Basic information

1995/2300(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Worker information and consultation **Subject** 4.15.10 Worker information, participation, trade unions, works councils	

Key players

European Parliament

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	MURPHY Simon Francis (PSE)	31/01/1996
JURI Legal Affairs, Citizens' Rights	ODDY Christine Margaret (PSE)	22/02/1996

Council of the European Union

Council configuration	Meetings	Date
Social Affairs	1948	1996-09-24
Social Affairs	1974	1996-12-02
Social Affairs	1914	1996-03-29

Key events

Date	Event	Reference	Summary
14/11/1995	Non-legislative basic document published	COM(1995)0547	Summary
11/12/1995	Committee referral announced in Parliament		
29/03/1996	Debate in Council		
24/09/1996	Debate in Council		Summary
02/12/1996	Debate in Council		
17/12/1996	Vote in committee		Summary
17/12/1996	Committee report tabled for plenary	A4-0411/1996	
16/01/1997	Debate in Parliament		
17/01/1997	End of procedure in Parliament		
03/02/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1995/2300(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/4/07288

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0411/1996 OJ C 033 03.02.1997, p. 0022	17/12/1996	
Text adopted by Parliament, single reading		T4-0021/1997 OJ C 033 03.02.1997, p. 0113-0130	17/01/1997	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(1995)0547	14/11/1995	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0696/1996 OJ C 212 22.07.1996, p. 0036	29/05/1996	Summary

Worker information and consultation

1995/2300(COS) - 29/05/1996 - Economic and Social Committee: opinion, report

It is advisable to adopt a separate approach to information and consultation arrangements and participation.The Commission should initiate a review of this subject and, to this end, should carry out a comparative study to establish the degree of legislative convergence or divergence between individual countries and the extent to which Community action is advisable and necessary. The proposals relating to the European Company Statute focus both on worker information and consultation and on the more far-reaching participation of worker representatives at the level of company organs. Adoption of the European Company Statute must not enable enterprises in Member States providing for greater involvement to avoid this wider obligation by adopting the European legal form. There can be no question of transposing the particular participation model of only one or a few Member States to the rest of the Community. At the same time, it must not be possible to circumvent worker participation with the aid of a Community legal instrument. Workers in the countries concerned should not suffer a loss of rights deriving from Europe's inability to provide for involvement at a level beyond that of mere information and consultation. This fact automatically rules out Commission Options 2 and 3 for Member States in which workers already enjoy more comprehensive participation rights. Consequently, a solution must be found which ensures that existing national participation legislation cannot be limited or circumvented by any form of European Company. It would also be advisable to disassociate the European Association, European Cooperative and European Mutual Society from the European Company Statute and provide for separate adoption of the corresponding Regulations. This decision should be taken as quickly as possible in order to establish a level playing field between corporate enterprises and partnerships of people. Representatives of cooperatives, mutual societies and associations must be involved in the drawing up of such a European legal framework.

Worker information and consultation

1995/2300(COS) - 17/01/1997 - Text adopted by Parliament, single reading

In adopting the report by Mr Winfried MENRAD (PPE, D), Parliament regretted that the Commission had not consulted the social partners at European level before adopting this communication and noted also that this document contained no analysis of the existing participatory schemes in the Member States. It recommended firstly that the Commission submit, on the basis of the results of the group of high-level experts recruited from both sides of industry, framework conditions for worker participation. The group should clarify what role the European works council could play in an overall concept of codetermination and whether it could participate actively in negotiations on the codetermination model of the European company. It should also examine whether the statute on European companies could provide for negotiations between the management of a company and its worker representatives, with an obligation to reach agreement between the two sides. Parliament also considered that three main principles should guide the drawing up of a model of participation for European companies: flexibility, negotiated solutions and minimum standards. The Commission should be able to submit framework conditions for worker participation which took account of Parliament's wishes in this respect and which would permit sufficient flexibility to enable the procedures and rules on participation and codetermination to be defined at branch and possibly corporate level, with the possibility of being defined at company level. These rules and procedures must take account of the various models of worker information and consultation in each Member State and, if necessary, of the specific situation of small undertakings. Furthermore, defining rights of participation in the economic activities of companies could not involve transferring a specific model of codetermination existing in only one, or only a few, Member States to the other Member States. If a national model was not to be exported, neither must the adoption of a European statute result in companies being able to use a European legal instrument to avoid codetermination (no 'flight from codetermination'). It proposed as a minimum standard in the dualist system, a seat for workers on the supervisory board and in the monist system, an institution which would agree with the management of the firm on opportunities for participation in economic matters and on the obligation of employers to negotiate in respect of decisions concerning workers. Pointing out once again that the creation of European forms of company must be inseparably bound up with the rules on workers codetermination, Parliament lastly called on the Commission to draw up without delay a draft directive on minimum standards for the information and consultation of workers in their firms in the Member States and to pursue its measures aimed at evaluating and hence improving the implementation of the Council directives in this field with a view to making consultation with the social partners more binding.

