

Preparing for the new European Works Council Directive

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“Article 13” EWC Agreement

- Influence the legislation
- Check your agreement is in fact an “Article 13” EWC agreement
- Nominate a ‘representative agent’ in the jurisdiction of your choice
- Prepare for an information request (‘fishing expedition’)
- Manage your relationship
- Update your agreement to reflect the new EWC Directive



“Article 6” EWC Agreement

- Influence the legislation
- Manage your relationship
- Update your agreement now to say how it will be adapted if needed
- Update your agreement to reflect the new EWC Directive



Current contents of an “Article 6” agreement

- the undertakings of the Community-scale group of undertakings or the establishments of the Community-scale undertaking which are covered by the agreement;
- the composition of the European Works Council, the number of members, the allocation of seats, taking into account where possible the need for balanced representation of employees with regard to their activities, category and gender, and the term of office;
- the functions and the procedure for information and consultation of the European Works Council and the arrangements for linking information and consultation of the European Works Council and national employee representation bodies, in accordance with the principles set out in Article 1(3);
- the venue, frequency and duration of meetings of the European Works Council;
- where necessary, the composition, the appointment procedure, the functions and the procedural rules of the select committee set up within the European Works Council;
- the financial and material resources to be allocated to the European Works Council;
- the date of entry into force of the agreement and its duration, the arrangements for amending or terminating the agreement and the cases in which the agreement shall be renegotiated and the procedure for its renegotiation, including, where necessary, where the structure of the Community-scale undertaking or Community-scale group of undertakings changes.

New contents of an “Article 6” agreement

- the functions and the procedure for information and consultation of the European Works Council and the arrangements for linking information and consultation of the European Works Council and national employee representation bodies, in accordance with the principles and requirements set out in Article 1(3) and Article 9;
- the **format**, venue, frequency and duration of meetings of the European Works Council;”;
- the financial and material resources to be allocated to the European Works Council, **including at least with respect to the following aspects:**
 - the possible use of experts, including legal experts, to assist the European Works Council in the discharge of its functions;
 - legal representation and participation of the European Works Council, or of its members on its behalf, in administrative or judicial proceedings;
 - the provision of relevant training to the members of the European Works Council, without prejudice to the minimum requirement in Article 10(4), first subparagraph
- The central management and the special negotiating body, when negotiating or renegotiating a European Works Council agreement, shall agree and lay down the necessary arrangements for attaining, as far as possible, and without prejudice to national laws on electing workers representatives, the objective of gender balance whereby women and men each comprise at least 40 % of European Works Council members, and where applicable, at least 40 % of select committee members.