WORKER REPRESENTATION SYSTEMS IN THE EUROPEAN UNION AND THE ACCESSION COUNTRIES
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WORKER REPRESENTATION IN THE EUROPEAN UNION

Austria
Belgium
Cyprus (South)
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
United Kingdom

WORKER REPRESENTATION IN THE ACCESSION COUNTRIES

Bulgaria
Croatie
Cyprus (North)
Romania
Turkey
Introduction

This revised publication on national company worker representation systems has been coordinated by Social Development Agency (SDA) and European Trade Union College (ETUCO) and has received support from the European Commission. It covers the 25 countries of the European Union and the 4 candidate countries.

It consists of two sections: a pedagogical section and an information section.

ETUCO and SDA decided to reprint this joint publication in order to meet the needs expressed in a number of training courses or conferences on the theme of information and consultation by three particular target groups:

- Members of European Works Councils, who have come across different practices and experience of worker representation in their work, but lack detailed knowledge of those different systems
- Trade union organisations in candidate countries, which need to get to know each other’s systems so that they can influence choices in a situation in which their industrial relations systems are undergoing continual changes and/or reconstruction
- Trade union organisations from EU countries, which need to be aware of factors enabling them to promote the integration of organisations from candidate countries into the European trade union community.

We have chosen to look at the main employee information and consultation body in each country. In some cases, this main body is a works council or committee, whilst in others information and consultation are the responsibility of the union delegation and/or the shop steward(s).

The information section on the main worker representation body is divided into three chapters:

- Types of worker representation in companies in the 28 European countries
- Resources and operation of these representation bodies
- Tasks and powers of these representation bodies.

The items have been selected and are displayed in a country-by-country presentation.
It must be stressed that the various elements of information are generally based on national legislation. Certain additional rights and practices may be based on collective agreements (e.g. at branch or company level), but these have not been taken into account in this study, so as to concentrate on aspects that lend themselves more readily to comparison.

The pedagogical section is particularly suited to use in seminars and training courses. Therefore, as well as the material itself, introductory information from trainers and, above all, the knowledge and experience of the course participants from the various countries, are important resources. However that also presupposes the mutual understanding of the possibilities and limitations of all the worker representation systems concerned. That is why the workers’ representatives from different countries will only be able to adopt joint stances once they have developed an understanding of the worker representation systems in other European countries.

This pedagogical pack breaks down what are complex national systems into their key components, before comparing them, so as to provide a quick overview and encourage the reading of other relevant documents. It also contains some activity sheets for group work within courses.

We hope this publication will provide a useful training and information tool and will promote a better understanding of company worker representation systems.

Thanks for this revised version are due in particular to:

- The national experts who have validated this study.
- Simon Cox (SDA) and Michel Mortelette (SDA) for the production and revision of the information sheets.
- Jean-Claude Le Douaron (ETUCO) who have provided valuable information gathered from courses with European Industry Federations and European Works Councils
- Georges Schnell (ETUCO) and Pierre Nguyen (SDA), for their help with the translation, formatting and production of the documents.

Brussels, 25 November 2004

Claudio STANZANI
Director of SDA

Jeff BRIDGFORD
Director of ETUCO

1 Only the sheet concerning Croatia is missing
The increasing internationalisation of business structures in Europe is leading a growing number of workers’ representatives towards transnational co-operation – for example in European Works Councils. The scale of their possible influence on companies’ decisions and on European policy depends to a large extent on their ability to develop transnational forms of solidarity. A prerequisite for this is mutual understanding of the potential or limitations of all the different systems of representation concerned.

Even though European trade unions have taken some initial, successful steps to establish Europe-wide workers’ rights, formal participation possibilities for workers at company level are still largely based on national laws and traditions. This means that workers’ representatives from different countries can develop a common position vis-à-vis their management only if they have some knowledge of the representation systems in other European countries. These ETUCO materials are designed to make a contribution towards this.

The complex national systems have been broken down into some key components and then compared, in order to provide a rapid overview and encourage further reading. It is not the aim of this presentation to provide detailed knowledge of all the systems of worker representation in all countries. Indeed, their complexity and variety would render such a task impossible. Instead, the aim is to highlight a number of fundamental differences and provide an analytical model that will enable participants to put appropriate questions to representatives from other countries. It also needs to be borne in mind that there may be differences in the legal situation or practices. Accordingly, the classification of countries used here should always be regarded as a basis for discussions.
The compact form of the portrayal is particularly suited to use in seminars and training courses. Therefore, alongside the material, introductory information from the course leader and, above all, the knowledge and experience of the course participants from the various countries, represent an important resource. In the course of future seminars, further information will be systematically collected, so that it will quickly be possible to identify additional themes in the country comparison. To underpin the joint learning process, this learning package contains further activity sheets for group work in seminars.
The systems for the representation of workers’ interests are influenced by a range of parameters: traditions, specific cultural features, different strategies and the relative strength of unions, employers and national policies have, in each country, produced a unique model of workers’ representation. Some important aspects of the differences between countries relate to the following:

1. Union representation within the sector
2. Representation via a second – often legal – pillar (e.g. ‘Comité d’entreprise’, ‘Betriebsrat’ or ‘Samarbejdssudvalg’)
3. Representation in the administrative structures of the company such as the board of management or the supervisory board

In some countries, protecting workers’ interests lies exclusively within the remit of the unions, whilst in others there is a body elected by all workers or a mixed committee made up of representatives of the company management and the employees. In such cases, the tasks of the unions include putting forward candidates for election to these bodies, recruiting members and influencing the shaping of opinions.

While in some countries (e.g. France, Luxembourg or Belgium), mixed committees chaired by the company management have to be set up, the ‘Betriebsräte’ in Germany, and their equivalents in Austria or the Netherlands, represent only the workers, who therefore also hold the chair.

Provisions do not exist everywhere for the participation of workers’ representatives at the managerial levels in a company. In cases where the workers are involved at the highest decision-making levels, their role may be restricted to observer status, however they may have full voting rights.
Where a company has several different production sites in a single country, some countries have bodies in which the workers’ representatives from the various plants can meet together. Where such provisions do not exist, the unions sometimes try to take on a coordinating role.

The fundamental conditions underlying the work of the workers’ representatives are not only legally-based. In a number of countries (e.g. Italy), the arrangements agreed between both sides of industry have a greater importance.

Depending on the country, workers are organised into unions in line with different principles. We can basically distinguish between the Nordic, Anglo-Saxon, Germanic and “pluralist” systems.

The EU Member States have widely differing systems of collective bargaining over pay and conditions. However, despite these differences and a widely observed trend towards the decentralisation of bargaining, most countries have relatively centralised systems.

When it comes to union membership, there are considerable differences within Europe. The average percentage of the workforce belonging to a union varies from about 9% (France) to about 90% (Iceland). In addition, there are major variations between the individual branches and sectors. These figures should not, however, be confused with the unions’ ability to mobilise. Often, a better reflection of the strength of the unions can be obtained from the election results for the bodies representing workers’ interests.

The approach by workers’ representatives towards conflicts also varies a lot. Some systems have a stronger tendency towards conflict than others. However, we should note that in practically all countries there is the same trend towards less conflict.

The material working conditions of the workers’ representatives vary widely, ranging from the representative having his or her own budget, to restrictions on union resources, with several variants inbetween. Rights to time off and training or further training also vary dramatically.
With regard to the scale of the workers’ representatives’ potential influence on company decision-making, there is a considerable spread of situations, varying not only from system to system but also from case to case. Basically, the following distinctions may be drawn:

1. Information
2. Consultation
3. Participation

The potential influence of the workers’ representatives in the following areas is compared:

- Training
- Restructuring and mass redundancies
- Disabled workers
- Equal opportunities
This series of transparencies was developed by ETUCO for use on transnational trade union training courses aimed at familiarising participants from different countries with the main differences in how workers are represented in the countries of Europe.

The first series of transparencies illustrates important differences between systems. It is particularly useful as an introduction to the theme. The second series of transparencies is devoted to the various types of working conditions and legal provisions in selected areas. This presentation can be referred to both for introductory purposes and as a summary for group work and discussions.
The activity sheets are designed to facilitate a deeper understanding of the possibilities for action available to representatives in various countries. The general principle is that in a working group, the representatives from one country question their colleagues from another country regarding their rights and possibilities in a very precise situation involving information, consultation, participation or negotiation. Depending on the individual case, the roles may be reversed or the representatives from the second country may be asked to interview those from the third. Then, one rapporteur from each country will be asked to present the results and comments in a subsequent plenary session.

By means of such group activities, we hope to enable the participants to gain a deeper and more complex intercultural understanding of the representation systems. Such an understanding should enable them to adjust their expectations vis-à-vis their colleagues from other countries in a more realistic way.

In the ETUCO seminars, we have found it best to have participants from no more than three different countries in each working group, to whom we give 1 or 2 activity sheets.

Based on our experience of seminars with about 25 participants from 5 or 6 countries, a thorough processing of each case study (including group work and evaluation) takes 3 hours.

**Activity sheet 1**

Activity sheet 1 is intended to depict the tasks of the relevant representatives within a concrete case study on negotiations in the event of mass redundancies. In some countries, the proposal of the company management is probably discussed first in the company’s
board of management or supervisory board and the workers are notified in this way. The bodies which are then brought into the negotiations are, depending on the country, either the trade union or a body chosen by the workers.

**Activity sheet 2**

Activity sheet 2 portrays the task of representing workers’ interests through an example of negotiations on working time issues. Through the discussions, the participants learn about the potential influence negotiators can have on working conditions, and learn to differentiate between the various bodies and their roles. In addition, the relationship between sectoral agreements and non-sectoral wage bargaining can be addressed.

**Activity sheet 3**

Activity sheet 3 seeks to clarify how workers’ representatives can help to secure the reinstatement of colleagues whose ability to work has been impaired either through an accident or as the result of an occupational illness. In most European countries, the workers’ representatives should be consulted regarding the arrangements for the reintegration of these colleagues.

**Activity sheet 4**

Activity sheet 4 is designed to help provide a deeper understanding of the training rights available to representatives to help them carry out the various duties related to their post. This activity should, in theory, show up some significant differences in the rights and possibilities for training between the countries represented on the course.

**Activity sheet 5**

This activity sheet should enable the participants to compare the composition, resources and competence of the various representation bodies at company level in the countries represented. It could be distributed to all the working groups when such training is delivered.
Equal opportunities for men and women is one of the proclaimed priorities of the European trade union movement. However, this priority still offers huge scope for improvement by the workers’ representatives. If this activity can contribute to highlighting examples of good practice, it will have gone at least some way towards achieving its objective.
ACTIVITY SHEETS
Participation in the case of threatened mass redundancies

Objective

The development of mutual understanding about different systems of worker representation using a concrete example of information/consultation and negotiation at company level.

Situation

In a company with 1500 staff, the management is intending to subcontract part of its production. One of the consequences of this decision would be the laying off of 180 employees (140 manual and 40 non-manual employees).

Task

Within national working groups, you interview the representatives from another country and work on a presentation of the participation process in that country with reference to the following questions:

1. Through which information channels are the workers’ representatives concerned notified?
2. Which bodies representing workers’ interests are involved in the consultation and potential negotiations?
3. What status do the negotiating partners have in the various information, consultation and participation phases, i.e. how and by whom were they elected, and what role did the union play in their appointment?
4. What are the possible objectives and results of the worker participation?

You have 1 hour to draft your report and nominate a rapporteur. The rapporteur should take a maximum of 15 minutes to present the group’s results to the plenary session.
Objective

• The development of mutual understanding about different systems of worker representation using a concrete example of information/consultation and negotiation at company level.
• To analyse ways of solving work-related disputes.
• To examine some sectoral and cross-sectoral agreements and regulations.

Situation

In a company with 300 staff, the management is planning measures to strengthen the plant’s competitiveness. These include the abolition of the breakfast break as paid working time, the introduction of Saturday working and the introduction of a new system of overtime payments.

Task

Within national working groups, you interview the representatives from another country and work on a presentation of the participation process in that country with reference to the following questions:

1. Which body (if any) does the management consult about its plans?
2. What happens if the workers’ representatives do not agree with the management’s plans?
3. What demands will the workers’ representatives raise for the negotiations?
4. How do existing collective agreements or legislation on working time affect the negotiations?

You have 1 hour to draft your report and nominate a rapporteur. The rapporteur should take a maximum of 15 minutes to present the group’s results to the plenary session.
Reinstatement of disabled workers

Objective

The development of mutual understanding about different systems of worker representation using a concrete example of information/consultation and negotiation at company level.

Situation

In a company with 950 staff, there have been repeated cases over recent years of employees suffering impairment to their ability to work as a result of occupational accidents or illnesses. At present, 7 female colleagues have still not been reinstated in their jobs. The workers’ representatives intend to negotiate with the management on this score.

Task

Within national working groups, you interview the representatives from another country and work on a presentation of the participation process in that country with reference to the following questions:

1. Is the employer obliged to report on the situation?
2. Which bodies representing workers’ interests are involved in the participation process?
3. What status do the negotiating partners have in the various information, consultation and participation phases, i.e. how and by whom were they elected, and what role did the union play in their appointment?
4. What could be the objectives and results of the worker participation?

You have 1 hour to draft your report and nominate a rapporteur. The rapporteur should take a maximum of 15 minutes to present the group’s results to the plenary session.
Training for workers’ representatives

Objective

The development of mutual understanding about different systems of worker representation using a concrete example of information/consultation and negotiation at company level.

Situation

The sectoral representation body has recently been replaced. The body, which has some new members, presents its training requirements so as to be suitably qualified to cope with the tasks before it.

Task

Within national working groups, you interview the representatives from another country and work on a presentation of the participation process in that country with reference to the following questions:

1. What kinds of rights to training for newly elected or re-elected workers’ representatives are provided for in the different countries?
2. What kind of training is on offer?
3. Who decides about attendance and suitability for the training provided?
4. Who finances time off for the workers’ representatives and the training itself?

You have 1 hour to draft your report and nominate a rapporteur. The rapporteur should take a maximum of 15 minutes to present the group’s results to the plenary session.
Composition and working conditions of workers’ representation bodies

Objective

The development of mutual understanding about different systems of worker representation using a concrete example of information/consultation and negotiation at company level.

Situation

The sectoral representatives for a company with 1500 staff have been recently re-elected/appointed. Who are the members of this body and what are their working conditions like?

Task

Within national working groups, you interview the representatives from another country and work on a presentation of the participation process in that country with reference to the following questions:

1. How many members does the body have?
2. Is time off possible, and if so, how much?
3. What working resources (PC, Internet, secretary, etc.) are available to the body?
4. How often and in which connection does the body meet with the employer?
5. What are the issues addressed most frequently with the employer?
6. What is the participation framework for these discussions (information, consultation, participation)?

You have 1 hour to draft your report and nominate a rapporteur. The rapporteur should take a maximum of 15 minutes to present the group’s results to the plenary session.
6

Equal opportunities in the sectors

Objective

The development of mutual understanding about different systems of worker representation using a concrete example of information/consultation and negotiation at company level.

Situation

In the report by an independent research institute about your company, it says that the average wages of women are just 76% of those paid to men. In the company, 56% of the staff are women. 80% of the sectoral workers’ representation body are men, however.

Task

Within national working groups, you interview the representatives from another country and work on a presentation of the participation process in that country with reference to the following question:

1. What would the workers’ representatives do in response to this information?

You have 1 hour to draft your report and nominate a rapporteur. The rapporteur should take a maximum of 15 minutes to present the group’s results to the plenary session.
This series of transparencies was developed by ETUCO for use at transnational seminars on trade union training aimed at familiarising participants from different countries with the main differences in how workers are represented in the countries of Europe. It is not the aim of this presentation to provide detailed knowledge of all the systems of worker representation in all the countries of Europe. Indeed, their complexity and variety would render such a task impossible. Instead, the aim is to highlight a number of fundamental differences and provide an analytical model that will enable participants to put appropriate questions to representatives from other countries.

A prerequisite for transnational cooperation between the representatives of workers from different countries in Europe is mutual understanding of the different systems of representation. For instance, in a European Works Council, the representatives of an Italian production site will have to coordinate their positions with a whole range of other sites, e.g. in the UK, Germany, Finland and Portugal. The efficiency of this coordination will depend on everyone’s ability to appreciate the potential or limitations of all the systems of representation concerned.

slides to download see:
In principle, one possibility is for the interests of the workforce at a particular production site to be defended via a **single channel of trade union representation involving one or several trade union organisations**. When this is the case, the ways and means in which trade union representatives are elected or appointed will depend on the trade unions in question: they may opt to have such representatives elected by their members or they may appoint them in some other way. In this instance the trade union organisations and their representatives are the sole bodies representing the workers' interests. This representation can be legitimised in a national law obliging the employers to recognise the unions, or in a collective agreement, or simply in the balance of power between trade union organisations and employers.

Workers' interests can also be taken into account by a **two-channel system**, where there is a works council operating alongside the trade union representatives (works council, Betriebsrat, ondernemingsraad, samarbejdsutvalg, etc.). The representatives on this type of body are generally elected by all the workers on the site, although in certain cases this works council may represent all the unions present in the company. The functions assigned to the trade union representatives and the works council also vary between countries where dual representation is already practised.
There are three possible configurations for the balance of power between union representatives and works councils:

**Red:** Single channel worker representation by trade union organisations is practised in Sweden, Estonia, Latvia, the United Kingdom and Iceland and Turkey.

**Blue:** The works council may simply represent all the different trade union organisations present in the company. Each has a certain number of seats on the council which may also or may solely be a body for information and cooperation. In the latter case the existence of a works council does not release the employer from his obligation to negotiate with the union organisations (Finland, Norway, Denmark, Italy, Belgium, Luxembourg, Rumania). Depending on the company, representation in the Czech and Slovak republics may be based on the trade unions or work councils.

**Green:** The works council may exist alongside the trade union representations and have its own functions and powers. The trade union organisations have a major influence in the
election of council members. In France, for example, the recognised trade union organisations have a monopoly on the presentation of candidates in the first round of works council elections. Lists of independent candidates may only be submitted in the second round if the trade union lists failed to win 50% of the vote. In Spain, Portugal and Greece the works councils can be considered as bodies that complement the work of the company’s trade union organisations.

Yellow: The works council may also be the primary body of worker representation at company level. Elected by the whole workforce from lists that can be presented by any group of workers, whether or not they are union members, a works council’s powers often go as far as to include co-determination (Germany, Austria, the Netherlands). Naturally, the extent of trade union representation on these bodies will depend on the ability of the union organisations to present lists of candidates for their members to vote on during the elections. In large German companies, for example, the works council is in most cases dominated by representatives who are members of DGB affiliates.
As a result of the European framework directive on informing and consulting employees at national level (Directive 2002/14/EC), procedures for informing and consulting employees, including for those workers who are not members of a trade union, must gradually be set up in all Member States as from April 2005, either at company level or at establishment level "at the relevant level of management", in other words decision-makers.
An elected workforce representative may preside over the representation body (Sweden, Ireland, United Kingdom, Iceland, the Netherlands, Greece, Spain, Portugal, Germany, Austria, Poland, Hungary);

Alternatively this role may be assumed by an employers’ representative (Norway, Denmark, Finland, France, Belgium, Luxembourg).

Worker representation bodies may either be composed entirely of representatives of the workforce or may also include representatives of management. That is one of the most common sources of misunderstanding between the representatives of different countries is over the chairing of the different worker representation bodies.