Worker information and consultation

1995/2300(COS) - 24/09/1996

Commissioner Flynn put to the Council a number of suggestions, the objective of which was: i) to lay down rules, at Community level, for worker information and consultation in each Member State; these rules would be complementary to the directive on European works councils, which came into force on 22 September 1994. The Commission intended to consult the social partners before presenting a formal proposal based on the agreement on social policy annexed to the Treaty on European Union. ii) to set up a high-level panel of experts charged with examining the question of worker participation in company management, and especially in the context of the proposed statute for the European Company. The panel would be given a mandate to examine national systems and draw up recommendations for future action.

Worker information and consultation

1995/2300(COS) - 14/11/1995 - Non-legislative basic document

OBJECTIVE: to improve the present Community system of worker information and consultation by enabling the adoption of certain important directives in this area currently blocked in the Council. SUBSTANCE: through this communication, the Commission hopes to open the debate on the approach to be adopted to break the current deadlock in the Council over a series of proposals concerning worker participation, particularly the following: . the proposals concerning worker participation in the European Company as well as the European Association, the European Cooperative and the European Mutual Society, . the articles concerning worker participation in the "fifth directive" on company law, . worker consultation in companies with complex structures ("Vredeling proposal"). Given the complexity and delicate nature of the discussions being held, the Commission felt that, before proposing any new formal initiative in this area, it should use this communication to initiate a wide-ranging debate in the Council, Parliament and the Economic and Social Committee, which would also serve as a preliminary consultation of the social partners under Article 3(2) of the Social Protocol. The adoption in 1994 of the directive concerning the European Works Council highlighted another aspect of the problem of worker information and consultation since it demonstrated the benefits of establishing general legal standards in this field at European level. The next stage is to determine whether the case-by-case approach in the proposals on "participation" should be maintained, although they have the drawback of remaining blocked within the Council (which implies serious consequences for companies in the Union which must adapt to the internal market and global competition), or whether a new strategy should be found to unblock these issues. Indeed, the Member States are urging that the European Company be adopted immediately. This is a legal instrument which is particularly important in attracting private capital to establish extensive European networks and its adoption is blocked purely because of the provisions concerning worker participation. As far as the Commission is concerned, there are several options available to help move the issues forward: - maintaining the status quo, in other words continuing the discussions in the Council on the basis of the existing proposals and maintaining the case-by-case approach: this option offers little hope for progress; - a general approach, instead of the case-by-case approach, which would enable general frameworks for worker information and consultation to be established at European level: in this way, the proposals annexed to the European Company, the European Association, the European Cooperative and the European Mutual Society could be withdrawn. This should then be followed by the adoption of a Community instrument relating to information and consultation at national level; - immediate action on the proposals concerning the European Company, and so on: if a general approach establishing general frameworks is adopted at Community level, in light of the European Works Council Directive immediate measures could be taken to break the deadlock surrounding proposals such as those relating to the European Company. This action could be implemented in two ways: . no European Company, European Association, European Cooperative or European Mutual Society could be established in a Member State which had not transposed the European Works Council Directive, . there would be no conditions, but existing Community provisions on worker consultation and information would be applied to these bodies

("works council", "collective redundancies", "the transfer of undertakings") with the disadvantage in this case that the United Kingdom would not be involved since it was not affected by the European Works Council Directive.