Basic information

2019/2183(INL) INL - Legislative initiative procedure	Procedure completed
Revision of European Works Councils Directive **Subject** 4.15.10 Worker information, participation, trade unions, works councils	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	EMPL Employment and Social Affairs	RADTKE Dennis (EPP)	17/02/2020
		Shadow rapporteur BENIFEI Brando (S&D) ALIEVA-VELI Atidzhe (Renew) SATOURI Mounir (Greens/EFA) RAFALSKA Elżbieta (ECR) LIZZI Elena (ID)	
European Commission	**Commission DG**	**Commissioner**	
	Employment, Social Affairs and Inclusion	SCHMIT Nicolas	

Key events

Date	Event	Reference	Summary
19/12/2019	Committee referral announced in Parliament		
30/11/2022	Vote in committee		
14/12/2022	Committee report tabled for plenary	A9-0295/2022	Summary
19/01/2023	Debate in Parliament		
02/02/2023	Decision by Parliament	T9-0028/2023	Summary
02/02/2023	Results of vote in Parliament		

Technical information	
Procedure reference	2019/2183(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/9/01681

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE730.043	12/05/2022	
Amendments tabled in committee		PE734.188	23/06/2022	
Committee report tabled for plenary, single reading		A9-0295/2022	14/12/2022	Summary
Text adopted by Parliament, single reading		T9-0028/2023	02/02/2023	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
RADTKE Dennis	Rapporteur	EMPL	27/06/2023	DEUTSCHE TELEKOM AG
RADTKE Dennis	Rapporteur	EMPL	17/01/2023	Hans-Böckler-Stiftung
RADTKE Dennis	Shadow rapporteur	EMPL	08/12/2022	Direct Selling Europe
RADTKE Dennis	Rapporteur	EMPL	19/10/2022	Business Europe
RADTKE Dennis	Rapporteur	EMPL	19/10/2022	BDI/BDA The German Business Representation
RADTKE Dennis	Rapporteur	EMPL	19/10/2022	Business Europe
RADTKE Dennis	Rapporteur	EMPL	13/10/2022	EVONIK INDUSTRIES AG
RADTKE Dennis	Rapporteur	EMPL	06/10/2022	EUROPEAN TRADE UNION CONFEDERATION

RADTKE Dennis	Rapporteur	EMPL	26/09/2022	Bundesarbeitgeberverband Chemie e.V.
RADTKE Dennis	Rapporteur	EMPL	26/09/2022	Österreichischer Gewerkschaftsbund
SATOURI Mounir	Shadow rapporteur	EMPL	08/09/2022	EUROPEAN TRADE UNION CONFEDERATION
RADTKE Dennis	Rapporteur	EMPL	31/08/2022	IBM Corporation
SATOURI Mounir	Shadow rapporteur	EMPL	05/07/2022	EUROPEAN TRADE UNION CONFEDERATION
RADTKE Dennis	Rapporteur	EMPL	30/06/2022	Oracle
RADTKE Dennis	Rapporteur	EMPL	23/06/2022	Deutscher Gewerkschaftsbund
RADTKE Dennis	Rapporteur	EMPL	27/04/2022	Scholten & Anwälte
RADTKE Dennis	Rapporteur	EMPL	31/03/2022	Adient
RADTKE Dennis	Rapporteur	EMPL	31/03/2022	The Coca-Cola Company
RADTKE Dennis	Shadow rapporteur	EMPL	21/03/2022	European Trade Union Institute
RADTKE Dennis	Rapporteur	EMPL	26/01/2022	Nokia
RADTKE Dennis	Rapporteur	EMPL	14/10/2021	industriAll European Trade Union
RADTKE Dennis	Rapporteur	EMPL	06/09/2021	Atos SE (France)
RADTKE Dennis	Rapporteur	EMPL	20/04/2021	SIPTU Ireland
RADTKE Dennis	Rapporteur	EMPL	24/02/2021	EUROPEAN TRADE UNION CONFEDERATION
RADTKE Dennis	Rapporteur	EMPL	12/11/2020	Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.
RADTKE Dennis	Rapporteur	EMPL	09/09/2020	EUROPEAN TRADE UNION CONFEDERATION
RADTKE Dennis	Rapporteur	EMPL	03/06/2020	BDA
RADTKE Dennis	Rapporteur	EMPL	03/06/2020	BDA The German Business Representation