The French works council, for example, has always been a social institution, with its own budget and chaired by the employer. However, this does not mean that employers can then impose their wishes since they only have a minority vote. The German Betriebsrat is essentially a body for information, consultation and co-management chaired by a workers’ representative, with some of the employer’s decisions requiring its agreement.
A good illustration of the common misunderstanding surrounding works council stewardship was the case of the chairman of the German Betriebsrat (works council) of a US multinational who sent a letter to his French counterpart requesting his support in a local conflict with the employer. The letter was addressed to the chairman of the French works council. It was met with a stony silence...

It goes without saying that for single channel worker representation by trade union organisations, the chairperson is a union member. The differences in the dual channel system are shown on the map. We should note that while Portugal and Greece have both adopted legislation on the creation of works councils, these laws are applied very unevenly (2,000 councils for 100,000 companies in Portugal, and a vast underground economy in Greece).
Slide 6

Representation in the company’s decision-making bodies or control entities

- Representation on board of directors or supervisory board
- Représentation au conseil d’administration ou de surveillance
- Vertretung im Aufsichts-/Verwaltungsrat
Some systems also provide for worker representation on the company's highest decision-making bodies, for example on the board of directors or on supervisory boards. This kind of representation is dependent on employee number thresholds and vary greatly from one country to the next (25 in Sweden, 500 in Germany). As a general rule, the worker representatives on companies' management bodies have a minority vote.

Red: The workers can be represented on company's management bodies in all sectors, private or public, as is the case in Austria, Sweden, Finland, Norway, Denmark, the Netherlands, Luxembourg, France, Rumania, Hungary, Slovenia, the Slovak Republic, the Czech Republic and Poland.

Yellow: It is also possible for this kind of representation to be reserved solely for public sector companies or companies in the "semi-public" sector, i.e. companies that were once state-owned but have since been partially or totally privatised. These days we tend to speak of "the opening up of company capital" rather than privatisation. Germany, Portugal, Spain, France, Italy, Greece, Ireland and Lithuania.
Blue: There is no representation in the company's management bodies in Switzerland, Bulgaria, Romania, Estonia, Belgium, the United Kingdom and Iceland. The workforce representatives can either be directly elected or can be nominated by existing representatives. They may have a vote, or may simply have observer status. It is fair to assume that by being represented on management bodies the workforce will have access to information before any strategic decisions are taken by the company. They will therefore have more chance of influencing those decisions.
A company or a group may have several different production sites in a single country. Moreover, a group may control several different companies in a single country.

To coordinate workforce representation it is important to know whether the workers at the various sites all have the same coordinated representation vis-à-vis the employer. It is likely that if there is international cooperation between the workers in different countries or in different companies controlled by the same group in a single country, then these joint representation bodies may well play a decisive role in circulating information between all the workers’ representatives.
Slide 9 illustrates the existence of representation bodies at central company or group level:

**Blue: no central company-level representation**
- Portugal, Bulgaria, Rumania, Czech Republic, Poland, Estonia, Lithuania, Belgium, Iceland, United Kingdom, Ireland

**Red: central company- and group-level representation**
- France, Austria, Luxembourg

**Pink: central representation at company level and sometimes at group level**
- Spain, Italy, Greece, Germany, the Netherlands, Denmark, Sweden, Finland, Norway, Hungary
**Legal basis of the bodies**

- **Legislation:** Austria, Bulgaria, Czech Republic, Estonia, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, The Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain
- **Collective agreement:** Cyprus, Denmark, Sweden, Malta, Turkey, United Kingdom, Ireland
- **Collective agreement and legislation:** Belgium, Italy, Finland
The "Nordic system", represented here by Sweden: Workers are unionised on the basis of their socio-economic status: blue-collar workers are affiliated to the industry federations of LO, a confederation with close ties to Sweden's social democrats; white-collar workers and middle-ranking executives tend to belong to the federations affiliated to TCO; while teaching and university staff and high-ranking executives belong to SACO's member federations. The average rate of trade union affiliation in Sweden (80%) and in the other Nordic countries is very high.

The "Anglo-Saxon" system, represented here by the UK. In this system, 90% of union members belong to TUC member unions. However, various TUC federations may also be represented in the same establishment and sometimes compete to recruit members. Traditionally these federations have always been organised on the basis of workers' professional category. However, one aim of the growing number of federation mergers is to reduce division in the trade union ranks.

The "Germanic" system, represented here by Germany. The vast majority of unionised workers belong to the sectoral fed-
erations of the DGB. Traditionally identification with a union in Germany has tended to be via a federation rather than the confederation. Thus, for example, a worker would identify himself more as an IG Metall member than as a member of the DGB. Despite the unions’ concern at falling unionisation rates, DGB member federations are still very strongly represented on the boards of major German companies.

The “Pluralist” system, represented here by France. The main defining characteristic of this system is that the workers are free to choose their union according to their political or, sometimes, religious convictions. Five confederations are officially recognised, while a series of union organisations based on worker category – independent or resulting from de-mergers – organise a minority of the workforce. However, it would be too simplistic to try to ascertain how representative the French trade union organisations are merely by comparing the affiliation rates in different countries. Instead, their sway can be better measured by how well they do in the elections to the various representation bodies, such as industrial tribunals and works councils, or by their ability to mobilise workers in times of social unrest.
Collective bargaining can be done at various levels:

- **Cross-sectoral or central level**, i.e. the trade union organisations sign framework agreements at confederal level which can then be extended by law or separate agreements so as to apply at sectoral level.

- **Sectoral or branch level**, where it is primarily the federations that wield the negotiating power (branch agreement at national level in Sweden, Germany and Austria).

- **Company level**, as is the case in the UK, for example, where 50% of white-collar workers are not covered by collective agreements. For the remaining 50%, most workers have their conditions set out in company agreements.
The EU Member States have widely differing systems of collective bargaining over pay and conditions. However, despite these differences and a widely observed trend towards the decentralisation of bargaining, it can be said that most countries have relatively centralised systems.

As the map indicates, in three countries (Belgium, Finland and Ireland), the cross-sectoral level is currently the dominant wage bargaining level and in eight countries (Austria, Germany, Greece, Italy, the Netherlands, Portugal, Spain and Sweden) the sectoral level remains the most important level of wage bargaining, while in two countries there is no predominant bargaining level (Denmark, Luxembourg). In France and the UK, only, the company is the key pay bargaining level, though it is also important in Luxembourg.
• Slide 14 •

Union density as a percentage of wage and salary earners

Austria: 40.0  Lithuania: 15.0
Belgium: 69.0  Luxembourg: 50.0
Bulgaria: 30.0  Netherlands: 25.0
Czech Republic: 30.0  Norway: 15.0
Denmark: 88.0  Poland: 15.0
Estonia: 14.0  Portugal: 30.0
Finland: 71.0  Rumania: 35.0
France: 9.0  Slovakia: 35.0
Germany: 30.0  Slovenia: 41.0
Greece: 33.0  Spain: 15.0
Hungary: 20.0  Switzerland: 22.5
Iceland: 83.3  Sweden: 79.0
Ireland: 45.0  Turkey: 30.0
Italy: 35.0  United Kingdom: 29.0
Latvia: 30.0

Sources: Dublin Foundation, ILO and ETUI
The diagram shows the number of days a year that were "lost" per 100,000 workers in the countries concerned. Certain systems of representation therefore appear to have a higher propensity for conflict than others. However, we should note that in all countries the trend is towards less conflict.
This series of transparencies was developed by ETUCO for use at transnational seminars on trade union training aimed at familiarising participants from different countries with the main differences in how workers are represented in the countries of Europe. It is not the aim of this presentation to provide detailed knowledge of all the systems of worker representation in all the countries of Europe. Indeed, their complexity and variety would render such a task impossible. Instead, the aim is to highlight a number of fundamental differences and provide an analytical model that will enable participants to put appropriate questions to representatives from other countries.

A prerequisite for transnational cooperation between the representatives of workers from different countries in Europe is mutual understanding of the different systems of representation. For instance, in a European Works Council, the representatives of an Italian production site will have to coordinate their positions with a whole range of other sites, e.g. in the UK, Germany, Finland and Portugal. The efficiency of this coordination will depend on everyone's ability to appreciate the potential or limitations of all the systems of representation concerned.

slides to download see: http://www.etuc.org/ETUCO/en/resources/ETUCO_AFETT/ewc/default.cfm
Legal or quasi obligation: Germany, Belgium, the Netherlands, Luxembourg, Denmark, Norway, Sweden, Iceland, Spain, Greece, Switzerland, Italy, France, Finland, Austria, Latvia, Lithuania,

Subject to negotiation: United Kingdom, Ireland, Latvia, Portugal, Cyprus, Malta, Poland, Turkey, Bulgaria, Slovenia, Slovac Republic Hungary, Czech Republic

Body has its own budget: France, Austria, Italy, Romania, Latvia, Lithuania
Legally defined exemption from some or all normal duties depending on size of workforce: Germany, Austria, Belgium, Denmark, Spain, Finland, France, Greece, Italy, Luxembourg, the Netherlands, Portugal, Estonia, Poland, Czech Republic, Slovenia, Hungary, Turkey, Sweden, Norway, Switzerland, Iceland, United Kingdom

Collective agreement: Bulgaria, Latvia, Lithuania, Slovak Republic, Romania, Ireland, United Kingdom

It should be noted that the time and resources made available to the representatives for carrying out their duties vary considerably from one country to the next. If you try to call the Chair of a German Betriebsrat (works council) of a large firm, the telephone call will probably go via his/her secretary, who has been appointed by the employer. His/her British equivalent (shop steward convenor) will not always be available during the day ‘because he’s on the night shift today’ and he/she will not have a secretary...
If paid for by trade union: Italy, Lithuania

Time-off for training linked to duties: Germany, Austria, Belgium, Denmark, France, Greece, The Netherlands, Sweden, Poland, Slovenia, Luxembourg, Finland, Norway, Switzerland, Iceland

No statutory provision/depends on collective agreement: Hungary, Estonia, Latvia, Czech Republic, Slovak Republic, Romania, United Kingdom, Ireland
The potential influence workers’ representatives may have on management decisions varies greatly from one system to another, though also depending on the individual case. The following basic differences can, however, be identified:

**Information:** This right implies an obligation upon the employer to inform the workers’ representatives about any changes that might affect the employment and working conditions of the employees they represent. To enable the reps to work out a response and inform their members, such information must be communicated by the employer within an acceptable timeframe.

**Consultation:** This right includes the possibility for the workers’ representatives to issue an opinion on the employer’s proposed changes. Genuine consultation presupposes that the employer has informed the workers’ representation regarding its intentions within a timeframe that allows them to analyse the possible consequences and impact of the decision. Consultation also implies that the opinion of the workers’ representatives may be taken into account before the adoption of the final decision.
Participation: In a European perspective, participation could be defined as the possibility for the workforce or their representatives to have a decisive influence - either through the right of the workplace representation to veto some of the decisions taken by the employer, or the right to participate directly in the decision making process through workers representatives on the supervisory/administrative board of the company.

It is clearly difficult, if not impossible, to make a general comparison of the information, consultation and participation rights in the various countries concerned. So we have chosen in this presentation to focus on how these rights affect two different areas: continuing/vocational training and falls in production or restructuring that might lead to closures and mass redundancies.

It must also be borne in mind that the possibilities for action open to workers do not depend solely on legislation or collective agreements. Trade union presence and membership levels are obviously crucial factors. If the whole staff, or a large majority, is unionised the employer will be more likely to take into account the opinions and recommendations of the representatives ...
**Vocational training**

**Information:** Poland

**Consultation:** Belgium, Denmark, Spain, France, Italy, Luxembourg, Portugal, Hungary, Latvia, Romania, Czech Republic, Estonia, Slovak Republic, Sweden, Bulgaria

**Participation:** Germany, Finland, Greece, the Netherlands, Austria, Lithuania, Slovenia

**White = no rights:** United Kingdom, Ireland, Malta, Turkey, Cyprus, no informations on Bulgaria, Norway, Switzerland
WORKER REPRESENTATION
IN EUROPE II - RIGHTS

Slide 7
Cuts, plant closures, restructuring & redundancies

Information: all countries
Consultation: countries, except Lithuania, Turkey, Cyprus, Malta
Participation: Germany, The Netherlands, Austria, Finland, Sweden, Poland, Slovenia
WORKER REPRESENTATION IN THE ACCESSION COUNTRIES
### Austria

<table>
<thead>
<tr>
<th>Type and Function of Body</th>
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</thead>
<tbody>
<tr>
<td>Employee representation body</td>
<td>Works council (Betriebsrat).</td>
</tr>
</tbody>
</table>
| Set-up criteria | • In establishments with at least 5 salaried staff.  
• In establishments with more than 5 salaried staff, there are separate bodies for blue- and white-collar workers (except where they agree, by a majority, to a joint works council). |
| Inter-establishment and/or group structure | • Group works council put in place when the enterprise has more than one establishment.  
• Specific white-collar representation in the context of a group. |
| Composition | • Consists solely of workers.  
• The number of members varies according to the number of salaried staff.  
Example:  
– from 5 to 9 salaried staff: 1 representative;  
– from 20 to 50: 3 representatives;  
– from 151 to 200: 6 representatives;  
– from 201 to 700: 6 plus 1 per tranche of 100 salaried staff. |
| Protection | Yes. |
| Elections | • Men and women are represented on the works council according to the number of staff in the establishment.  
• Eligible: salaried staff from 19 years of age having worked for the establishment for more than 6 months.  
• In the case of the election of a works council with fewer than 4 members, the union leaders or union representatives may put themselves forward as candidates. |
| Who proposes the candidates? | All eligible salaried staff may put themselves forward as candidates. To be accepted, these candidatures must obtain the support of staff signatures whose number will vary according to the number of seats to be filled. |
| Type of election | Members are elected by secret ballot and by category during the establishment meeting. |
| Small companies (5-50 employees) |  |
| Duration of mandate | 4 years. |
| Operation |  |
|  | • The works council elects a Chair and a committee, depending on the number of members. A treasurer is designated if the works council manages funds.  
• Possible creation of a specific committee (professional equality, for example).  
• In enterprises with more than 1000 salaried staff, management committees may also be put in place. These operate independently, except on collective agreements and economic co-operation. |
| Presence of management | The management of the enterprise does not attend works council meetings unless it is invited to do so. |
| Frequency of meetings | Monthly meetings at least. |
| Staff information | Once a month through meetings. Unions and management may be invited to attend. |
| Resources | • Freedom of movement for unions within the establishments.  
• Social assistance may be financed by a fund managed by the works council and funded by contributions from the salaried staff. |
| Hours for delegated duties | • Members of the works councils are released from their duties to exercise their mandate.  
• Full release may be granted depending on employee numbers. |
| Training | • Members of the works councils are released from their duties for 3 weeks (minimum) of training during the period of their mandate.  
• In enterprises with fewer than 20 salaried staff, remuneration during training periods is not covered by the employer. |
| Experts | For a specific topic, the works council may call on an expert. It may also ask an expert to intervene when major changes are being made within the establishment. |
| Role | The tasks of the works council are:  
– to represent all of the salaried staff in the enterprise;  
– to maintain and promote the social and economic interests of salaried staff. |
| Powers | Social information.  
• Individual hiring of disabled workers and promotions anticipated.  
• Health and safety protection.  
• Introduction of new technologies and new working conditions.  
• Information about the situation of salaried staff and possibly, after agreement with the people concerned, about wages. |
**Economic information.**
- Economic and financial situation.
- Prospects for development and volume of production.
- Investment projects.
- Depending on the sector, the employer will make the balance sheet and comments available to the works council. If it is a group, a consolidated financial statement is presented.

**Consultation**

**on social matters:**
- Social policy, individual measures (promotions for example), work relations.
- Health and safety at work.
- New work organisation.
- Introduction of new technologies.

**on economic matters:**
- Economic and financial situation, prospects for development, nature and volume of production, orders, investments.
- Transfers, legal changes, mergers and acquisitions. This consultation comes prior to any decision.
- In the event of a procedure for a legal ruling or bankruptcy.

**Participation**

**Negotiation**

**Cooperation**
- The notion of co-operation includes the informing and consulting of the works council. If the social partners cannot arrive at an agreement, the dispute is placed before a conciliation committee.
- This co-operation concerns:
  - reduction, removal or transfer of establishment;
  - introduction of measures on the organisation of work;
  - introduction of new technologies;
  - mass dismissals;
  - change of owner or modification of the legal structure of the enterprise.
- Furthermore, an agreement is required when there are modifications to the "entitlements" of the enterprise.
- Individual dismissals may be postponed at the request of the works council for a period of 5 days (maximum).
- Agreements may be reached between the management of the enterprise and the works council on the following topics:
  - training;
  - hours of work, reduction and/or changes to working time;
  - paid holidays;
  - profit-sharing system.

**DECISION MAKING**

Decisions are taken by a majority, except for dismissals which require a 2/3 majority.

**Requirement for an agreement**
- An agreement with the works council is required in the event of the implementation of:
  - in-house regulations;
  - measures such as: monitoring staff activity, individual questionnaire;
  - productivity-based earnings.

- An agreement between the employer and the works council or, if there is no agreement, the decision of the conciliation committee is required when a method for the professional evaluation of salaried staff is introduced.

- When there is no agreement, in most cases the conciliation committee will be consulted. For the dismissal of more than 200 salaried staff in enterprises with fewer than 400 salaried staff, the national economic commission must be consulted.

**Power of veto**
**BELGIUM**

<table>
<thead>
<tr>
<th>TYPE AND FUNCTION OF BODY</th>
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</thead>
<tbody>
<tr>
<td><strong>Employee representation body</strong></td>
<td>Works council (Conseil d'entreprise).</td>
</tr>
</tbody>
</table>
| **Set-up criteria** | - In establishments of 100 salaried staff.  
- In establishments of fewer than 100 salaried staff, there is no election.  
The function is assumed by the committee on health, safety and improvements in the workplace (the Comité de protection et de prévention du travail - CPPT), which is elected according to the same criteria than the works council, that is by the union delegation. |
| **Inter-establishment and/or group structure** | - Consists of the enterprise head and management representatives.  
The number of worker representatives varies according to the number of salaried staff. Example:  
- 6 representatives between 100 and 500 salaried staff;  
- 8 from 500 to 1000;  
- 2 additional representatives per thousand from 1000 to 6000;  
- 1 for every of 1000 staff beyond this up to 22 members;  
- Employer and workers can decide to exceed this number, with a maximum of 25 members.  
The different categories of staff personnel (young, management, blue-collar workers and salaried staff) must be represented on the works council according to their numbers in the staff. |
| **Composition** | Yes (against discrimination and dismissal). |
| **ELECTIONS** | - Eligible: salaried staff must be more than 18 years and less than 65 years of age and have worked in the enterprise for more than 6 months.  
- Representatives of the salaried staff are elected by the whole of the staff by secret ballot. |
| **Protection** |  |
| **Who proposes the candidates?** | Trade union organisations which are representative of workers and leading staff (cadres). |
| **Type of election** | - There may be various electoral colleges depending on the categories of salaried staff concerned (youth, blue collar workers, white collar workers and leading staff).  
- Seat distribution is carried out by proportional representation. |
| **Small companies (5-50 employees)** |  |
| **Duration of mandate** | 4 years as a rule, but dispensations are possible, either by an agreement between the social partners, or by decision of Labour Ministry, in case of dissent. |
| **OPERATION** | In enterprises which have several works councils, a special procedure is implemented to examine economic and financial questions (joint meetings or the presence in each meeting of the enterprise representative as a whole. |
| **Presence of management** | The works council is chaired by the head of the enterprise. Secretarial support is provided by a representative of the workers. |
| **Frequency of meetings** | Minimum: monthly meetings. |
| **Staff information** | Information for the staff, taking into account the need for confidentiality. |
| **RESOURCES** | Resources and premises made available to the works council.  
**Budget:**  
The works council manages social-related matters and determines the standards for awarding the social benefits distributed. |
| **Hours for delegated duties** | Paid time granted to fulfil the mandate and compensation for travel costs. |
| **Training** | - Members of the works council have the right to training time, without loss of earnings, organised by the representative union organisations aimed at developing their economic and social knowledge.  
- Enterprises may call on a compensation fund to finance time spent on training the members of works councils. |
| **Experts** | - A Royal Decree sets the terms and fees regarding the intervention of experts to the works council, requiring the agreement of both parties.  
- On economic and financial aspects, the works council or the employer may call on experts whose task is to conduct supplementary studies into this or that information on condition that the other party is informed of it. In the event of one of the parties refusing, the Public Authorities will hand down a decision. |
- An auditor, presented by the works council has the task of:
  - certifying the accounts of the enterprise;
  - producing a report on the balance sheet;
  - helping members of the works council to gain a greater understanding of economic and financial information.

