

# Information and consultation of employees: general framework

1998/0315(COD) - 23/07/2001 - Council position

In general the Council common position mirrors the European Commission's stance following the first reading of the proposal in the European Parliament. In other words those Parliamentary amendments accepted by the Commission were likewise accepted by the Council. Similarly those rejected by the Commission were rejected by the Council. (For closer inspection of Parliamentary amendments accepted and rejected by the Commission, please refer to text below.) However, following extensive debates within the Council new elements to the Directive have emerged. The Council sponsored amendments have accordingly been incorporated into its common position. Largely, they seek to meet the concerns expressed by the Member States vis-a-vis their particular national practices. The specific changes include: - the need to ensure the effectiveness of information and consultation procedures irrespective of how these are implemented; - the inclusion of definitions of 'establishment'; 'employer'; an 'employee'. - the introduction of a second threshold of 20 employees in cases where a Member State takes an establishment rather than an undertaking as its bench-mark for the purposes of transposing the Directive; - the introduction of a provision whereby Member States may derogate from the Directive by introducing special arrangements applicable to crews of ocean-going ships; - switching round the former Articles 3 and 4 of the Commission's initial proposal, together with a few changes arising from this; - moving part of the definitions of 'information' and 'consultation' to Article 4(3) and (4); - rearrangement of minor amendments to the provisions concerning confidentiality, the withholding of information and the control and use of these arrangements; - the introduction of a provision whereby Member States with no generally applicable and compulsory arrangements for information and consultation or for employee representation may introduce the Directive's requirements on a gradual basis depending on the size of the establishments or undertakings concerned (number of employees). Notably, the Council common position does not include one provision contained in the Commission's initial proposal nor indeed in the amended proposal. Specifically, this refers to Article 7(3) which provides for sanctions in the event of a serious breach of employee information and consultation obligations.