Other Members

Transparency		
Name	**Date**	**Interest representatives**
ANGEL Marc	18/01/2023	Isabelle Schömann ETUC
BISCHOFF Gabriele	10/11/2022	IG Metall
BISCHOFF Gabriele	09/11/2022	Betriebsrat MAN Energy Solutions
BISCHOFF Gabriele	01/09/2022	Fraktion Sozialdemokratischer GewerkschafterInnen im Österreichischen Gewerkschaftsbund
BISCHOFF Gabriele	06/05/2022	IG Metall

Revision of European Works Councils Directive

2019/2183(INL) - 02/02/2023 - Text adopted by Parliament, single reading

The European Parliament has adopted by 385 votes to 118, with 99 abstentions, a resolution containing recommendations to the Commission on the revision of the European Works Council Directive.

Social dialogue, including information and consultation of workers, is a key element of the European social model. **European Works Councils** (EWCs) reflect the importance attached to worker representation and their proper functioning plays a significant role in the proper management of multinational companies. Around 1 200 EWCs currently exist in the EU.

The shortcomings of Directive 2009/38/EC and its lack of enforcement contribute to a fragmented implementation of workers' information and consultation rights on transnational matters across the EU.

Call for a long awaited revision of Directive 2009/38/EC

Parliament reiterated its call on the Commission to present, by 31 January 2024 at the latest, a **proposal for a revision** of Directive 2009/38/EC with a view to clarifying its objectives, definitions and procedures and strengthening the right of workers' representatives to information and consultation, in particular during restructuring processes.

Members stressed that that EWCs are one of the main instruments to enhance workplace democracy on transnational issues, enforcing workers' rights, increasing worker participation and promoting mutual trust between management and employees. They consider it essential to **strengthen EWCs and their ability to exercise their information and consultation rights**, as well as to increase the number of EWCs, while taking into account the different industrial relations systems in the Member States.

To increase visibility, as well as to create incentives for the development of EWCs, Parliament called on the Commission to collect data on undertakings falling within the scope of Directive 2009/38/EC and to organise a **high-level conference** in 2023 to mobilise undertakings falling within the scope of the directive, EWCs, social partners from various sectors as well as national labour market institutions on the importance of EWCs in order to put this topic at the top of the political agenda.

Ensuring timely and meaningful consultation

The EWCs still face major difficulties to enforce their rights, especially on timely information and prior and effective consultation on matters of transnational character that could have an impact on jobs and working conditions of the workforce in Europe, including changes deriving from the green and digital transitions.

It is recommended that the Commission and the Member States **promote the strengthening of information and consultation rights**, and meaningful consultation processes. A revision of the definition of the term ‘consultation’ in Directive 2009/38/EC is called for in order to ensure that the EWC’s opinion is taken into account in the decisions of undertakings and that opinion is delivered before the completion of the consultation at the relevant level, before the governing bodies of the undertaking come to a decision.

EWC members should have timely access to meaningful and up-to-date information about envisaged decisions of a transnational character.

Parliament also recommended the following:

- **strengthen the subsidiary requirements** in Directive 2009/38/EC, which serve as a basis for negotiated agreements: Members note that the three-year delay following a request before the subsidiary requirements apply, in the event of a failure to conclude an agreement, is excessive, is often not used effectively and is to the disadvantage of workers;

- **clarify the scope of confidentiality**: as part of the revision of Directive 2009/38/EC, the Commission should require Member States to clearly define in what cases confidentiality is justified to restrict access to information;

- **improve dispute resolution** by providing guidance on how to resolve the negative effects that such disagreements may have on EWC members and employees’ representatives;

- **introducing effective, dissuasive and proportionate penalties**: provisions governing Member State penalties need to be strengthened, while at the same time ensuring that it does not create a burden to the business;

- **ending the exemption of pre-Directive agreements**: more than 25 years after the adoption of the first EWC Directive, many pre-Directive agreements are still in force and have not been adapted to the requirements of Directive 2009/38/EC. Members consider that it is essential that all EWC agreements are governed by the same rights and obligations;

- **ensuring access to justice**: Parliament reiterated its call on Member States to ensure facilitated administrative and legal proceedings for an effective access to justice for EWCs and special negotiation bodies, and for the specification of legal status, including granting legal personality, of EWCs. It also stressed the importance of ensuring a gender balance in the composition of EWCs.