### Role
- To keep workers abreast of developments in the enterprise and with employment policy.
- Tasks involving information, consultation, control and decisions.
- Management of company benefit schemes.

### POWERS
All information to the works council is given prior to decisions (basic, annual information, periodical or occasional information).

**Information**
- Social information on:
  - structure, development, forecasts and provisions on employment matters;
  - prospects of the enterprise and effects on employment;
  - projects likely to affect the interests of salaried staff to a large extent;
  - unplanned recruitment or dismissals;
  - pre-retirement schemes;
  - introduction of new technologies;
  - video surveillance;
  - detailed figures on the composition and changes in numbers of staff;
  - organisation of parental leave / hour credit.

- Economic information on:
  - status and organisation chart of the enterprise;
  - financial structure and situation, balance sheet and accounts and profits;
  - competitive position (state of the market, production, sales, cost prices, stocks);
  - prospects for the enterprise (development, rationalisation);
  - events and decisions which might have a major effect on employment (reorganisation, mergers and closures);
  - research;
  - staff costs;
  - (use of) public authority assistance to the enterprise.

### Consultation
Consultation takes place before all decisions. Consultation of the works council takes place on all mentioned topics, including:
- on vocational training;
- on staff policy and in particular when there are modifications to the rules which have an effect on salaried staff;
- when there are mass redundancies. The minimum period of notification for redundancy may only take place 30 days after the information. This period of 30 days may be extended to 60 days by a decision of the department of the Ministry for Employment;
- in the event of a merger, closure, acquisition or concentration and if they have repercussions on employment;
- in the event of the introduction of new technologies which have an effect on the employment conditions of salaried staff, the organisation and working conditions.

### Monitoring
The works council monitors the application of existing laws and regulations at the national and sector level.

### Participation

### Negotiation
Decisions are taken unanimously (in practice, there must be a consensus).

**Requirement for an agreement**
- The works council has the decision-making power:
  - on working rules;
  - concerning the dates for the annual paid holidays;
  - on the management of social services in the company;
  - concerning promotion of employment in the company;
  - concerning supplementary pension schemes;
  - where economic and/or technical decisions are concerned, the works council has the authority to lay down the rules to be applied in case of recruitment, dismissal, annualisation and modifications to working times. On other cases, the works council will examine the rules, but will not make the decision;
  - where standards and rules for allocating the budget for company entitlements is concerned, the works council has the decision-making power.

### Power of veto
<table>
<thead>
<tr>
<th><strong>SOUTHERN CYPRUS</strong></th>
<th><strong>Who proposes the candidates?</strong></th>
</tr>
</thead>
</table>
| **TYPE AND FUNCTION OF BODY** | • Each member has the right to nominate another member as a candidate, provided that the nomination will be supported by one more member.  
• When necessary, candidacies are nominated independently for each department, shift or category of the personnel and separate elections take place.  
• When a separate local committee is to be elected for each department or shift, different general assemblies take place. |
| **Employee representation body** | 
• Local (workplace) committee (Topike Epitrope).  
• Additionally there is a health and safety committee. |
| **Legal foundations** | 
• No legal foundations, only collective agreement.  
• Legal protection for the health and safety committee. |
| **Set-up criteria** | 
• In all establishments with less than 5 members, a union representative is appointed in agreement with the other members.  
• In all establishments with more than 5 members, a local (workplace) committee is elected. |
| **Inter-establishment and/or group structure** | 
| **Composition** | Composed entirely of employees. The local (workplace) committee is composed of a number of local representatives, according to the number of the members employed:  
• 5 to 20 members = 3 representatives.  
• For every 20 additional members, 1 local representative.  
• In workplaces where there are more than one departments or there are shifts or the employed members are divided in categories according to their specialisation, qualifications, place of work or any other criterion, then all departments, shifts and categories of the personnel are represented at the local committee independently from the number of local representatives.  
• In cases where the above mentioned representation makes difficult the good operation of the committee, then a separate local committee is being elected for each department or shift, proportionately according to points 1 and 2 above. |
| **Protection** | Yes, but not legally binding (only through the collective agreement which is not a legal document but a gentlemen’s agreement). |
| **ELECTIONS** | 
• The local representatives are elected by the general assembly of the members at the workplace.  
• All employees are entitled to vote.  
• Candidacy open to all employees.  
• The presidium of the general assembly is responsible for the whole process. It is composed of the members of the local committee and the president is either a professional trade unionist or in case he is not available, the president of the local committee. |
| **Type of election** | Seats allocated according to the number of votes received by each candidate, following the simple majority system. |
| **Duration of mandate** | 2 years. |
| **OPERATION** | 
• Members of the local committee elect the president.  
• Regular meetings are called by the president. Irregular meetings are called either when a demand is put forward by all local representatives, or when the president requires the committee to deal with important, serious and urgent issues. |
| **Presence of management** | Management is usually not notified of meeting dates and it does not take part in meetings. |
| **Frequency of meetings** | Once every three months. |
| **Staff information** | Whenever necessary, especially during the negotiation process or the discussion of important issues (i.e. dismissals etc.). |
| **RESOURCES** | Normally they use either a room at the workplace for their meetings or when this is not possible they use the union’s premises. In big establishments and in the semi governmental sector, a room is usually provided to the local committee to be used as an office as well as a place for the meetings of the committee. |
| **Hours for delegated duties** | Normally a local representative is not freed from professional duties, but he can have up to 4 days per year for trade union meetings. In big establishments however and especially at the semi governmental sector, local representatives can receive a few hours off from professional duties per week, in order to exercise members’ mandate. In some limited cases they can even receive a couple of days off from work for trade union activities. In extremely rare cases, a local representative can be entirely freed from professional duties in order to exercise members’ mandate (e.g. the president and the secretary of the local committee of the Cyprus Airways which is a semi governmental organisation). |
| **Training** | Local representatives can enjoy a minimum of two days trade union training leave from work per year. |
Experts

When there is a need for the presence of experts at meetings, the union provides the expertise.

Role

The role of the local committees is:
- To ensure compliance with the collective agreement in force.
- To take care of the needs, problems and complaints of the members at the workplace as well as to introduce action plans and strategies for tackling the problems.
- To participate in negotiations and discuss employees’ suggestions and problems with the management.
- To inform the officials of the union on any problem at the workplace which the committee is not able to deal with, asking for their assistance.
- To cooperate with the officials of the union acting as the liaison between the members at the workplace and the union, for promoting the aims and the policy of the union at the workplace.
- To promote and safeguard cooperation amongst the members at the workplace.
- To promote information and training of the members on trade union and other related labour issues.
- To encourage unionisation of the employees, promoting at the same time good relations and cooperation with the management.

POWERS

Information

Information is not provided by the employer due to the lack of legislation concerning the rights and duties of the local committee. Moreover, there is no such practice due to the small size and the private (family based) management of most establishments.

Consultation

It normally takes place when there are problems of dismissals, viability of the company etc.

Participation

This is the result of the harmonisation process with EU legislation and standards with regard to the following issues:
- Welfare schemes controlled by trade unions.
- Procedures in place with regard to vocational training.
- Working hours.
- Holidays.
- Pay rules and procedures.
- Staff assessment procedures.
- Health and safety: prevention and protection measures.
- Organisation of welfare bodies.

Negotiation

In a few establishments, local committees play an important role in the negotiation process concerning:
- Pay and working conditions.
- Health and safety.
- Representative and welfare bodies.
- Profit - sharing.

DECISION-MAKING

The local committee's decisions are taken by a majority vote of those present.

Requirement for an agreement

Local committees do not negotiate agreements due to the existing agreement system consisting of sectoral and establishment agreements which are negotiated at a higher level with the participation of members of the local committee.

Power of veto

The committee has no power of veto.
CZECH REPUBLIC

FUNCTION OF BODY

• Council of Employees and Health and Safety Representatives: not regulated.
• Representation for Labour Health and Safety: determined by collective agreements or by practice.
• Representative for Labour Health and Safety: regulated by the election commission.

Legal foundations

• Trade union bodies: regulated by statutes or election order.

In the Czech Republic, the Labour Code is applicable to all employees - in companies with more than 5 employees.

Council of Employees and Health and Safety Representatives

• Council of Employees and Health and Safety Representatives: chairman is elected by the trade union organisation on the basis of a proposal of the trade union committee. The term of the chairman is three years.

Role

• Council of Employees and Health and Safety Representatives: the role of the council is to ensure the right of employees to information and consultation and to ensure the achievement of a high level of health and safety at work. The council may elect representatives to the supervisory boards of companies.

Union representatives

• Trade union representatives: elected by a group of trade union representatives in the company. There are no legal qualifications for active or passive rights.

Protection

• Trade union body: elected by all members of trade union organisation in the company. There is no legal qualification for active or passive rights.

Form and conditions of elections and recall of employees representatives are set out in an "elections order" which is approved by the highest organ of trade union organisation (i.e. members meeting or conference) and thus it may vary from case to case.

Council of Employees and Health and Safety Representatives

• Council of Employees and Health and Safety Representatives: not regulated.

Protection

• Trade union body: elected by all members of trade union organisation in the company. There is no legal qualification for active or passive rights.

Prevention

• Trade union body: elected by all members of trade union organisation in the company. There is no legal qualification for active or passive rights.

Council of Employees and Health and Safety Representatives

• Council of Employees and Health and Safety Representatives: not regulated.

Protection

• Trade union body: elected by all members of trade union organisation in the company. There is no legal qualification for active or passive rights.

Prevention

• Council of Employees and Health and Safety Representatives: all employees of the company have active and passive right to vote.

Representation

• Representation for management of Supervisory Boards.

Legal foundations

• Trade union bodies: determined either by collective agreements or by practice.

FUNCTION OF BODY

• Council of Employees and Health and Safety Representatives: three years.

Role

• Council of Employees and Health and Safety Representatives: all employees of the company have active and passive right to vote.

Representation

• Representation for management of Supervisory Boards.

Legal foundations

• Trade union bodies: determined either by collective agreements or by practice.

FUNCTION OF BODY

• Council of Employees and Health and Safety Representatives: three years.

Role

• Council of Employees and Health and Safety Representatives: all employees of the company have active and passive right to vote.

Representation

• Representation for management of Supervisory Boards.

Legal foundations

• Trade union bodies: determined either by collective agreements or by practice.
As stated above, trade union bodies have the right to control observance of labour law regulations including pay rules and... based upon law. They also have the right and competence to supervise over the situation in labour health and safety.

**Supervision**
- the operation of machinery and equipment and, as concerns its work procedures, if there is a direct threat to the life or... employees, to forbid further work, to forbid overtime and night work which would jeopardise safety or health of employees.
- Trade union body is authorised to demand that the employer rectifies defects in provision of appropriate social services;
- ordering work holidays;
- issues of health, safety and organisation of work during night including beginning and end of working time and shift schedules including collective agreement. This right belongs to trade unions bodies, which conclude collective agreements on behalf of all employees in workplaces. Within this legal framework it is possible to regulate labour law claims more preferably in the collective agreements.

**Consultation**
- transfer of employer;
- procedures connected with collective dismissals of employees;
- issues concerning legal protection of employees and persons with a diminished work capacity;
- economic situation of the employer;– setting of the dates of collective leave;– considering whether certain absence from work is unexcused;
- probable development of employment in the company;
- legal position of the employer and any changes to it, internal structures, organisations.
- wage development, average wage and its individual components
- wage development, average wage and its individual components
- probable development of employment in the company;
- legal position of the employer and any changes to it, internal structures, organisations.
- measures concerning collective modification of working time if not regulated by collective agreement;
- regulation of working hours of persons taking care of a child under 15 years;– extent of required compensation of damages caused by an employee and the contents of the agreement on a method of its paying back;
- measures concerning collective modification of working time if not regulated by collective agreement;
- regulation of working hours of persons taking care of a child under 15 years;– extent of required compensation of damages caused by an employee and the contents of the agreement on a method of its paying back;
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WORKER REPRESENTATION IN THE EUROPEAN UNION

DENMARK

TYPE AND FUNCTION OF BODY

Employee representation body
Co-operation committee (Samarbejdsudvalg).

Legal foundations
Inter-confederation agreement in 1947, modified in 1964, 1970, 1986, 1999 and 2000. This agreement between the Danish employers' confederation (DA) and the workers' trade union confederation (LO) has been a model for other interconfederal agreements.

Set-up criteria
• In enterprises employing 35 salaried staff in the same geographic area, workers have the right to set up a co-operation committee.
• There is also a joint representation office for co-operation at a national level, with a responsibility for training and conciliation.

Inter-establishment and/or group structure
A main committee is put in place when there are different local co-operation committees.

Composition
• According to the agreement between DA and LO, the co-operation committee is made up on an equal basis of representatives from the employer and from the workers.
• As a general rule, the co-operation committee is made up of 2 to 12 members, depending on the number of staff, unless there is an agreement in large companies to allow a greater number (over 1000 salaried staff). The number of worker representatives is as follows:
  – 2 for companies with 35 - 50 workers;
  – 3 for companies with 51-100 workers;
  – 4 for companies with 101-200 workers;
  – 5 for companies with 201-500 workers;
  – 6 for companies with over 501 workers.

Protection
Yes

ELECTIONS
• Representatives of the workers within co-operation committees are elected by the staff, with the exception of union delegates who are members "by right".
• It is possible to establish separate representation for the blue-collar workers and the salaried staff.

Who proposes the candidates?
The representative union organisations in the enterprise propose candidates, however, non-unionised workers can also be elected.

Type of election

Small companies (5-50 employees)

Duration of mandate
2 years.

OPERATION
The Chair of the co-operation committee is designated by the employer. The Deputy Chair is designated by the staff representatives.

Presence of management
Member of the joint body.

Frequency of meetings
As a general rule, there are 6 meetings a year.

Staff information
The co-operation committee is responsible for informing the whole of the staff.

RESOURCES
Budget:
There is no budget set aside for the work of the co-operation committee. The employers pay all costs.

Hours for delegated duties
Meeting hours for the co-operation committee are considered as working time, and are therefore paid.

Training
Training sessions are provided by the office for co-operation at national level.

Experts
Role
• To promote co-operation between the management of the enterprise and the salaried staff in a climate of mutual trust.
• To monitor working conditions.
• To inform staff of economic and financial questions.
• The co-operation committee may not intervene in anything to do with collective bargaining.

POWERS
Information
General information on the economic and financial situation of the enterprise.

Consultation
Staff policy:
• Social information.
• Employment situation.
• Introduction of new technologies.
• Changes in the organisation of work.

Economic information
• Current economic and financial situations and forecasts.

Participation
Decisions taken by the co-operation committee are of a purely advisory nature. The employer is the only one to take final decisions.
<table>
<thead>
<tr>
<th>Negotiation</th>
<th>The co-ordination committee has no power regarding collective bargaining of an agreement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>DECISION MAKING</td>
<td>Decisions taken by the co-operation committee are of a purely advisory nature. The employer is the only one to take final decisions.</td>
</tr>
<tr>
<td>Requirement for an agreement</td>
<td>No.</td>
</tr>
<tr>
<td>Power of veto</td>
<td>No.</td>
</tr>
</tbody>
</table>
## ESTONIA

<table>
<thead>
<tr>
<th>TYPE AND FUNCTION OF BODY</th>
<th></th>
</tr>
</thead>
</table>
| Employee representation body | • Shop steward.  
• Head shop steward. |
| Legal foundations | Law of 1993 on workers' trustee (shop steward). |
| Set-up criteria | On the basis of the law, elected if workers wish so, according to the internal rules of the union. |
| Inter-establishment and/or group structure | None. Shop steward must be employed by the enterprise of which he or she is representing the workers. Unions may elect their representatives for different enterprises or throughout the region, but they do not have a status of shop steward. Group structure - every undertaking (that has legal personality) may include a shop steward and if workers elect one, is responsible for costs and guarantees. |
| Composition | Law of 1993 on workers' trustee (shop steward). If more than one shop steward is elected or there is a group of enterprises with shop stewards in several enterprises, they may elect a head shop steward. |
| Protection | Yes. Additional guarantees from dismissal (labour inspector's consent, preferential right to keep employment in case of redundancies). |
| ELECTIONS | All union members in the company. |
| Who proposes the candidates? | Members of the enterprise-level union or enterprise-level subsidiary of the branch union (according to the union rules). |
| Type of election | Not regulated by law. According to union rules for shop stewards (in practice, mostly public ballot). |
| Small companies (5-50 employees) |  |
| Duration of mandate | Not regulated by law. According to union rules for shop stewards. |
| OPERATION | Operation bases on the law of 1993. |
| Presence of management | Not regulated by law, management may attend their meetings only if union/shop steward invites. |
| Frequency of meetings | According to union rules for shop stewards. Head shop steward may organise meetings of shop. |

### Staff information
- According to union rules. The union must inform the employer of electing a shop steward during one month after election. The union or shop steward must inform workers themselves of electing a shop steward.

### RESOURCES
- Resources made available to shop stewards by the agreement with the employer:
  - office;
  - communication, transportation and copying facilities.
- May be extended by collective agreement.

### Hours for delegated duties
- Depends on the number of workers they represent:
  - 5...100 workers - min 4 hours per week;
  - 101...300 workers - min 8 hours per week;
  - 301...500 workers - min 16 hours per week;
  - over 500 workers - released from duties during the whole week.

### Training
- According to union rules and agreements. Employer is not obliged to train, if an agreement does not provide for otherwise.

### Experts
- According to union rules and agreements. May use expert assistance, but employer is not obliged to cover their costs, unless the agreement provides for otherwise.

### Role
- The role of the shop steward is:
  - to represent union members (and non-members if they want);
  - to supervise implementation of the provisions of collective agreements and individual labour contracts;
  - to keep "peace clause" during the term of validity of a collective agreement;
  - to mediate the parties during the labour dispute;
  - to communicate information they have to employer and to workers, local union and union federation;
  - to keep confidential information.
- The role of the head shop steward is:
  - to co-ordinate the activities of the shop stewards.

### POWERS
- May suspend collective dismissals for one or two months
- May turn to state authorities.
- Is obliged to inform the union, employers' organisation and authorities if employer violates labour laws or agreements.

