consultation will be promoted under the proposed directive; - adding to the scope of the directive information and consultation on training and continuing training, equal opportunities and health and safety at the workplace (in accordance with framework directive 89/391/EEC); - requiring Member States to allow a final decision to be postponed, where it may have considerable adverse consequences for employees, to allow the continuation of consultation to try and avoid such consequences; - providing that employees' representatives may, if they so wish, request the assistance of experts specified by them; -

deleting the provisions that Member States can, in certain circumstances, allow employers to be exempted from communicating information or undertaking consultation where it would seriously harm the functioning of the undertaking; - setting out the entitlements of employees' representatives when carrying out their functions; - providing that the proposed directive will also apply to the public sector, including the civil service and public services and requiring Member States to ensure that the social partners introduce the necessary provisions by means of agreements, or that the laws, regulations or administrative provisions needed to comply with application to the public sector are adopted; - requiring Member States to consult with the social partners, in accordance with current legislation and practice in the Member States, before adopting the laws, regulations and administrative provisions necessary to comply with the proposed directive; - requiring the Commission to give particular attention to the validity of the ceilings on staff numbers when reviewing the application of the directive no later than 5 years after its adoption.