Revision of European Works Councils Directive

2019/2183(INL) - 14/12/2022 - Committee report tabled for plenary, single reading

The Committee on Employment and Social Affairs adopted the initiative report by Dennis RADTKE (EPP, DE) with recommendations to the Commission on Revision of European Works Councils Directive.

Context

The report notes that around 1 200 EWCs currently exist in the Union, with 18 000 individual representatives. There is evidence that early consultation can have a substantial impact on job security during restructuring processes and worker consultation and participation is essential in ensuring workers' well-being. Moreover, EWCs play a crucial role in the Europeanisation of industrial relations.

However, gaps and the lack of enforcement of Directive 2009/38/EC of the European Parliament and of the Council on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employee contributes to a **fragmented uptake** of workers' rights of information and consultation on transnational matters across the Union.

Recommendations for the revision of Directive 2009/38/EC

Members call on the Commission to carry out the long-awaited revision of Directive 2009/38/EC with a view to clarifying its objectives, definitions and procedures, strengthening the right of employee representatives to information and consultation, particularly during restructuring processes. They believe that it is essential to strengthen EWCs and their ability to exercise their information and consultation rights, as well as to increase the number of EWCs, while taking into account the different industrial relations systems in the Member States.

The awareness and visibility of EWCs and their potential benefits among employee and management representatives should be increased. In this context, Members calls on the Commission to gather data on the undertakings falling under the scope of Directive 2009/38/EC and organise a high-level conference in 2023 to mobilise undertakings falling under the scope of Directive 2009/38/EC, EWCs, social partners within various sectors as well as national labour market institutions on the importance of EWCs in order to put this topic high on the policy agenda.

The Commission is requested to submit, by **31 January 2024, a proposal for a revision of Directive 2009/38/EC**.

Ensuring timely and meaningful consultation

The EWCs still face major difficulties to enforce their rights, especially on timely information and prior and effective consultation on matters of transnational character that could have an impact on jobs and working conditions of the workforce in Europe, including changes deriving from the green and digital transitions.

It is recommended that the Commission and the Member States promote the strengthening of information and consultation rights, and meaningful consultation processes. A revision of the definition of the term 'consultation' in Directive 2009/38/EC is called for in order to ensure that the EWC's opinion is taken into account in the decisions of undertakings and that opinion is delivered before the completion of the consultation at the relevant level, before the governing bodies of the undertaking come to a decision.

EWC members should have timely access to meaningful and up-to-date information about envisaged decisions of a transnational character.

Given the fragmented implementation of confidentiality provisions, the report also calls for a clear definition of confidential information.

Introducing effective, dissuasive and proportionate penalties

Concerned about the insufficient compliance with Directive 2009/38/EC, the report notes that the provisions governing Member State penalties needs to be strengthened in order to improve compliance with Directive 2009/38/EC, while at the same time ensuring that it does not create a burden to the business.

Ending the exemption of pre-Directive agreements

More than 25 years after the adoption of the first EWC Directive, many pre-Directive agreements are still in force and have not been adapted to the requirements of Directive 2009/38/EC. It is essential that all EWC agreements are governed by the same rights and obligations, in order to ensure equal treatment of workers, access to the application of high Union standards, and legal certainty. The Commission and the Member States are recommended to put an end to the exemption for the so-called voluntary pre-Directive agreements and revise the relevant provisions of Directive 2009 /38/EC with the view to participation rights and the revision of the European Works Council Directive, creating a regulatory level-playing field governing the functioning of EWCs.

Ensuring access to justice

The report highlights the importance of EWCs having access to courts or national competent labour authorities. Member States are called on to ensure facilitated administrative and legal proceedings for an effective access to justice for EWCs and special negotiation bodies, and for the specification of legal status, including granting legal personality, of EWCs.