### Information
- Any kind they need to carry out their functions.
- Concerning labour disputes.
| **Consultation** | Before collective redundancies. 
They have the right to suspend the mass redundancies (for one or two month) if released workers are not guaranteed another employment. 
According to the Trade Union Act: 
– dismissals on economic grounds - reasons, consequences, diminishing the impact of dismissals; 
– changing working conditions (especially pay and working time), introducing new working conditions or new internal rules; 
– schedules of annual leave; 
– training and re-training, changing qualification requirements; 
– occupational safety and health; 
– other questions according to an agreement |

| **Participation** |

| **Negotiation** | Shop stewards as the heads of negotiation teams generally negotiate: 
– pay; 
– working conditions; 
– working hours; 
– raining; 
– additional benefits, with the view to conclude a collective agreement on the enterprise level |

| **DECISION MAKING** | Does not exist. |

| **Requirement for an agreement** | Does not exist. |

| **Power of veto** | None. |
## WORKER REPRESENTATION IN THE EUROPEAN UNION

### FINLAND

<table>
<thead>
<tr>
<th>TYPE AND FUNCTION OF BODY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employee representation body</strong></td>
<td>Shop Stewards' Committee (Luottamusmies) and participation body (Yhteistoiminta).</td>
</tr>
</tbody>
</table>
| **Set-up criteria** | • Presence of shop stewards' committee in all companies, without limits on number of employees.  
• Law on participation applies in companies with at least 30 employees. |
| **Inter-establishment and/or group structure** | Group council for more than 500 employees. |
| **Composition** | Shop stewards' committees not stipulated by law. Provision is made by general national interprofessional agreements. |
| **Protection** | Yes. |

### ELECTIONS

| Who proposes the candidates? | • Unions.  
• The law on participation also makes provision for non-unionised employees, if these represent a majority of the staff, to elect delegates charged with representing the staff in matters of participation. |
| **Type of election** |  |
| **Small companies (5-50 employees)** |  |
| **Duration of mandate** | 1 year for elected representatives. |

### RESOURCES

| Resources made available: premises for shop stewards' committee, for 10 or more employees. |

### Hours for delegated duties

| Freedom from professional duties in order for members of shop stewards' committee to exercise mandate. |

### Training

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
</table>

### Experts

<p>| |</p>
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<th></th>
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</thead>
</table>

### Role

| • The shop stewards’ committee represents both the unions and the employees vis-à-vis management.  
• The law on participation stipulates the economic powers of the shop stewards’ committee. |

### POWERS

| Information | • Employment and production perspectives.  
• Annual balance-sheet.  
• Pay policy.  
• Plan and report regarding professional training.  
• Changes to economic and financial structure of company.  
• In cases of merger, takeover or transfer.  
• Redundancy of over 10 employees.  
• Data protection: technical supervising/monitoring of employees, principals of using network/mail. |

### Consultation

| Participation/Negotiation: An agreement must be reached with regard to internal regulation and the content of training for elected representatives.  
The employer must open negotiations on the following issues before making any decision, with no obligation of agreement:  
• Significant changes to the organisation and division of work.  
• Investments with implications for the situation of employees.  
• Closures, transfers, reduction or increase of activities.  
• Staff reductions in the case of merger or transfer.  
• Redundancies, temporary lay-offs, or reductions in working hours.  
• Plans relating to employment and vocational training.  
• Subcontracting.  
• Working hours, recruitment criteria, working regulations. |

### OPERATION

<p>| The organisation and composition of the union committee is determined by collective negotiation and by the unions’ operational regulations. |
| <strong>Presence of management</strong> |  |
| <strong>Frequency of meetings</strong> |  |
| <strong>Staff information</strong> |  |</p>
<table>
<thead>
<tr>
<th>DECISION MAKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement for an agreement</td>
</tr>
<tr>
<td>Power of veto</td>
</tr>
</tbody>
</table>


**TYPE AND FUNCTION OF BODY**

<table>
<thead>
<tr>
<th>Employee representation body</th>
<th>Works council (Comité d'entreprise).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quinquennial law n° 93-1313.</td>
</tr>
<tr>
<td></td>
<td>Decrees n° 94-493 et 94-494.</td>
</tr>
<tr>
<td></td>
<td>DRT Circular n° 94-9.</td>
</tr>
</tbody>
</table>

**Set-up criteria**
- Works councils are mandatory in companies with 50 or more employees.
- In companies with less than 200 wage-earners, management may decide that staff delegates (which are another form of workers' representation) establish an unique delegation with the works council - if there is one in the company - beforehand. This possibility to regroup the representative bodies is open both at the moment of the establishment of the works council and at the time of its renewal.
- A group works council and subsidiary works councils are set up where companies are made up of various establishments.

**Inter-establishment and/or group structure**
- A group works council is set up in groups made up of a parent company and direct or indirect subsidiaries.

**Composition**
- Composed of both workers and the head of the company.
- The number of workers' representatives (between 3 and 15 elected repr.) is proportionate to the number of wage earners. Example:
  - from 50 to 74: 3 elected representatives;
  - from 75 to 99: 4 elected representatives;
  - from 400 to 499: 7 elected representatives.
- Also present: one representative per trade union organisation represented in the company, with a purely consultative role.

**Protection**
- Yes.

**ELECTIONS**
- Employees with more than 3 months' service in the company are eligible to vote.
- Candidacy is open to voters over 18 years of age with at least 1 year's service in the company.

**Who proposes the candidates?**
- In the first round, the representative union organisations. In the second round, opportunity for independent candidates.

**Type of election**
- 2-round ballot, with proportional representation.

---

### Small companies (5-50 employees)

<table>
<thead>
<tr>
<th>Duration of mandate</th>
<th>2 years.</th>
</tr>
</thead>
</table>

**OPERATION**

- The works council elects a secretary, a treasurer and an executive committee (in the case of large works councils) from amongst the employees' elected representatives.

**Presence of management**
- The works council is chaired by the head of the company.

**Frequency of meetings**
- Monthly, called by the head of the company, with an agenda drafted in collaboration with the secretary.
- An extraordinary meeting may be demanded by a majority of members on the works council.

**Staff information**
- The works council may organise meetings for the information of employees; these take place outside working hours.

**RESOURCES**

- Resources made available
  - Premises
  - Budget

- Operating subsidy equivalent to 0.2% of the total gross pay. An employer’s subsidy is also paid for financing the welfare and cultural activities of the works council. The amount of this subsidy is determined by an agreement between the company’s management and the works council.

**Hours for delegated duties**
- 20 hours per month.

**Training**

- Elected members of the works council are given financial training for a maximum period of 5 days during their mandate. The elected members of the works council may benefit from training in economics for max. 5 days during their mandate.

**Experts**
- Assistance of an accountant, and where necessary an expert on the introduction of new technologies, paid for by the company.

**Role**
- The role of the works council is to ensure collective expression by employees with regard to decisions about the management and economic/financial development of the company, the organisation of work, vocational training, and production techniques.
- The works council appoints committee members: vocational training (over 200 employees), accommodation (over 300 employees), economic (over 1000 employees).
## POWERS

### Information

*Company information:*
The employer provides periodic information on:
- Part-time work.
- Apprenticeship and training.
- Health and safety.
- Collective agreements.
- Profit-sharing.
- Various types of holiday and leave (founding of company, parental leave, etc.).
- Overtime.
- Professional equality.
- Changes to internal regulations.

*Economic information:*
Apart from companies with fewer than 300 employees, which incorporate economic information in an annual report, other companies must keep the works council informed as follows:
- Analysis of the situation regarding employment and pay;
- Trading report, turnover, production, subcontracting, application of profits, investment, transfer of assets, and grants from public bodies;
- Documents concerning economic perspectives, application of capital, legal form and organisation of the company, and documents issued to shareholders.

### Consultation

Prior consultation before implementation of decisions. For such decisions, the works council drafts a document outlining its opinions. It must be provided with detailed written information, sufficient time for scrutiny, and a reasoned response from the employer.
- The works council is consulted on the following issues:
  - Internal regulation;
  - Any plan for staff reductions or mass redundancies;
  - Any change to the economic or legal organisation of the company;
  - Research policy;
  - Organisation and general management of the company;
  - Temporary lay-offs and casual employment;
  - Duration and arrangement of working hours;
  - Company welfare scheme obligatory in companies with over 300 employees;
  - Professional training and apprenticeship;
  - Profit-sharing;
  - Introduction of new technologies;
  - Working conditions, and health & safety;
  - Employment promotion;
  - Employment of handicapped persons;
  - Early retirement;
  - Dismissal of protected employees. The works council may use the right of warning if it considers the economic situation of the company to be the overriding factor.

### Participation

#### Negotiation

As a general rule, the works council may not negotiate collective agreements except in small or medium-sized companies. It is the union organisations that negotiate collective agreements.

#### DECISION MAKING

### Requirement

#### for an agreement

The works council has a veto right - even in case of branch or company agreement - on the introduction of individually tailored working time and on overtime compensation in free time.

### Power of veto

The works council has a veto right - even in case of branch or company agreement - on the introduction of individually tailored working time and on overtime compensation in free time.
### Germany

#### Worker Representation in the European Union

**Type and Function of Body**

<table>
<thead>
<tr>
<th>Employee representation body</th>
<th>Works council (Betriebsrat).</th>
</tr>
</thead>
</table>

**Set-up criteria**

- In all establishments with at least 5 permanent workers with right to vote. This also applies to establishments jointly owned by enterprises of several companies.
- Workers: including telework, homework (when they work mainly for the company) and travelling sales representatives.

**Inter-establishment and/or group structure**

If there are several plant level works councils in a company, an enterprise-level works council must be elected. In a group (§ 18 of the law on limited companies) a group works council can be established if the general works councils of the various companies which make up the group agree and represent at least 50% of the group's workers.

**Composition**

- Composed entirely of workers of the company. The number of representatives varies according to the number of workers with a right to vote.
  - For example: 5 to 20 workers = 1 representative; 21 to 50 workers = 3 representatives; 51 to 100 = 5 representatives; 101 to 200 = 7 representatives; 201 to 400 = 9 representatives.
- Release from duty: From 200 to 500 workers: 1 representative; from 501 to 900 = 2 representatives (increase of the number of the works councils released from duties proportional to number of staff, for example: from 8001 to 9000 workers: 11 representatives). Possibility of partial release in so far this does not exceed the total number of releases.

**Protection**

Yes.

**Elections**

- All workers over 18 years old are entitled to vote.
- Workers (from 18 years old) from a part of the company without a works council may participate in the elections of the mother-company works council if a majority decide to do so.
- Workers (from 18 years old) of another employer with more than 3 months' service in the company.

**Who proposes the candidates?**

Candidates may be put forward by unions, but also by the workers of the company. Applications by workers must be signed by at least 1/20th of the workers with right to vote with a minimum of 1 worker. In companies with maximum 20 workers with a right to vote, 2 signatures are enough. In any case, the signature of the election procedure by at least 50 workers with a right to vote will do.

**Small companies (5-50 workers)**

Simplified election procedure. As a rule, in companies with up to 50 workers with a right to vote, there is a simplified election procedure: the employer and the president of elections can decide to apply this procedure to companies between 51 and 100 workers with a right to vote.

**Duration of mandate**

- 4 years.
- In case of restructuring (splitting, merger), the works council remains in function until a new works council is elected.

**Internal Operation of Works Council**

**Meeting of employer/management**

- The employer / the management is notified in advance of meeting employer/management dates. They take part only in the meetings they convoke and take part in other meetings only if expressly invited.

**Frequency of meetings**

Within one week of the works councils elections, the constituent assembly of the works council must be held. The works council’s president convokes other meetings if deemed necessary or upon request of a 1/4 of the works council or of the employer.

**Staff Information**

- Four times per year, the works council convokes a staff meeting and gives a report on its activities. The employer takes part in these meetings.
- At least once a year, the employer shall report at a staff meeting on personnel and social questions, economic aspects and the evolution of the company, equal opportunities, integration of workers and protection of the environment, unless there is a risk to confidential/commercially sensitive information.

**Resources**

- Resources made available to works council, following the needs:
  - rooms;
  - stationery;
  - office staff;
  - information and communication material.

**Hours for delegated duties**

- Released from professional duties in order to exercise members’ mandate.
- Entirely freed from professional duties, in the case of certain members, according to the number of workers (see above under “Composition”).

**Training**

Released from professional duties during training associated with the mandate (as a rule 3 weeks and 4 weeks for the members who are on duty for the first time; in addition, for all the members with no limit if the training is necessary to the operation of the works council.)
**Experts**

Presence of experts at meetings and / or during negotiations (including consultation); costs must be agreed with company management. In the absence of agreement, the arbitration body will decide.

**Role**

The general role of the works council is:
- To ensure compliance with laws, collective agreements and company agreements in force at company level.
- To negotiate with management workers’ suggestions and proposals concerning notably work organisation.
- To encourage and promote employment.
- To promote protection of work and / or environment in the company.
- To promote equal opportunities.
- To promote reconciliation of family and professional life.
- To promote integration of disabled workers, older workers and those of non-German nationality.
- To demand measures to fight xenophobia and racism in the company.
- To develop youth programmes.
- To appoint members to the economic committee in the case of companies with over 100 workers (If there is a general works council, it is up to it to nominate the members of the economic committee.)

This committee (3 - 7 members) meets once per month. The employer must participate to the meeting. The committee shall discuss with the company all economic issues and inform the works council.

**POWERS**

**Information**

- The works council must be informed in due time and exhaustively by the employer in order to fulfill its tasks in the framework of the German works councils Act (Betriebsverfassungsgesetz). The themes of this obligation of information by the employer are dealt with in numerous articles of this Act. The Works council has a right to information on all issues mentioned under "role" and, of course, under "information and consultation".

- In addition, where there is an Economic Committee, it must be informed and must itself inform the works council on the following:
  - economic and financial situation;
  - production and turnover situation;
  - production and markets;
  - production and investment programme;
  - rationalisation plans;
  - manufacture methods and (introduction of new) working methods;
  - downsizing, closure, transfer, merger and split of companies, parts of companies and establishments;
  - changes in the organisation of the company/or its objectives;
  - other measures and projects likely to significantly affect workers' interests.

**Information and consultation**

- The works council has a right to information and consultation the following matters:
  - planning of new buildings, architectural changes, enlargement of company rooms;
  - planning of technical installations;
  - planning of working processes;

**Participation and right to negotiation**

The right to participation and negotiation aims at concluding agreements between works councils and employers on the following matters:
- conciliation of interests and social plan;
- changes in place of work;
- questionnaires on personnel; evaluation principles;
- criteria for eligibility;
- procedures provided for by the company with regard to professional training;
- internal rules of the company;
- working hours;
- time, date and kind of wage payment;
- holidays;
- introduction and application of technical control devices of behaviour and performances;
- health and safety: prevention and protection measures at the work place;
- wage structure and bonuses related to performances;
- group work;
- possibility offered by the company to submit proposals;
- welfare bodies;
- allocation and withdrawal of accommodation.

**DECISION MAKING**

The works council’s decisions are taken by a majority vote of those present.

**Requirement for an agreement**

There must be an agreement between the management and the works council in all participation issues. In the absence of an agreement, the arbitration body will decide.

**Power of veto**

The works council has a right to refuse its agreement under certain circumstances on the following topics relating to personnel:
- dismissals;
- exceptional dismissals and transfer in particular cases;
- nomination of training officers at company level.

And in addition, in companies with more than 20 workers with a right to vote, on the following topics:
- recruitment;
- grouping or re-grouping;
- transfer.

If no agreement can be reached in these areas, the employer may seek a ruling on the matter in the labour courts.
<table>
<thead>
<tr>
<th>TYPE AND FUNCTION OF BODY</th>
<th>GREECE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee representation body</td>
<td>Works council.</td>
</tr>
<tr>
<td>Set-up criteria</td>
<td>In all establishments with over 50 employees. Also set up in companies with more than 20 employees if there is no union organisation within the company.</td>
</tr>
<tr>
<td>Inter-establishment and/or group structure</td>
<td>In the case of a group, the works councils of subsidiary companies may appoint representatives to co-ordinate their activities.</td>
</tr>
<tr>
<td>Composition</td>
<td>Composed entirely of employees: – 3 representatives for a staff of fewer than 300; – 5 representatives for a staff of 301 - 1000; – 7 for a workforce of over 1000.</td>
</tr>
<tr>
<td>Protection</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

**ELECTIONS**

| Who proposes the candidates? | Company unions and / or 1/10th of the employees concerned. |
| Type of election | Elections are held by direct secret ballot, with allocation of seats on a simple proportional basis. |

**Small companies (5-50 employees)**

**Duration of mandate**

**OPERATION**

Members of the works council elect a Chairman and a Vice-Chairman.

**Presence of management**

The company’s management takes part in meetings every two months.

**Frequency of meetings**

The works council meets every month.

**Staff information**

**RESOURCES**

**Hours for delegated duties**

---

**Training**

Experts

**Role**

- Participation and consultation with a view to improving working conditions and company growth.
- Information on the company’s financial activities and plans for growth.
- In companies with over 50 employees, the works council appoints members to the Committee on Health and Safety at Work. This committee comprises 2 - 7 members. Presence of the company doctor and the safety officer.

**POWERS**

**Information**

- Economic situation.
- Production situation.
- Balance-sheet and trading report.
- Operating account.

Before implementing decisions on the following issues, the management must inform the works council:

- Modification of legal status of company.
- Transfer, expansion or reduction of plant.
- Introduction of new technologies.
- Organisation of work, and employment.
- Overtime.
- Investment in health and safety.

**Consultation**

Consultation and negotiation:

In the absence of any union organisation within the company, the works council is consulted on:

- redundancies;
- agreements on changes to working hours.

**Participation**

**Negotiation**

**DECISION MAKING**

**Requirement for an agreement**

**Power of veto**

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HUNGARY

<table>
<thead>
<tr>
<th>TYPE AND FUNCTION OF BODY</th>
<th>Employee representation body</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Works council (Üzemi Tanács, ÜT).</td>
</tr>
<tr>
<td></td>
<td>• Works representative (Üzemi megbizott).</td>
</tr>
</tbody>
</table>


| Set-up criteria | Works councils are mandatory in companies (or in any independent division) with more than 50 employees. |
|                | Works (plant) representatives are mandatory in companies (or in any independent division) with less than 51 but more than 15 employees. (Labour Code, §43) |

| Inter-establishment and/or group structure | A so called Group works council shall also be formed simultaneously with the election of the works councils if several works councils or plant representatives operate at the same employer’s. (Labour Code, §44) |

| Composition | Composed entirely of employees. |
|            | The number of representatives (members of works council) varies according to the number of employees to represent: |
|            | – if does not exceed 100 employees: 3 members; |
|            | – if does not exceed 300 employees: 5 members; |
|            | – if does not exceed 500 employees: 7 members; |
|            | – if does not exceed 1000 employees: 9 members; |
|            | – if does not exceed 2000 employees: 11 members; |
|            | – If does exceed 2000 employees: 13 members. (Labour Code § 45 /1) |

| Protection | Yes (the same protection as in case of trade unionists). (Labour Code § 62 [3]) |

| ELECTIONS | All employees are entitled to vote. (Labour Code, § 47/1). |

| Who proposes the candidates? | (Labour Code, §46) Candidacy open to any employee: |
|                            | a) with at least six months’ service at the establishment at the time of elections (unless the company is newly established) and; |
|                            | b) who is able to act and; |
|                            | c) who is not a close relative of employer or the manager and; |
|                            | d) who is not member of the election committee. |

The candidates are proposed by the election committee formed at least 8 weeks before the election. The members of the election committee are the employees with right to election. The trade unions at workplace may take part in the activity of the election committee. The employer has no right to take part in the work of election committee and to influence it.

| Type of election | The works council’s members shall be elected by secret and direct ballot. (Labour Code §51 [1]) |
|                 | The elected works council’s members shall be those who procured the most valid vote casts but at least 30% of votes. In the case of a tied vote the length of employment at the establishment shall be taken into consideration. (Labour Code §51 [4]) |

| Small companies (5-50 employees) | 3 years. (Labour Code, §43 [4]) |

| Duration of mandate | Members of the works council elect a Chairman. (Labour Code, § 59 [2]) |
|                    | Meetings of the works council are called by the Chairman. The meeting must be called whenever a works council’s member or the employer requests such a meeting with valid reasons. (Labour Code §61 [1]) |
|                    | The works council detailed operating regulations shall be determined by its procedural order. (Labour Code § 61 [3]) |

| OPERATION | No. |

| Presence of management | The works council shall hold its meetings according to the needs. It will be convoked by the Chairman and in each case in which a member of works council or the employer does request with the indication of the reason to do so. |

| Frequency of meetings | The employer shall inform the works council at least every six months about basic issues and plans affecting the business situation and about changes in wages and earnings, liquidity related to payment of wages, the characteristic features of employment, the use of working time and nature of working conditions. |
|                      | The employer shall ensure for the works council the possibility to disseminate the information as well as the data related to its activity, in the manner customary at the employer's or in another suitable way. |

| Staff information | The employer shall ensure the justified and necessary costs for the election and operation of the works council. The extent of this shall be jointly determined by the employer and the works council. |

| RESOURCES | The employer shall ensure the justified and necessary costs for the election and operation of the works council. The extent of this shall be jointly determined by the employer and the works council. |

The works council's Chairman in an establishment with more than 1000 employees is entitled to remuneration which will be ensured by the employer. The amount will be agreed between the works council and the employer.
| Hours for delegated duties | • The works council members are entitled to an allowance of 10% of their weekly working time.  
• The works council chairman is entitled to an allowance 15% of his weekly working time.  
• The average salary shall be paid for this period. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Training</td>
<td>No legislative stipulation on training matters.</td>
</tr>
<tr>
<td>Experts</td>
<td>No legislative stipulation on experts matters.</td>
</tr>
<tr>
<td>Role</td>
<td>The role of works council is to represent the employees’ interests. The works council is: – a consulting body entitled to be informed by the employer and; – a body for participation in a rather restricted field. According to the labour distribution between works councils and trade union, the negotiation of collective agreement is the field of trade union. The works council elects the Chairman.</td>
</tr>
<tr>
<td><strong>POWERS</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Information | The employer shall inform the works council on the following issues:  
• Basic issues affecting the employer's business situation.  
• Plans for major decisions meaning significant change in the employer’s activity and investment.  
• Changes in wages and earnings, the liquidity as concern the wages, the characteristics of employment, use of working time and nature of working conditions.  
• On every social and economic issue which may influence the employee’s position.  
• On fulfilling the rules against discrimination. |
| Consultation | The employer shall consult with the works council prior to decision making in the following matters:  
• Draft measures affecting a larger group of employees, particularly in the subject of reorganization, transformation, the conversion of an unit into an independent organization, privatisation and modernization.  
• Ideas to establish a system of staff records, the range of data to be put in the files, the content of data sheet.  
• Plans connected with employees training, use of governmental assistance to promote working places, ideas concerning pre-retirement.  
• Plans for measures to rehabilitate workers with a deteriorated working ability.  
• Plans for annual leave.  
• New working methods and new forms of organization of work.  
• Internal regulations concerning the employees substantive interests.  
• Tenders for employees with material or moral reward announced by the employer. |
| Participation |  |
| **Negotiation** | Work council have the right:  
• To take joint decisions (with the employer) concerning the use of welfare resources specified in the collective agreement.  
• To take joint decisions (with the employer) concerning the use of institutions and real estates of welfare purpose. The negotiating body (who negotiates and signs the collective agreement) is the trade union. |
| Requirement for an agreement | The works council agrees with the employer on labour safety regulations. |
| Power of veto | Any measure taken by the employer in violation of issues entitled to participation, co-agreement and consultation with workers council shall be void. The works council may turn to a court of law with the intention to establish this fact. |
| **IRELAND** |
|-----------------|-----------------------------------|
| **TYPE AND FUNCTION OF BODY** | **Role** |
| Employee representation body | Shop stewards provide twofold representation - for the union and for the employees. Their principal role is negotiation. |
| Legal foundations | They also take part in the joint safety committee which exists, as a general rule, in companies with over 20 employees. |
| Set-up criteria | |
| Inter-establishment and/or group structure | |
| Composition | |
| Protection | Yes. |
| **ELECTIONS** | **POWERS** |
| Who proposes the candidates? | Information |
| Type of election | Information on: |
| Small companies (5-50 employees) | - mass redundancies; |
| Duration of mandate | - transfer of business; |
| **OPERATION** | - health and safety. |
| Presence of management | **Consultation** |
| Frequency of meetings | Consultation on: |
| Staff information | - mass redundancies; |
| **RESOURCES** | - transfer of businesses; |
| Hours for delegated duties | - health and safety. |
| Training | **Participation** |
| Experts | **Negotiation** |
| **DECISION MAKING** | Negotiation applicable to: |
| Requirement for an agreement | - pay; |
| **Power of veto** | - welfare provision; |
| **Information** | - redundancies; |
| **Consultation** | - working conditions. |
| **Participation** | **Negotiation** |
| **ELECTIONS** | **Negotiation** |
| Who proposes the candidates? | **Negotiation** |
| Type of election | **Negotiation** |
| Small companies (5-50 employees) | **Negotiation** |
| Duration of mandate | **Negotiation** |
| **OPERATION** | **Negotiation** |
| Presence of management | **Negotiation** |
| Frequency of meetings | **Negotiation** |
| Staff information | **Negotiation** |
| **RESOURCES** | **Negotiation** |
| Hours for delegated duties | **Negotiation** |
| Training | **Negotiation** |
| Experts | **Negotiation** |
## Italy

### Type and Function of Body

<table>
<thead>
<tr>
<th>Employee representation body</th>
<th>Combined union body or RSU (Rappresentanze Sindacali Unitarie).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal foundations</td>
<td>• Law nr 300 of 1970 on workers’ status.</td>
</tr>
<tr>
<td></td>
<td>• Inter-professional agreement of 1991 on RSUs.</td>
</tr>
<tr>
<td></td>
<td>• Inter-confederal agreement on the setting up of RSUs in 1993.</td>
</tr>
<tr>
<td>Set-up criteria</td>
<td>• RSUs are mandatory in all production units of the private and of the public sectors with over 15 employees. For agricultural companies, the threshold is 5 employees.</td>
</tr>
<tr>
<td></td>
<td>• Forms of works councils have been set up under branch-level contractual agreements.</td>
</tr>
<tr>
<td>Inter-establishment and/or group structure</td>
<td>Co-ordinating bodies are set up in companies which have several production units.</td>
</tr>
<tr>
<td>Composition</td>
<td>• Composed of workers only.</td>
</tr>
<tr>
<td></td>
<td>• The 1993 inter-confederal agreement provides for:</td>
</tr>
<tr>
<td></td>
<td>– 3 seats in the establishments with 16 to 200 wage earners;</td>
</tr>
<tr>
<td></td>
<td>– 3 more seats for every 300 employees, from 201 to 3000 wage earners;</td>
</tr>
<tr>
<td></td>
<td>– 3 additional seats for every 500 wage earners over 3001 w. earners.</td>
</tr>
<tr>
<td>Protection</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

### Elections

| Who proposes the candidates?  | • The trade unions signatories to the national collective agreements and the 1993 agreement. |
|                             | • The other trade unions officially constituted, if they have signed the 1993 agreement and have 5% of voters’ signatures. |
| Type of election            | • RSUs are composed of two thirds of the seats of representatives elected on concurrent lists, by all the workers, by secret and proportional ballot. The remaining third is reserved for candidates on the lists prepared by the trade unions which have signed the national collective agreement in force in the company. The number of seats varies according to the percentage of votes obtained. |
|                            | • There is a mutual pact concerning the distribution of seats between CGIL, CISL and UIL. |

### Resources

<table>
<thead>
<tr>
<th>Small Companies (5-50 employees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duration of mandate</td>
</tr>
<tr>
<td>Operation</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Presence of management</td>
</tr>
<tr>
<td>Frequency of meetings</td>
</tr>
<tr>
<td>Staff information</td>
</tr>
<tr>
<td></td>
</tr>
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<tr>
<td>Resources</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Budget</td>
</tr>
<tr>
<td>Hours for delegated duties</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
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<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Training</td>
</tr>
<tr>
<td>Experts</td>
</tr>
</tbody>
</table>

---
### Role
- The RSUs’ role involves:
  1. management, control and supervision of enforcement of national conventions under all aspects of labour: wages, categories, working time, health and safety, training, etc.
  2. negotiation of collective agreements in the field and limits fixed by the national branch convention.
- The RSUs represent the unions and all employees.

### POWERS

<table>
<thead>
<tr>
<th>Information</th>
<th>Consultation</th>
<th>Participation</th>
<th>Negotiation</th>
</tr>
</thead>
</table>
| Information:
  - situation of the company;
  - situation regarding employment;
  - growth perspectives;
  - health and safety.
  Some national collective agreements specify more detailed information. | Consultation applicable to:
  - introduction of new technologies;
  - health and safety;
  - organisation of work;
  - restructuring;
  - gender equality;
  - professional training;
  - mass redundancies. | In the large public sector industries, joint consultative committees were set up. These were later developed in the private sector as well. | The principal role of the RSU is to:
  - negotiate company contractual agreements in the field and limits fixed by the national branch convention;
  - the agreements signed by the RSU concern all workers who take part in the election and all members of the unions who have signed the national branch convention. |

### DECISION MAKING

<table>
<thead>
<tr>
<th>Requirement for an agreement</th>
<th>Power of veto</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Latvia

<table>
<thead>
<tr>
<th>Type and Function of Body</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee representation body</td>
<td>The trade unions and their institutions (there is no legislation in Latvia on employees representation, we can consider that representation only exists in enterprises where trade unions operate).</td>
</tr>
<tr>
<td>Legal foundations</td>
<td>Law on Trade Unions, 13.12.90.</td>
</tr>
</tbody>
</table>
| Set-up criteria | • The trade union is to be registered when it groups more than 50 members or a quarter of the employees.  
  • The trade unions are established if there are 3-5 members according to branch trade union statutes. |
| Inter-establishment and/or group structure | Trade union groups unite employees within enterprise. |
| Composition | Trade union members and elected trade union leader. |
| Protection | Yes (also in conformity with the New Labour Law (01.06.02.) on trade union rights to conclude labour agreement). |
| Elections | • All trade union members or their representatives.  
  • Candidacy open to all trade union members. |
| Who proposes the candidates? | Trade union members or their authorised representatives. |
| Type of election | According to branch trade union statutes.  
  Trade union members elect trade union committee (council of shop stewards) and chairman (senior shop stewards). |
| Small companies (5-50 employees) | |
| Duration of mandate | 1-4 year according to branch trade union statutes. |

### Staff Information

- According to branch trade union statutes, collective agreement and trade union rules (senior shop stewards).  
  At branch level - through the elected council.  

### Resources

- Fixed part of collected membership fees. The collective agreement may stipulate that rent for premises, public utilities and communication are covered by management.  

### Hours for Delegated Duties

### Training

- According to the collective agreement the elected trade union leaders who are not freed from professional duties can fulfill their mandate to interest of employees during working time as well as take part in trade union training courses receiving average wage.  

### Role

- It can be fixed in collective agreement that elected trade union leaders who are not freed from professional duties can take part in trade union training courses receiving average wage.  

### Powers

- Assistance in working out a draft collective agreement.  

### Information

- Employer provides information according to the law on collective agreements on:  
  - economic situation of enterprise;  
  - any information necessary for preparation of collective agreements and fulfilment of its obligations.  

### Consultation

- Consultation with employer on the following issues:  
  - preparing the draft collective agreement;  
  - wages and salaries;  
  - plans for employment;  
  - duration of working hours;  
  - output standard;  
  - working conditions;  
  - qualification (re-training) activities;  
  - social guarantees;  
  - working and social advantages for employees who study;  
  - redundancies (this is new for Latvia’s case).  

### Participation

- Dismissal on employer’s initiative.  
- Company regulations.  
- Leaves schedule.  
- Working in holidays.  
- Working and relaxation hours.  
- Dismissal of trade union elected leaders who are not freed from professional duties.
<table>
<thead>
<tr>
<th><strong>Negotiation</strong></th>
<th>Negotiations between trade union (representatives of employees in enterprise where there is no trade union) and employer on issues mentioned in section &quot;Consultation&quot;.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DECISION MAKING</strong></td>
<td>The elected institution’s decisions are taken by a majority vote of those present.</td>
</tr>
<tr>
<td><strong>Requirement for an agreement</strong></td>
<td>According to the law &quot;On collective agreements&quot; 26.03.91. Chapter On Collective Agreement has been included in the New Labour Law which will take effect from 01.06.2002 onwards.</td>
</tr>
<tr>
<td><strong>Power of veto</strong></td>
<td>Particular regulations of Labour Code on dismissal on employer’s initiative.</td>
</tr>
</tbody>
</table>
# Lithuania

## Type and Function of Body

**Employee representation body**
- Trade union in the company.

**Legal foundations**

### Set-up criteria

A trade union may be established only if it has:
- no less than 30 founders, or if there are no less than 10 founders in the company, institution or organization, or when the founders account for no less than 1/5 of all the employees, but no less than three employees;
- the regulations (statute) approved at the meeting and;
- an elected governing body.

Restrictions on trade union membership are applied only to the members of professional military service.

### Inter-establishment and/or group structure

Trade unions are totally free to choose, however at times there is a requirement for trade union of the company to unite only the employees of said company.

### Composition

- Based on complete trade union freedom, expressed in trade union Statute and by-laws.
- Membership is not allowed for employer and his / her representatives.

### Protection

- Yes, as in case of all trade union members (a consent is required prior to dismissal). However, in case of elected trade union members the consent is required prior to imposing a disciplinary penalty as well.

## Elections

- Joining a trade union is voluntary and free.
- All employees over 14 years may become members of trade union or be elected to trade union bodies, or be elected leaders.
- Trade union elects its bodies by itself.
- No other restrictions.

### Who proposes the candidates?

Stipulated by the trade union constitution.

### Type of election

Stipulated by the trade union constitution.

### Small companies (5-50 employees)

In case of leading trade union members (chairpersons), the duration is fixed by the trade union constitution (Statutes) and by-laws.

## Operation

- Management may attend trade union meetings with a status of guest and without any right to influence the adoption of decisions.
- It may be provided by trade union by-laws (statute).
- The staff should be informed according to trade union statute or collective agreement. However, the information on enforcement of collective agreement should be provided at least every six months.

### Resources

- Trade union budget.
- Trade union means.

### Hours for delegated duties

If the member is not terminating his/her work contract, he/she can perform the delegated duties during the leisure time, unless otherwise provided.

Members of trade unions who are dismissed from work by reason of being chosen to elective post in trade union organizations, shall be granted the previous employment (post) upon the expiry of their term of office in the elective post; in the event that job (post) is no longer available, these persons must be provided with another equivalent job. Other guarantees to the employees elected to the elective governing bodies of trade unions may be established by collective or other agreements.

### Training

Paid by trade unions.
According to a law, employer has to create conditions for vocational training. For this purpose in the collective agreement a particular percentage from the wage can be foreseen. Employees and trade unions have a right to three days unpaid leave each year for vocational training.

### Experts

Possible only in case if trade union can afford it by itself.

### Role

- To represent and protect professional and social rights and interests of trade union members.
- To conclude collective agreements and look after their execution.
- To participate in the settlement of individual labour dispute.
- To manage supervision to ensure compliance with labour legislation and labour protection rules in force.
- The right to demand the cancellation of unlawful decisions of employer.
- The right to propose to make the officials accountable for violation of labour laws.
- The right to organize strikes, meetings and demonstrations.

## Powers

- Information only about the fulfillment of collective bargaining agreement and control of it.
All other information and provision of it depend on the trade union in each company. In reality, trade unions don’t dispose of this information. The employer disposes of information and he/she determines whether this information should be used and where. The order and extent of informing the members of trade unions shall be stipulated in their Statutes.

The employer shall inform on:
- the fulfilment of collective agreements;
- about certain changes of working conditions (some time in advance);
- about economical situation of the company for the purpose of collective bargaining.

<table>
<thead>
<tr>
<th>Consultation</th>
<th>Any consultation should be stipulated in collective agreements, however, if this agreement is nonexistent - the situation is unclear.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation</td>
<td>The current practice does not provide for participation.</td>
</tr>
</tbody>
</table>
| Negotiation  | The bargaining aimed at concluding the collective agreement usually covers:
- remuneration and working conditions;
- employment;
- retraining;
- organizing of work;
- work safety measures;
- additional guarantees. |

**DECISION MAKING**

In line with the procedure stipulated by trade union constitution and by-laws.

**Requirement for an agreement**

None.

**Power of veto**

None.
<table>
<thead>
<tr>
<th><strong>TYPE AND FUNCTION OF BODY</strong></th>
<th><strong>Small companies (5-50 employees)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employed representation body</strong></td>
<td>Duration of mandate: No data.</td>
</tr>
<tr>
<td><strong>Legal foundations</strong></td>
<td><strong>OPERATION</strong></td>
</tr>
<tr>
<td><strong>Set-up criteria</strong></td>
<td>Decisions are taken based on the majority of votes of the present members.</td>
</tr>
<tr>
<td><strong>Inter-establishment and/or group structure</strong></td>
<td><strong>Presence of management</strong></td>
</tr>
<tr>
<td><strong>Composition</strong></td>
<td>The director or his / her deputy can be invited to the discussions but may not participate at the elections.</td>
</tr>
<tr>
<td><strong>Protection</strong></td>
<td><strong>Frequency of meetings</strong></td>
</tr>
<tr>
<td><strong>ELECTIONS</strong></td>
<td>Once a month during normal hours (with a minimum of 6 per year) out of which 3 times with the participation of management.</td>
</tr>
<tr>
<td><strong>Who proposes the candidates?</strong></td>
<td><strong>Staff information</strong></td>
</tr>
<tr>
<td><strong>Type of election</strong></td>
<td><strong>RESOURCES</strong></td>
</tr>
<tr>
<td></td>
<td>Resources and premises made available to staff representatives.</td>
</tr>
<tr>
<td></td>
<td><strong>Hours for delegated duties</strong></td>
</tr>
<tr>
<td></td>
<td>Released from duties to exercise their mandate. In a company with more than 500 wage-earners, one or several members of the staff representation are released on a full-time basis to exercise their mandate (their number depends on the staff number).</td>
</tr>
<tr>
<td></td>
<td><strong>Training</strong></td>
</tr>
<tr>
<td></td>
<td>Right to training on economic and social policy and on trade union representation skills. Duration depends on the number of wage-earners:</td>
</tr>
<tr>
<td></td>
<td>– 15 to 50 wage-earners: 1 week/mandate;</td>
</tr>
<tr>
<td></td>
<td>– 5 to 150 wage-earners: 2 weeks /mandate;</td>
</tr>
<tr>
<td></td>
<td>– over 150 wage-earners: 1 week/ year.</td>
</tr>
<tr>
<td></td>
<td><strong>Experts</strong></td>
</tr>
<tr>
<td></td>
<td>In companies with at least 150 wage-earners, staff representation may have recourse to external advisors, if the absolute majority of staff representatives decide this.</td>
</tr>
<tr>
<td></td>
<td><strong>Role</strong></td>
</tr>
<tr>
<td></td>
<td>To protect the interests of wage-earners as regards working conditions, job security and their social status, as far as this mission does not depend on the mixed committee.</td>
</tr>
<tr>
<td></td>
<td><strong>POWERS</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Information</strong></td>
</tr>
<tr>
<td></td>
<td>Before the presentation to the general meeting of shareholders, the employer must provide the staff delegation with the annual financial statement, the profit and loss accounts, the auditors' report and all of the documents provided for the shareholders.</td>
</tr>
<tr>
<td></td>
<td><strong>Consultation</strong></td>
</tr>
<tr>
<td></td>
<td>The consultation of the staff committee covers:</td>
</tr>
<tr>
<td></td>
<td>– personnel structure;</td>
</tr>
<tr>
<td></td>
<td>– changes in wages and pay;</td>
</tr>
<tr>
<td></td>
<td>– data on health and safety protection;</td>
</tr>
<tr>
<td></td>
<td>– statistics by sex on employment, promotion, transfers, redundancy and training.</td>
</tr>
</tbody>
</table>
In the case of joint-stock companies, the staff representatives must be informed at least once a year in writing on the economic and financial evolution of the company.

| Participation |  |
| Negotiation |  |
| DECISION MAKING |  |
| Requirement for an agreement |  |
| Power of veto |  |
WORKER REPRESENTATION IN THE EUROPEAN UNION

MALTA

TYPE AND FUNCTION OF BODY

General information on trade unions

On a national level, labour relations in Malta have consistently operated in a tripartite framework, with the social partners playing a vital role in social and economic development. For a specific period (1978-1992), a statutory agreement between the Malta Labour Party and the General Workers' Union cemented a close relationship; this was heavily criticised for its co-optative perils, especially by the CMTU and the Nationalist Party. In 1990, the Malta Council for Economic Development was set up by Government in order to provide a tripartite forum to debate national issues. The social partnership model of industrial relations in Malta has been bolstered by specific legislation in the year 2001, institutionalising a Malta Council for Economic & Social Development which now also incorporates a forum for civil society, represented primarily by NGOs. The MCESD enjoys consultative rights on most labour and employment matters.

MCESD is often criticised for being only a 'talking shop'. While having the social partners participate in a talking shop is already a positive feature, trade unions are particularly keen to urge the MCESD to assume a stronger voice. This may depend on the availability of suitable and competent executive staff, the setting-up of a research arm, and the clarification of the level and role of state representation within the MCESD. Social partners have mostly 'agreed to disagree' on issues discussed within the MCESD; they have rarely spoken as one voice. There is, however, a fair degree of national consensus on the notion that Governments in modern democracies cannot govern without consultation and the MCESD in Malta is the main formal institution for such consultation to take place.

With the opening of formal accession talks with the EU in February 2000, trade unions, along with employer organisations and other constituted bodies, have been appointed as 'special interest groups' on the Malta-EU Steering & Action Committee (MEUSAC). This is a second institution for social dialogue. Working under the chair of the Minister for Foreign Affairs, MEUSAC vets, discusses and endorses all official positions concerning EU negotiations prior to they being passed on to the Cabinet of Ministers. Both MCESD & MEUSAC seek to include civil society organisations into formal advisory roles. Traditionally, trade union organisations – especially the CMTU, GWU and UHM – have been the main exponents and articulators of civil society concerns in Malta. The strengthened organisational capacity and public voice of other 'third sector' bodies will no doubt oblige trade unions to reconsider their vanguard function and to seek cooperative alliances with such increasingly articulate bodies as consumer associations or environmental groups.

For over half a century now, local trade unions have been active participants within bipartite or tripartite consultative bodies, and they enjoy respect as rightful participants in fora debating economic policy. They remain active and legitimate protagonists of social, economic and political life in Malta, involved at different levels in decision making, from routine individual representation of members in dispute handling, to macro-economic development strategies. The CMTU and GWU are also founder members and directors of the Workers’ Participation Development Centre, a labour studies institute established at the University of Malta in 1981.

Employee representation body

There are NO employee representation bodies in Malta other than trade unions, nor are trade unions officially or legally empowered or entitled to participate in information and consultation meeting with employers or management, but strictly and only to negotiate for the purposes of collective bargaining. Concerning the industrial relations system in Malta, see under United Kingdom, as this system is mainly based on the British model.

Legal foundations

- Constitution of 1974 which regulates some workers’ rights;
- The Employment and Industrial Relations Act (E&IRA) of 2002, which imposes minimum conditions of employment and incorporates among others the EU acquis communautaire, the right to negotiate and organise, the settlement of industrial disputes;
- The Public Service Commission, which governs some aspects of public employees, notably through internal circulars ("Estacode");
- Numerous collective agreements (~290), mainly in the public sector (100%) and to a lesser degree in the private sector (70%).

Set-up criteria

Only trade unions are representative bodies of workers.

Inter-establishment and/or Group structure

Composition

Protection

There is no statutory protection. The new Act provides for the post of “Registrar of Trade Unions”, who acts as official keeper of information about the trade unions. This law also deals with the immunity of trade unions to actions in tort.

ELECTIONS

The Maltese system of industrial relations is based on the British model. See under United Kingdom.

Who proposes the candidates?

See under United Kingdom.

Type of election

The new Act provides for the post of “Registrar of Trade Unions”, who acts as official keeper of information about the trade unions. This law also deals with the immunity of trade unions to actions in tort.
<table>
<thead>
<tr>
<th>Set-up criteria</th>
<th>Only trade unions are representative bodies of workers.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Small Companies (5-50 employees)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Duration of mandate</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Transitional mandate in case of restructuration</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Operation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Presence of management</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Frequency of meetings</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Staff information</strong></td>
<td></td>
</tr>
<tr>
<td><strong>RESOURCES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Hours for delegated duties</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Experts</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Role</strong></td>
<td></td>
</tr>
<tr>
<td><strong>POWERS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Information</strong></td>
<td>The concerns of general trade unions spill beyond ‘bread and butter’ issues to include workplace safety, vocational and in-service training, social housing, price control, fair taxation, environmental protection and social justice in general.</td>
</tr>
<tr>
<td><strong>Consultation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Co-determination</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Negotiation</strong></td>
<td>Wage negotiations between trade unions and employers is extremely decentralised, which means that most of the collective agreements are concluded at company level.</td>
</tr>
<tr>
<td><strong>DECISION MAKING</strong></td>
<td>Wage negotiations between trade unions and employers is extremely decentralised, which means that most of the collective agreements are concluded at company level.</td>
</tr>
<tr>
<td><strong>Requirement for an agreement</strong></td>
<td>The most frequently accepted technique now adequately incorporated in the Labour Law ‘White Paper’ is the collective agreement, a special type of contract entered into by representatives of workers and owners establishing, usually after negotiation, various conditions of work for a definitive time period (typically 3 years). These conditions normally cover all full-time employees at a particular enterprise, excluding the top-most professional or managerial staff. Increasingly, collective agreements now cover “occupationally distinct categories” of workers within firms, reflecting a situation where it is possible for an employer to be obliged to negotiate more than one collective agreement, each catering for a different section/grade of his/her employees.</td>
</tr>
<tr>
<td><strong>Power of veto</strong></td>
<td></td>
</tr>
</tbody>
</table>
### THE NETHERLANDS

#### TYPE AND FUNCTION OF BODY

<table>
<thead>
<tr>
<th>Employee representation body</th>
<th>Works council (Ondernemingsraad).</th>
</tr>
</thead>
</table>

#### Set-up criteria

- Works councils are mandatory in undertakings with 50 employees or more.
- In undertakings / establishments with at least 10, but less than 50 employees, an employee representative body (without the full legal status of a works council) must be set up at the request of the majority of the employees.
- A central works council may be set up when the employer or a group of employers owns at least two establishments each having its own works council.

#### Inter-establishment and/or group structure

A group council, known as a "divisional works council", must also be set up.

#### Composition

Composed entirely of employees (3 - 25 members).

#### Protection

Yes.

#### ELECTIONS

- Employees with over 6 months’ professional service are eligible to vote.
- Candidacy is open to employees with over one year’s service in the company.

#### Who proposes the candidates?

- The unions, or groups of non-organised employees.

#### Type of election

Secret ballot, from lists.

#### Small companies (5-50 employees)

Duration of mandate: 3 years.

#### OPERATION

- Members of the works council elect a chairman and deputies.
- The works council determines its own operational procedures.

#### Presence of management

Dialogue meetings between the works councils and the employer take place at the request of one of both parties.

#### Frequency of meetings

As frequent as the works council itself considers useful.

### Staff information

- The employer must provide facilities needed to communicate with the employees by all reasonable means.

### RESOURCES

- The employer must facilitate the work of the works council and the committees.

### Hours for delegated duties

- At least 60 hours per year for individual works council members (over and above time for works council meetings).

### Training

- Freed from professional duties during training of works council members (5 days per year per representative).
- Additional three days per year for works council committee members.
- Works council members: 5 days paid leave/yr for training. Members of standing councils: 3 days/yr paid leave.
- 50% training costs for the employer; 50% through collective fund financed by statutory contributions of all employers obliged to set up works councils.

### Experts

- Possible assistance of experts.
- Costs of training, experts, judicial proceedings and (other) facilities to be borne by the employer.

### Role

- The works council is charged with two roles: representation of employees, and dialogue.
- The works council may set up permanent, special and preparatory committees.

### POWERS

#### Information

- **Company information:**
  - all information reasonably needed for its tasks;
  - the legal form and organisation of the company, the intra-group structure, important non-group relations to other undertakings and public institutions;
  - 6-monthly retrospective and prospective reports about the company’s affairs and results; the annual accounts; the annual group accounts, with reference to the company’s contribution to the group results;
  - environmental reports.

#### Consultation

- **Consultation on:**
  - transfer of control of the company or any unit thereof;
  - establishment, take-over or transfer of control of another company;
  - beginning, changing, discontinuing cooperation with another company; or beginning, changing or discontinuing a substantial financial participation by/on behalf of another company;
  - providing major loan or collateral for another company’s debt;
- termination of activities of the company or of major unit thereof;
- substantial reduction, expansion or other change in the activities of the company;
- substantial change in the organisation of the company or in allocation of responsibilities within the company;
- change of place of activity of the company;
- major technological change;
- major decisions as part of the company’s environmental management system.

If disagreement between employer and works council, the employer shall suspend the implementation of his decision for one month. Possibility for the works council to lodge a complaint if employer does not comply with consultation rules or if decision not reasonably justifiable.

<table>
<thead>
<tr>
<th>Participation</th>
<th>Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DECISION MAKING</strong></td>
<td><strong>Unless regulated by collective agreement, requirement for agreement on:</strong></td>
</tr>
<tr>
<td></td>
<td>- retirement, profit-sharing or savings;</td>
</tr>
<tr>
<td></td>
<td>- working hours and holidays;</td>
</tr>
<tr>
<td></td>
<td>- job classification and remuneration methods;</td>
</tr>
<tr>
<td></td>
<td>- health and safety at work and sickness leave;</td>
</tr>
<tr>
<td></td>
<td>- employment, dismissal and promotion;</td>
</tr>
<tr>
<td></td>
<td>- introduction of devices or measures to control workers’ behaviour or performances;</td>
</tr>
<tr>
<td></td>
<td>- registration and handling of employee personal data;</td>
</tr>
<tr>
<td></td>
<td>- staff training regulations;</td>
</tr>
<tr>
<td></td>
<td>- social assistance on the part of the company;</td>
</tr>
<tr>
<td></td>
<td>- shop floor consultation;</td>
</tr>
<tr>
<td></td>
<td>- handling of complaints.</td>
</tr>
</tbody>
</table>

In the event of failure to reach an agreement, the employer may appeal to the Joint Sectoral Committee.

**NB:** the works council has a power of veto over the appointment of members to the supervisory board in joint-stock and limited companies with over 100 employees and capital in excess of 25 million DFL (11.34 million Euro) balance sheet total sum.

<table>
<thead>
<tr>
<th>Requirement for an agreement</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Power of veto</th>
</tr>
</thead>
</table>
## Poland

### Type and Function of Body

<table>
<thead>
<tr>
<th>Employee representation body</th>
<th>Company-level trade union committee (known as &quot;enterprise commission&quot;).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal foundations</td>
<td>Act on Trade Unions dated 23.05.1991 (Law Journal 2001 No. 79 item 854).</td>
</tr>
</tbody>
</table>
| Set-up criteria             | • Constituted on the basis of a resolution adopted by at least 10 people entitled to setting up a trade union (employees).  
• Passing statutes and electing setup committee.  
• Registration of the trade union in the court. |
| Inter-establishment and/or group structure | National trade union organisations (trade unions) and national inter-trade union organisation. |
| Composition                 | Employees are represented by the trade union reps in the enterprise commission. The number of enterprise commission members is determined by the statutes. |

### Protection

The rules of electing authorities are determined by the statutes of the trade union. It is the duty of the enterprise commission to organise the election of representatives at the end of its term of office. Only a person entitled to vote at the election meeting can be a candidate. The elections are held at the General Meeting of the Members or Delegates of the enterprise. The elections are valid if at least 50 % of the members (delegates) participate.

### Elections

<table>
<thead>
<tr>
<th>Type of election</th>
<th>Small companies (5-50 employees)</th>
<th>Duration of mandate</th>
<th>Operational</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4 years.</td>
<td></td>
<td>The General Meeting elects the enterprise commission Chairpersons, remaining members of the enterprise commission, members of the Enterprise Audit Commission, delegates to the Regional Convention of Delegates and delegates to the Convention of Delegates of the Regional Branch Sections.</td>
</tr>
</tbody>
</table>

### Frequency of meetings

Collective agreement may determine:  
- the frequency of meetings of the enterprise commission with the employer (the manager of the enterprise);  
- rules of communication.  

The enterprise commission (the representatives of the company union) organises meetings of union members when needed.

### Staff Information

The enterprise commission has the right to receive from the employer information necessary for the trade union operation.

### Resources

Resources are described in separate agreement between the company union and employer.

### Hours for delegated duties

Depending on the number of trade union members, members of the Works Council are entitled to an exemption from professional duties. The employer has the right to an exemption from professional duties retaining the right to remuneration for the time necessary to perform a temporary activity resulting from his union function, if this activity cannot be performed outside working time.

Exemption from professional duties depends on the number of trade union members:  
- if less than 150 trade union members - one unionist is partly freed from professional duties;  
- 1 unionist is entirely freed from professional duties if the number is between 151 and 500;  
- 2 unionists - if the number of trade union members between 501 and 1000;  
- 3 unionists - if between 1001 and 2000;  
- one additional employee for each next thousand of members.

### Training

Training is held within the confines of exemption from work for performing a temporary activity resulting from the union function - if this activity cannot be performed outside of working hours.

### Experts

The company union may appoint experts at its own expense, for example during negotiations on the conclusion of collective agreements.

### Role

The role of the company union includes:  
- taking a stand on the individual employees’ matters;  
- taking a stand toward an employer on the collective matters;  
- exercising control over obeying regulations of labour law in the company;  
- managing the activity of the Social Labour Inspectorate;  
- monitoring living conditions of retired employees.
### POWERS

The range of powers depends on among others:
- the percentage of union members in relation to employees number;
- the size of the company;
- legal status of the enterprise (company, state enterprise);
- origin of invested capital (local, foreign).

### Information

Upon request of the trade union, the employer is obliged to give information necessary for conducting trade union activity, in particular, information on working conditions and remuneration system. The employer is obliged to inform the negotiating trade union representatives about its economic situation within the scope of negotiations and to the extent necessary for leading responsible negotiations. This duty concerns in particular information covered by reports of the Central Office of Statistics.

### Consultation

The employer is obliged to consult any decision of termination of work contract with or without notice, when considering an objection to an administrative penalty inflicted on an employee.

### Participation

Termination of employment contract with or without notice, signed with a member of authorities of company-level trade union, a member of trade union’s Audit Commission and a member of trade union setup committee requires consent granted by enterprise trade union organisation authorities. Enterprise union organisation appoints employee representatives to health and safety commission.

After agreement with company union the employer issues:
- work, pay and Social Benefit Fund regulations;
- vacations plan;
- accounting period.

Collective agreement is concluded in consultation with enterprise-level organisation.

The conditions of mass redundancies are determined by way of agreement between the employer and the enterprise commission.

### Negotiation

Collective agreement determines:
- conditions of employment relationship;
- mutual obligations of collective agreement parties.

The agreement cannot infringe the rights of third parties.

### DECISION MAKING

Decisions are taken by the majority of votes.

### Requirement for an agreement

There is no requirement for concluding a collective agreement. In the company employing at least 5 employees remuneration and work and pay regulations are binding instead of the collective agreement.

### Power of veto

The enterprise commission has no power of veto.
## PORTUGAL

<table>
<thead>
<tr>
<th>TYPE AND FUNCTION OF BODY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employee representation body</strong></td>
<td>Workers' commission (Comissões de Trabalhadores).</td>
</tr>
<tr>
<td><strong>Legal foundations</strong></td>
<td>Act of 12th September 1979.</td>
</tr>
<tr>
<td><strong>Set-up criteria</strong></td>
<td>Workers' commissions are not compulsory in terms of the law. Act of 12th September 1979.</td>
</tr>
<tr>
<td><strong>Inter-establishment and/or group structure</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Composition</strong></td>
<td></td>
</tr>
<tr>
<td>- All enterprises are concerned by the implementation of workers' commissions. On the other hand, there are no compulsory thresholds for implementation.</td>
<td></td>
</tr>
<tr>
<td>- Workers' commissions consist only of representatives of the workers. Example:</td>
<td></td>
</tr>
<tr>
<td>- 3 for fewer than 200 salaried staff;</td>
<td></td>
</tr>
<tr>
<td>- 11 for more than 1000 salaried staff.</td>
<td></td>
</tr>
<tr>
<td>- Sub-committees may be put in place in establishments when several establishments are involved.</td>
<td></td>
</tr>
<tr>
<td><strong>Protection</strong></td>
<td>Yes.</td>
</tr>
<tr>
<td><strong>ELECTIONS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Who proposes the candidates?</strong></td>
<td>The unions or groups of workers representing 10% of salaried staff.</td>
</tr>
<tr>
<td><strong>Type of election</strong></td>
<td>Direct vote with proportional representation.</td>
</tr>
<tr>
<td><strong>Small companies (5-50 employees)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Duration of mandate</strong></td>
<td>Maximum 3 years and in accordance with the rules fixed by the workers' commission.</td>
</tr>
<tr>
<td><strong>OPERATION</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Presence of management</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Frequency of meetings</strong></td>
<td>Once a month in general.</td>
</tr>
<tr>
<td><strong>Staff information</strong></td>
<td>General meeting of staff with a maximum of 15 hours per year.</td>
</tr>
<tr>
<td><strong>RESOURCES</strong></td>
<td>In this matter, there are no clear law stipulations.</td>
</tr>
<tr>
<td><strong>Hours for delegated duties</strong></td>
<td>Members of the workers' commission have the right to 40 hours per month. For enterprises where there are several establishments, delegation hours are 50 hours per month per elected member. For sub-committees, members have the right to 8 hours per month.</td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Experts</strong></td>
<td>Experts are provided for by the law (in the area of health and safety) they are paid by the union and have no access to enterprise premises.</td>
</tr>
<tr>
<td><strong>Role</strong></td>
<td></td>
</tr>
<tr>
<td>- The task of workers' commissions is to defend the interests of salaried staff and develop democracy within the enterprise.</td>
<td></td>
</tr>
<tr>
<td>- Workers' commissions take part in the management of company welfare facilities based on local agreements.</td>
<td></td>
</tr>
<tr>
<td><strong>POWERS</strong></td>
<td>There is a significant difference between the law and reality.</td>
</tr>
<tr>
<td><strong>Information</strong></td>
<td>Information:</td>
</tr>
<tr>
<td>- Activities of the enterprise.</td>
<td></td>
</tr>
<tr>
<td>- Financial statements.</td>
<td></td>
</tr>
<tr>
<td>- Modification of the legal and financial structure of the enterprise.</td>
<td></td>
</tr>
<tr>
<td>- Production and sales.</td>
<td></td>
</tr>
<tr>
<td><strong>Consultation</strong></td>
<td>Consultation:</td>
</tr>
<tr>
<td>- Social results.</td>
<td></td>
</tr>
<tr>
<td>- Restructuring of the enterprise.</td>
<td></td>
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<tr>
<td>- Receivership (liquidation of the enterprise).</td>
<td></td>
</tr>
<tr>
<td>- Closure or restriction of production lines.</td>
<td></td>
</tr>
<tr>
<td>- Reduction of staff numbers and mass dismissals.</td>
<td></td>
</tr>
<tr>
<td>- Budgets and economic plans of the enterprise.</td>
<td></td>
</tr>
<tr>
<td>- On-going professional apprenticeships and training.</td>
<td></td>
</tr>
<tr>
<td>- Health and safety.</td>
<td></td>
</tr>
<tr>
<td><strong>Participation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Negotiation</strong></td>
<td>Workers' commissions may intervene in the restructuring of production units and working conditions.</td>
</tr>
<tr>
<td><strong>DECISION MAKING</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Requirement for an agreement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Power of veto</strong></td>
<td></td>
</tr>
</tbody>
</table>
SLOVAK REPUBLIC

**TYPE AND FUNCTION OF BODY**

- **Employee representation body**
  - A Trade Union body - or, if this is not in place, then:
    - Shop steward;
    - works council.
- **Legal foundations**
  - Act No. 311/2001 Coll., as amended.
- **Set-up criteria**
  - A Trade Union organisation may be established by at least three employees.
  - Shop steward is elected by employees in companies with 5 to 19 employees.
  - works council can be elected in companies with more than 20 employees.
- **Inter-establishment and/or group structure**
  - Higher TU body / Branch Trade Union.
  - Central TU body (TU Headquarters).
  - Shop steward and works council: no group structure.
- **Composition**
  - TU body consists of employees who are members of a TU. A Shop steward and/or a works council consist of employees. The number of members of a works council depends on the number of employees:
    - 20 to 100 = 3 members;
    - 101 to 500 = 3 + 1 member per every other 100 employees;
    - 501 and more = 7 + 1 member per every other 500 employees
- **Protection**
  - Yes.

**ELECTIONS**

- The right to vote to a TU body have only those employees who are TU members.
- A Shop steward and/or a works council is elected by all employees who have been employed by the company for more than 3 months.

**Who proposes the candidates?**

- The candidates for a TU body are proposed by TU members.
- The candidates for the position of a Shop steward and the Work Council are proposed by the employees.

**Type of election**

- TU Elections are subject to the Statutes of a TU. A Shop steward and/or a works council are elected directly by employees, in a secret vote. A nominee must be elected by a qualified majority.

**Duration of mandate**

- A TU Body: as a rule from 2 to 5 years.
- Shop steward and works council - 4 years.

**OPERATION**

- According to Statutes, a chairman, secretary and/or treasurer can be elected by the members directly, and/or by the committee. works council is a collective body; as such, it does not have a chairman.

**Presence of management**

- The management is not represented in a TU body or works council. They shall be, however, provided with the information about the composition of these bodies.
- The management may be invited to the meetings of a TU body.

**Frequency of meetings**

- As necessary, every 2 weeks to 2 months.

**Staff information**

- According to the TU statutes.
- 1-4 times a year, if necessary, more often. works council (Shop steward) - as necessary. They discuss issues related to employer's activities and rights of employees.

**RESOURCES**

- Concerning the availability of operation means, the employer shall provide both bodies with adequate meeting facilities, free of charge, and cover the operation and maintenance costs.

**Hours for delegated duties**

- A member of a TU body and/or works council (Shop steward) may be released from work for a short term or long term (paid official).
  - Short term leave:
    - 30 minutes per one member of a TU body/one month/one TU body;
    - 10 minutes per one employee per month - works council.
  - Long-term leave (paid leave):
    - 300 members - 1 paid official;
    - 600 employees - 1 member of the works council;
    - 1600-3000 employees - 2 members + per every other 1500 employees - one member.

**Training**

- TU Body, works council (Shop steward) - 2 days per one member per year (paid leave).

**Experts**

- Participation of experts is not regulated.
  - To monitor compliance with labour regulations, internal payroll provisions, health and safety at work.
  - Propose measures to be taken in case of non-compliance.
  - Checks.
  - Provide competent bodies and the Labour Inspection Body with suggestions for remedy.
  - If a TU body is in place, it is entitled - apart from the above stipulated - to engage in collective bargaining and monitor compliance with provisions of collective agreements.
An employer shall inform a TU body or works council (Shop steward) about facts which are regulated by the Labour Code or stipulated in collective agreements. The information should be related, in particular, to:

- Economic performance of the company.
- Employer’s insolvency - (5 days).
- Transfer of rights and duties in industrial relations - (1 month).
- New work contracts.
- Termination of work contracts.
- Regular night work.
- Major issues related to the company’s development.
- Present and planned economic performance.
- Other issues related to collective agreement provisions.

Upon consultations, an employer is obliged to consult TU bodies in advance on his planned measures relating to:

- Transfer of rights and duties in industrial relations - (1 month).
- (Non)conclusion of work contracts with students of apprentice schools.
- Mass redundancies.
- Notice and immediate termination of work’s contract on the part of an employer.
- Shifts - agriculture, transportation, culture, trade.
- Order to work during the days of rest.
- Overtime work over the set limit of 150 hours per year.
- Regular negotiating on organising work at night.
- Holiday cuts for unjustified absence (1 to 2 days per shift).
- Introducing of work standards.
- Conditions for the compensation of damages and the manner of its reimbursement.
- Measures leading to the creation of employment conditions for employees, women, minors and disabled.
- The increase of the number of employees.
- All measures related to economic, social and cultural interest of employees.
- Organisational changes, such as restriction or termination of employer’s activities, or a part of it, merger, division, change of legal status of the company.
- Measures related to the use of recreational facilities and social facilities of the employer.
- Preventive measures in the area of accidents at work and occupational diseases and protection of health of employees.

For the above stated purposes, the employer shall provide a TU body with necessary information, consultations and documentation and, within the scope of his capabilities, take his opinion into account.

Only a TU body has the right of joint decision-making. A works council or a Shop steward have the right of consultation (negotiations).

- Notice or immediate termination of the work contract of an TU official during his office term and 1 year after.
- Issuing of a workplace code.

Only a TU body has the right of collective bargaining in the private sector. The issues which are subject to negotiations are, primarily:

- Work conditions and payroll.
- Working hours cuts while preserving the level of wages.
- Extension of holidays over the limits pursuant to the law.
- Scope and conditions of benefits (rest) in case of obstacles at work.
- Benefits in case of starting a compulsory military service and military training.
- Better travel costs reimbursement conditions.
- Social care and social politics.
- Higher compensation in certain cases of termination of work.
- Higher gratuity upon employee’s retirement.
- Employer’s co-operation with the TU.
- Employment plans and redundancies.
- Grievance procedures.

Decision making is subject to agreement of the body. As a rule, the TU body adopts decisions by a qualified majority.

Decision making is subject to agreement of the body. As a rule, the TU body adopts decisions by a qualified majority.
<table>
<thead>
<tr>
<th><strong>TYPE AND FUNCTION OF BODY</strong></th>
<th><strong>SLOVENIA</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Employee representation body</strong></td>
<td>Works council (Svet delavcev)</td>
</tr>
<tr>
<td><strong>Legal foundations</strong></td>
<td>Law on Participation of Workers in Management (Official Gazette of the Republic of Slovenia, no 42/93).</td>
</tr>
</tbody>
</table>
| **Set-up criteria** | • In companies with more than 20 employees.  
• If the number of employees is up to 20, one employees’ confident is elected having the same status as works council.  
• In the company as a legal person there is only one works council or employees’ confident. |
| **Inter-establishment and/or group structure** | In associated companies (controlling and subsidiaries) a joint works council of these companies is set up. Its members are appointed by the works councils of individual companies. |
| **Composition** | The works council is composed entirely of employees (management and their relatives are excluded).  
The number of representatives depends upon the number of employees:  
- 20 to 50 = 3 representatives;  
- 51 to 100 = 5 representatives;  
- 101 to 200 = 7 representatives;  
- 201 to 400 = 9 representatives;  
- 401 to 600 = 11 representatives;  
- 601 to 1000 =13 representatives;  
- per every additional 1000 employees another 2 representatives.  
According to the Works council’s rulebook, it is possible to ensure the representation of special groups of employees (women, disabled persons, youth) and of works which are dislocated. |
| **Protection** | Yes. |
| **ELECTIONS** | • Employees (except managers and their relatives) with more than 6 months’ service in the company are eligible to vote.  
• Candidacy open to all employees with at least 1 year service in the company.  
• Candidates may be put forward by representative unions in the company and by groups of employees with signatures. The number of necessary signatures depends upon the number of employees. |

| **Type of election** | Secret voting.  
Elected are those who get the most votes (majority voting system). There is no minimum threshold to be elected. |
| **Duration of mandate** | 4 years. |
| **OPERATION** | • Members of the works council elect a Chairman and a Vice-Chairman.  
• Meetings of the works council are called and conducted by the Chairman. |
| **Presence management** | • Management is notified in advance of meeting dates, and takes part in of meeting if so required because of the topic to be addressed. |
| **Frequency of meetings** | Normally once a month. |
| **Staff information** | • Members of the works council have right to 3 hours per month for consultation with the employees.  
• Once a year the works council may convene a meeting of employees within working hours to inform them of its activities. |
| **RESOURCES** | The employer is obliged to cover the fixed costs for the work of the works council, and at least for:  
- premises for meetings and reception of clients;  
- work of professional members;  
- office equipment;  
- administrative staff.  
The works council and the employer can sign an agreement for covering also other costs of the works council. |
| **Hours for delegated duties** | The members are entitled to minimum:  
- 5 paid hours per month for works council meetings;  
- 3 paid hours for consultations with the employees.  
Freed from professional duties for individual members for semi or for all working hours depending on the number of employees in the company. |
| **Training** | Members of the works council are entitled to minimum 40 paid hours annually for training required for the work of the works council. |
| **Experts** | The works council can engage for its work internal or external experts as well as external representatives of representative unions. The costs for these experts are to be paid by the employer, on the basis of an agreement between the works council and the employer. If there is no agreement, the Law stipulates the minimum assets for such purposes. |
| **Role** | The role of the works council is to ensure the interests of the employees in decision making of the Board, primarily in the field of economic, development, social and personnel issues as well as the organisation of work. |
Within this, the works council:
- monitors the implementation of laws and other regulations, collective agreements as well as the agreements reached between the works council and the employer;
- proposes the measures in favour of the employees;
- accepts initiatives and proposals of the employees and takes them into account when negotiating with the employer;
- assists in the integration of handicapped, old and other employees who are assured special protection.

The works council can set up the committees for dealing with the issues within its competence. The role of these committees is one of consultation.

### POWERS

<table>
<thead>
<tr>
<th>Information</th>
<th>The employer is obliged to inform the works council primarily on the issues related to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- economic position of the company;</td>
</tr>
<tr>
<td></td>
<td>- development targets of the company;</td>
</tr>
<tr>
<td></td>
<td>- situation of production and sales;</td>
</tr>
<tr>
<td></td>
<td>- general economic situation in the branch;</td>
</tr>
<tr>
<td></td>
<td>- change in the activity;</td>
</tr>
<tr>
<td></td>
<td>- reduction in the economic activity;</td>
</tr>
<tr>
<td></td>
<td>- changes in the organisation of production;</td>
</tr>
<tr>
<td></td>
<td>- changes in the technology;</td>
</tr>
<tr>
<td></td>
<td>- annual statement of account and annual report;</td>
</tr>
<tr>
<td></td>
<td>- other issues from the agreement between works council and employer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Consultation</th>
<th>Prior to taking decisions the employer must inform the works council and request joint consultation regarding the status and personnel issues of the company.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The status issued include:</td>
</tr>
<tr>
<td></td>
<td>- changes in legal status;</td>
</tr>
<tr>
<td></td>
<td>- sale or closure of the company or its essential part;</td>
</tr>
<tr>
<td></td>
<td>- essential changes in the ownership.</td>
</tr>
<tr>
<td></td>
<td>The personnel issues include:</td>
</tr>
<tr>
<td></td>
<td>- new staff requirements;</td>
</tr>
<tr>
<td></td>
<td>- job classification;</td>
</tr>
<tr>
<td></td>
<td>- transfer of a larger number of employees outside the company or from one place to another;</td>
</tr>
<tr>
<td></td>
<td>- adoption of regulations concerning the additional pension scheme, disability and health insurance;</td>
</tr>
<tr>
<td></td>
<td>- staff reduction;</td>
</tr>
<tr>
<td></td>
<td>- adoption of rules concerning the disciplinary accountability.</td>
</tr>
</tbody>
</table>

The employer must provide the information to the works council at least 30 days prior to decision making and consultation must be made 15 days prior to decision making. The employer must strive for achieving the consent of the works council.

<table>
<thead>
<tr>
<th>Participation</th>
<th>The employer must submit for approval to the works council the proposals of resolutions related to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- reduction or increase of a larger number of employees as a result of change in the activity;</td>
</tr>
</tbody>
</table>

| Negotiation | The works council may negotiate with the employer and conclude agreements, in which more participation rights may be identified than stipulated by the law, with the exception of the employment relation rights, salaries and those working conditions, which are regulated by collective agreements. Collective agreements are negotiated by the trade union organisations. |

<table>
<thead>
<tr>
<th>Requirement for an agreement</th>
<th>The decision making procedure is determined by the works council in its rulebook.</th>
</tr>
</thead>
</table>

### DECISION-MAKING

<table>
<thead>
<tr>
<th>Power of veto</th>
<th>The works council may retain a decision taken by the employer and simultaneously submit the dispute to arbitration:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- if the employer fails to inform the works council prior to making a decision on issues from sections 5 to 8 (see Information);</td>
</tr>
<tr>
<td></td>
<td>- if the employer, prior to making a decision, fails to inform the works council and to request a joint consultation regarding personnel and status issues (see Consultation).</td>
</tr>
</tbody>
</table>

In such cases the employer must not implement a decision until the final ruling of the competent body. Arbitration consist of an equal number of members, nominated by the works council and employer, and of neutral chairperson. With its decision the arbitration replaces the agreement between the works council and employer. Both parties may dispute the arbitration judgement in court of labour disputes for reasons providing by special law on labour and social courts.
## Spain

### Type and Function of Body

- **Employee representation body**: Works council (Comité de Empresa).
- **Legal foundations**: Law Nr. 1/1995 of March, 24th.
- **Set-up criteria**:
  - In all establishments with 50 employees or more.
  - Joint works council shared by establishments with fewer than 50 employees which are located in the same region.
  - Joint works councils shared by establishments situated in the same region, but with one or more establishments with over 50 employees.
- **Inter-establishment and/or group structure**: Inter-establishment council via normal channels (max. 13 members).
- **Composition**: Composed entirely of employees. Some examples:
  - 5 reps for companies with 50 - 100 employees;
  - 9 reps for companies with 101 - 250 employees;
  - 13 reps for companies with 251 - 500 employees;
  - 17 reps for companies with 501 - 750 employees;
  - 21 reps for companies with 751 - 1000 employees;
  - plus 2 reps per 1000 or next fraction, with max. of 75 reps.
- **Protection**: Yes.

### Elections

- Employees aged 16 and over are eligible to vote.
- Candidates can be proposed by unions or by a group of voters representing at least three times the number of seats to be filled.
- Representation in the first instance is proportional, provided at least 5% of eligible votes are received.

### Small companies (5-50 employees)

- **Duration of mandate**: 4 years.

### Resources

- **Frequency of meetings**: Meetings are held every two months according to legislation. In practice, the works council meets more frequently.
- **Staff information**: The works council can convene a meeting of the workers.
- **RESOURCES**: Resources made available to works council:
  - Office equipment.
  - Notice boards.
- **Hours for delegated duties**: Hours for representational duties according to number of representatives elected (between 15 and 40 hrs/month).
- **Training**: Role of the works council:
  - Representative body for all workers.
  - Social and economic information.
  - Consultation on economic and welfare issues.
  - Negotiation.
  - The works council appoints members to:
    - Health and safety committees.
    - Joint committees on matters of production and procedure.
    - Committees on welfare matters.
    - Negotiating committee.
- **Experts**: Role of the works council:
  - Examination of types of employment contract used in the company.
  - Examination of procedures for terminating employment contracts.
  - Notification of all employment contracts.
  - Absenteeism, industrial accidents, occupational illnesses.
  - Disciplinary action imposed for serious offences.
  - Geographical and operational mobility.
  - Situation regarding production, sales, and employment promotion.
  - Balance-sheet and documents issued to shareholders.
  - Legal status of company.
  - Sale of company assets if consequences may lead to redundancy of over half of the employees.

### Operation

- Members of the works council elect a Chairman and a Secretary.
- Management does not take part in meetings unless this forms part of the agenda.

### Presence of management

- Management does not take part in meetings unless this forms part of the agenda.
<table>
<thead>
<tr>
<th>Participation</th>
<th>Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Organisation of work.</td>
<td>- Pay.</td>
</tr>
<tr>
<td>- Assessment of operation stations.</td>
<td>- Working hours.</td>
</tr>
<tr>
<td>- Mass redundancies.</td>
<td>- Job classifications.</td>
</tr>
<tr>
<td></td>
<td>- Working conditions.</td>
</tr>
</tbody>
</table>

**DECISION MAKING**

<table>
<thead>
<tr>
<th>Requirement for an agreement</th>
<th>Power of veto</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**TYPE AND FUNCTION OF BODY**

**Employee representation body**

Union delegation (Förtroendeman).

**Legal foundations**

Acts of:
- Location of a union representative in the workplace (1974).
- Joint determination at work (1976).
- Employment security.
- Working environment.
- Time off for training.

Agreement between social partners about efficiency and participation.

**Set-up criteria**

There is no employee numbers threshold to be able to designate a union delegate. Nor is there any limit, set by law, regarding the number of union delegates.

**Inter-establishment and/or group structure**

- Made up solely of union delegates designated by the unions with the head of the enterprise.
- Union delegates are not necessarily salaried staff of the enterprise. They can be regional union representatives from another enterprise or permanent delegates in the union.

**Composition**

- Union members have the right to 5 paid hours a year for information. These meetings, as a rule, take place outside working hours and are paid in addition.

**Protection**

Yes.

**ELECTIONS**

**Who proposes the candidates?**

The union delegates are designated by the unions based on their internal rules.

**Type of election**

- Small companies (5-50 employees)
- The length of mandate is determined by the union.

**ROLE**

To represent workers to the management on employment relations issues within enterprises.

**POWERS**

**Information**

- Regular information about:
  - activity of the enterprise;
  - production;
  - financial situation;
  - management of personnel.
- Union delegates may, if they consider it necessary to defend the interests of salaried staff, examine accounting documents.
- Information when there are individual dismissals, terminations of employment contract during the trial period and fixed duration employment contract.
- Information in case of change to the organisation of work and working conditions.

**RESOURCES**

Premises made available and access to establishments.

**Hours for delegated duties**

Decided by joint agreement between the management of the enterprise and the union delegation.

**TRAINING**

Possibility of union training, paid, linked to activity in the workplace.

**EXPERTS**

- In enterprises of more than 50 salaried staff, a contractual agreement states that union delegates may consult private experts on the topics of safety, employment and the enterprise’s finances.
- In other enterprises, experts may be called by the union delegates, if the two parties agree.

**PRESENCE OF MANAGEMENT**

When there are meetings between the union delegates and the management set by enterprise collective agreements.

**FREQUENCY OF MEETINGS**

The function and organisation of union delegates depends solely on the unions.

**STAFF INFORMATION**

Union members have the right to 5 paid hours a year for information. These meetings, as a rule, take place outside working hours and are paid in addition.

**OPERATION**

The function and organisation of union delegates depends solely on the unions.
<table>
<thead>
<tr>
<th>Consultation</th>
<th>Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enterprise agreements may emphasise the rights for the joint-determination of workers on the following topics:</td>
<td></td>
</tr>
<tr>
<td>- organisation of work;</td>
<td></td>
</tr>
<tr>
<td>- changes to working time, depending on the activity;</td>
<td></td>
</tr>
<tr>
<td>- Employment contract.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests for negotiation, whether from the employer’s side or the union’s, has the effect of obliging the other party to open negotiations without the obligation to reach a conclusion.</td>
</tr>
<tr>
<td>In the event of a modification to the enterprise or to the working and/or employment conditions, the employer must open negotiations before applying the changes. Throughout the negotiations, the employer is required to suspend the decisions that it intends to take. This practice concerns in particular:</td>
</tr>
<tr>
<td>- dismissals;</td>
</tr>
<tr>
<td>- projected management of employment;</td>
</tr>
<tr>
<td>- temporary unemployment;</td>
</tr>
<tr>
<td>- overtime;</td>
</tr>
<tr>
<td>- working time;</td>
</tr>
<tr>
<td>- paid holidays.</td>
</tr>
</tbody>
</table>
## United Kingdom

<table>
<thead>
<tr>
<th>Type and Function of Body</th>
<th></th>
</tr>
</thead>
</table>
| Employee representation body | • Shop steward (shop stewards’ or representatives’ body).  
• Joint Consultative Committee (minority and on voluntary basis) hereafter JCC. |
• The JCC has no legal status. |
| Set-up criteria | • As a general rule, by agreement between the parties.  
• Voluntary setup of a joint committee in companies. |
| Inter-establishment and/or group structure | Some national, multi-site shop stewards committees exist where they have been agreed between unions and management |
| Composition | • Agreement between the parties.  
• Joint Consultative Committees comprise management representatives and employee representatives who are either elected or appointed by the unions. |
| Protection | No: there is no statutory protection |

### ELECTIONS

| Who proposes the candidates? | Shop stewards are elected by the trade union members that they represent. |
| Type of election | Members of the Joint Consultative Committee are normally the elected shop stewards. |
| Small companies (5-50 employees) |  |
| Duration of mandate | According to union rules for shop stewards. |

### OPERATION

| Presence of management | Management takes part in ongoing operations of Joint Consultative Committees. |
| Frequency of meetings | According to company agreements or company practice. |

### RESOURCES

| No legislative stipulations on this matter. |
| Hours for delegated duties | However, “reasonable” free time must be granted for employee representatives of recognized trade unions to fulfil their mandate, and for their training. |
| Training |  |
| Experts |  |
| Role | Shop stewards have a twin role: representation of individual and collective interests of workers and trade unions. Their role is essentially one of negotiation. Unions may appoint Safety Officers and set up a joint committee on health and safety; the composition of this varies from one branch to another. JCC probably get more information than consultation (particularly since they have no specific legal identity or rights). |
| Powers | Practice varies from one company to another, depending mainly on collective agreements signed at company level. |
| Information | • Health and safety.  
• Mass redundancies.  
• Transfer of company. |
| Consultation | • Health and safety.  
• Mass redundancies.  
• Transfer of company. |
| Participation |  |
| Negotiation | Shop stewards generally negotiate:  
- pay;  
- working hours;  
- mass redundancies;  
- working conditions. |
| Decision Making |  |
| Requirement for an agreement |  |
| Power of veto |  |
WORKER REPRESENTATION IN THE EUROPEAN UNION
TIME AND FUNCTION OF BODY

TU representation body

• TU Organisations (TU Leader, TU Council).
• General Assembly of Employees - GAEs (functioning temporarily in some cases).

Representation of employees (functioning temporarily if there are TU at the occupational level, or at least at the enterprise level and/or group structure).

• Joint Delegation (collective bargaining) - selected by TU(s).
• TU leaders - elected by the TU organisation.

National - TU representatives elected by the TU organisation or by GAEs members (employees’ side) - elected by GAEs.

EROUS.

• The employer shall be bound to organise periodic training of the others employees’ representatives’ bodies by Law, but in some cases they do not provide for more working hours for them, which could be used only during the collective bargaining sessions.

ELECTIONS

• TU leaders - elected by the TU organisation.
• TU representatives in GAEs.
• TU bodies - according to the own rules of their statutes.

Two propositions (the candidates?)

Who proposes?

• TU leaders - according to the own rules of TU statutes.
• TU leaders - elected by TU organisation.

Role

• TU Organisations, TU Leader, TU Council and Joint Trade Unions Delegation for Collective Bargaining have trained by TU educational departments, and also the TU representatives in Joint Commission for Social dialogue (collaboration).
the consequences for the employment and the working conditions of the employees. Where certain measures have been planned in respect of the employees, the employer shall be obliged to conduct in due time consultations about such measures with the representatives of the employers before giving the notification.

– In case of extension of working hours. The employer may, by order in writing, extend the working hours on some workdays and compensate the extension by appropriate reduction on other days, ... The employer shall be bound to notify the labour inspectorate in advance about the extension of the working hours.

– In case of allocation of working hours. The allocation of working hours shall be established by the internal rules of the enterprise, which have been made together with the TU(s). For some categories of the employees, establish open-ended working hours, inasmuch as the collective agreement does not provide otherwise.

– In case of mass dismissals. The employer notifies the branch of the Employment Agency about the planned mass dismissals in writing not later than 30 days prior to the dismissal date ... in the discussion and the adoption of all measures referring to the health and safety of the workers and employees.

• Provided by Collective labour agreement:

– In all cases, which both the employer and TUs have been agreed on, according to the collective labour agreement.
## Croatia

### Type and Function of Body

<table>
<thead>
<tr>
<th>Employee representation body</th>
<th>WORKS COUNCIL/WC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal foundations</td>
<td>Labour Code, 1.1.1996. (Official Gazette of the Republic of Croatia - Narodne novine, no 38/95)</td>
</tr>
<tr>
<td>Set-up criteria</td>
<td>In companies with minimum 20 employees</td>
</tr>
<tr>
<td>Inter-establishment and/or Group structure</td>
<td>On the company level and in individual organizational units</td>
</tr>
<tr>
<td>Composition</td>
<td>WC is composed entirely of worker’s representatives (managers and their relatives don’t have either passive or active election rights) The number of WC members depends upon the number of employees: - 20 to 75 = 1 representative - 76 to 250 = 3 representatives - 251 to 500 = 5 representatives - 501 to 750 = 7 representatives - 751 to 1000 = 9 representatives - per every additional 1000 employees 2 more representatives</td>
</tr>
<tr>
<td>Protection</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Elections

| Who proposes the candidates? | Trade unions with members in the company and/or at least 10 % of employees |
| Type of election            | Secret voting |
| Small Companies (5-50 employees) | Set-up criteria is at least 20 employees; no difference between small and large companies |
| Duration of mandate in case of restructuration | 3 years; regular elections are usually held in March; there is a transitional mandate – 1 year |

### Operation

| Presence of management | Only upon the invitation of the WC |

### Frequency of Meetings

According to the needs and regulations set by the WC itself

### Staff Information

- Members of a WC can be all employees regardless of the type of their labour contract
- Active and passive right is not given to members of the management and supervisory body as well as members of their family and other persons who have legal authority to decide over the employees' rights

### Resources

- **Hours for delegated duties**: 6 working hours per week per each member; hours can be transferred to another member of a WC
- **Training**: Training costs are employer’s obligation (but it should be worked up in agreement between WC and employer)
- **Experts**: WC may demand expert assistance; costs are borne by the employer in accordance with the agreement between WC and employer
- **Role**: Protects and promotes employees’ rights, controls the application/implementation of the Law, collective agreements and company acts

### Powers

- Protects and promotes employees’ interests with a specific employer in the field of consultation, co-determination and negotiation with employer

### Information

- Every 3 months employer is obliged to inform WC about issues stipulated by the Law; in case of the breach of that regulation, employer is legally responsible

### Consultation

- About important decisions such as dismissals, working hours, holidays, night shifts, health and safety, etc. (reasons are stipulated in the Law); the decision that is in conflict with this legal obligation is null (if employer hasn’t consulted WC before making decision!)
| **Co-determination** | - about decisions that are stipulated in the Law, with no WC’s prior agreement employer cannot reach some decisions, for instance: dismissal to a WC’s member, dismissal a employees’ representative in the supervisory body, dismissal to a worker with decreased working ability or indirect danger of disability, dismissal to a worker older than 60 (male) and 55 (female), etc.  
- if a WC does not approve a decision, employer can replace it with a court decision |
| **Negotiation** | WC can negotiate and sign agreements with an employer but not about issues which are subject-matter of collective agreements (WC can negotiate and sign collective agreement only in case when TU directly allow WC to do it!) |
| **DECISION MAKING** | Determined in the code of conduct |
| **Requirement for an agreement** | Decisions are reached on the WC sessions |
| **Power of veto** | Given to a WC in provisions related to co-determination |
### Northern Cyprus

**Type and Function of Body**

- **Employee representation body**: Representatives Committees.
- **Legal foundations**: Collective Agreements.
- **Set-up criteria**: General application by collective agreements.
- **Inter-establishment and/or group structure**: Group of representatives if the enterprise or public services has more than one department, location or business.

**Composition**

- Composed entirely of employees.
- Almost in all establishments with at least 10 workers.
- One representative for every 10 workers.

**Protection**

- Partly collective agreements.

**Elections**

- All members of the relevant trade union entitled to vote. Age is 16 for membership.
- Candidacy is open to all members of the relevant trade union.

**Who proposes the candidates?**

Members can declare their candidacy, proposed by any member or a group of members at the same department of the business.

**Type of election**

- Open voting in application. But secret voting is possible if proposed by the members of the trade union.

**Small companies (5-50 employees)**

**Duration of mandate**

- Generally duration of the collective agreement or one year.

**Operation**

- Representatives elect their chairman of the representatives and 2-4 vice-chairmen.
- Any representative and/or trade union leadership calls meetings of the Representatives.

**Presence of management**

Management is notified in advance of meeting dates if the meeting will take place at the enterprise and during working hours for permission. If the meeting will take place during breaks, then notification is enough.

**Frequency of meetings**

More frequent during collective agreement negotiations and in case of industrial dispute.

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<table>
<thead>
<tr>
<th>Staff information</th>
<th>Representatives give information immediately to the staff. Some trade unions have general meetings of representatives including sectoral and inter-sectoral representatives of the trade union at all departments and businesses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resources</td>
<td>In public sector and public enterprises office and basic office equipment supplied by the employer.</td>
</tr>
<tr>
<td>Hours for delegated duties</td>
<td>Exercise their duties voluntarily without any professional compensation.</td>
</tr>
<tr>
<td>Training</td>
<td>Trade union leadership on the duties, responsibilities of the representatives and trade union gives training.</td>
</tr>
<tr>
<td>Experts</td>
<td>Presence of experts and leaders of trade unions is possible without the approval of the representatives.</td>
</tr>
<tr>
<td>Role</td>
<td>The role of the workshop representatives is:</td>
</tr>
<tr>
<td></td>
<td>- To ensure compliance with laws and collective agreement in force.</td>
</tr>
<tr>
<td></td>
<td>- To negotiate employees’ suggestions with management if that mandate is given by collective agreement.</td>
</tr>
<tr>
<td></td>
<td>- To represent trade union at the relevant workshop if this mandate is given by collective agreement.</td>
</tr>
<tr>
<td>Powers</td>
<td>Powers of the representatives or of the chairman are defined by collective agreements. The trade union has always the right to say the last word on the decision of the representative(s). Employers prefer to give information directly to the trade union.</td>
</tr>
<tr>
<td>Information</td>
<td>Consultation as designed by EU is not applicable.</td>
</tr>
<tr>
<td>Co-determination</td>
<td>Negotiation power is generally delegated by the trade union and with trade union leadership on terms and conditions of the collective agreement or in case of industrial dispute.</td>
</tr>
<tr>
<td>Negotiation</td>
<td>Coordinator’s decisions are taken by a majority vote of the representatives.</td>
</tr>
<tr>
<td>Requirement for an agreement</td>
<td>All collective agreements regulate the rights, duties and responsibilities of representatives of the trade union.</td>
</tr>
<tr>
<td>Power of veto</td>
<td>They do not have any vote or veto rights in their relations with employers. Because they represent the trade unions, trade union representatives do not have any vote or veto rights in their relations with employers. If industrial disputes arise, trade unions decide how to act by taking the views of the representatives and the staff.</td>
</tr>
</tbody>
</table>
The members of the trade union must be employees of the same industrial unit. The trade union can start functioning only from the moment it acquires the legal person status. The trade union's constitution must be registered in the Court.

The trade union must have at least 15 members.

The mandate can be renewed.

There are five main bodies in the trade union, namely:

- Membership: in the union's own, in the case of the small trade unions (80-100 union members).
- The Union Council: in the General Assembly in the big unions (over 100 union members).
- The Executive Board of the Union: in accordance with the rules established by the collective bargaining at the unit level (5 - 15 members).
- The General Assembly: usually, every year.
- The Union Council: usually, every month or more.
- The Executive Board of the Union: usually, daily.

A person can be a member of more than one union at a time.

The trade union members must be employees of the same industrial unit. They must be employees of the same industrial unit. The trade union’s constitution must be registered in the Court.

The trade union must have at least 15 members.

The mandate can be renewed.

There are five main bodies in the trade union, namely:

- Membership: in the union’s own, in the case of the small trade unions (80-100 union members).
- The Union Council: in the General Assembly in the big unions (over 100 union members).
- The Executive Board of the Union: in accordance with the rules established by the collective bargaining at the unit level (5 - 15 members).
- The General Assembly: usually, every year.
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A person can be a member of more than one union at a time.

The trade union members must be employees of the same industrial unit. They must be employees of the same industrial unit. The trade union’s constitution must be registered in the Court.

The trade union must have at least 15 members.

The mandate can be renewed.

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Improvement of the working conditions.

Training

According to the collective agreements at national level and the collective agreements at the unit level, the annual programmes of labour protection, labour inspection, and vocational training must be drawn up. The goals of these programmes are to improve the working conditions and to provide training for the personnel.

Negotiations

The trade unions have the exclusive right to bargain through their representatives in the bargaining committee. The main elements of the bargaining are:

- wages and the other pecuniary rights;
- working time and the holidays;
- working conditions and the labour protection;
- vocational training;
- stipulations from collective bargaining;
- other rights and obligations resulting from employment relations.

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- other rights and obligations resulting from employment relations.

Decision-making

Decisions on the negotiation:

- ratification of the national collective agreement;
- ratification of the union's collective agreements;
- ratification of the local collective agreements.

Information

According to the collective agreement at national level the employers must pay each year the training for 9500 trade unionists throughout the country. In this respect, the rules are established by the collective agreement at unit level.

The trade unions have the power:

- to conclude agreements;
- to bring court cases in the event of violation of trade union's rights and liberties;
- to assist and to represent their members in court in the event of violation of labour rights.

Information

The employers are obliged by law to provide trade unions with the necessary information:

- for bargaining:
  - the economic and financial situation of the unit;
  - the classification of the trades and professions;
  - the wages;
  - the duration of working time;
  - work organisation.

- for other purposes:
  - occupational safety and health funds;
  - the measures to be taken in the case of the reorganisation of the unit (dismissals, reasons for the dismissals, deadlines);
  - in the case of the transfer of ownership the new owner must inform the union about retraining measures;
  - representatives who participate in the Administrative Board must be granted access to documents concerning measures which affect the workers.

In addition to the legal obligations, mutual information on decisions in the field of the employment relations is provided for in collective agreements.

Consultation

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## TYPE AND FUNCTION OF BODY

**Employee representation body:** Trade union representative.

**Legal foundations:** Law Nr 2821 on trade union organisations and Law Nr 2822 on Collective agreements.

**Set-up criteria:** In companies with a min. of 5 workers, where a collective agreement has been concluded with trade unions, the trade unions may nominate delegates. Public service employees are covered by a different system.

### Inter-establishment and/or group structure

**Composition:** In companies with:
- 5 to 50 employees: 1 delegate maximum;
- 51 - 100: 2 delegates maximum;
- 101 - 500: 3 delegates maximum;
- 501-1000: 4 delegates maximum;
- 1001-2000: 6 delegates maximum;
- Over 2000: 8 delegates maximum.

**Protection:** Yes.

## ELECTIONS

**Who proposes the candidates?** The trade unions nominate the delegates.

**Type of election:** Representatives are directly elected.

**Small companies (5-50 employees)**

**Duration of mandate:** The duration is variable, depending on the constitution of the trade unions.

**Operation:** The organisation and the composition of the trade union delegation are settled by collective bargaining and internal trade union rules.

**Presence of management:** No.

## FREQUENCY OF MEETINGS

Depending on the constitution of the trade unions.

## STAFF INFORMATION

- Bill-boards.
- Staff meetings upon request by trade unions.
- Trade union periodicals.
- Folders.

## RESOURCES

- Office rooms and stationery at disposal of the delegate(s) according the stipulations of the collective agreement.
- Communication means (tel., fax etc.).

## HOURS FOR DELEGATED DUTIES

Yes, according to the stipulations of the collective agreement.

## TRAINING

- No legal obligation. In practice, collective agreements always provide for a number of training hours for the delegates and trade union members.

## EXPERTS

No. However, the presence of experts is possible.

## ROLE

- The trade union delegation represents both trade unions and workers by management.
- The delegation is mandated to try to solve labour disputes with the employer.

## POWERS

**Information**

Trade union delegates inform workers on the position of their trade unions on collective agreements, their enforcement etc.

**Consultation**

**Participation**

**Negotiation**

Trade unions negotiate on collective agreements.

**Requirement for an agreement**

All collective agreements regulate rights and obligations of trade union representatives.

**Power of veto**

As they represent their trade unions, delegates have no power of veto in their relations with employers. If there is a collective agreement, its stipulations are in force. In case of industrial dispute, trade unions decide on the action to be considered, taking into account the opinion of the staff representatives.