



EFFAT EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS

Brussels - 11 April, 2008

Statement concerning the ETUC's response to the 2nd stage Consultation on EWC Revision

Revision of the EWC Directive is a matter of urgency. Well functioning EWCs are essential for workers' interests to be properly represented in large transnational companies. This is especially important when it comes to the challenges of managing pan-European restructuring measures, an increasingly common phenomenon today brought about in part by the creation and development of the single European market. However, experience has repeatedly shown that many EWCs do not function as they should and that this is partly due to problems with the existing EWC legislation. Thousands of workers currently serving in EWCs and many of the millions they represent are currently fed up with waiting for these vital improvements to the legislation which underpins the only body giving them a voice in their companies at the European level.

This is why EFFAT has always supported the ETUC's stated goal concerning the second phase consultation on revision of the EWC Directive: to get new legislation agreed upon in the relatively short time left in the life of this European Parliament and European Commission. We have all been waiting for an improved directive since 1999, when revision was first scheduled to happen, and we have learnt from bitter experience the years of delay that can result following changes to the make-up of the European institutions. After all, we must remember that the first stage of this consultation was launched back in 2004.

So when, at the end of the second-stage consultation period, employers stated for the first time that they were willing to negotiate a revision to the directive through European social dialogue but gave no indications about the basis on which this could happen, we had to assess the realistic prospects for achieving something within the available timeframe. Although our natural preference as trade unions is always to negotiate social legislation with employers, there were very real questions in this case about the vast difference between our positions, the high levels of technical complexity that must be tackled and whether they could be resolved through negotiations in the short timeframe available.

The employers' offer was understandably welcomed by ETUC but it was also important for us to keep it in context. Without calling the sincerity of BUSINESSEUROPE into question, it must be understood that their request was made after years of rejecting the case for revision. Indeed BUSINESSEUROPE (then called UNICE) rejected the need for the EWC Directive in the first place and, since the day the directive was eventually adopted through the Parliament, they and their members have consistently rejected the case for improving it through revision. Only a few months ago one of their most important members, the Confederation of German Employers' Associations (BDA), told the press that EWC revision would be an unnecessary mistake. This is the sort of statement we are used to hearing from some employers and it weighs heavily on the mind when contemplating negotiations with an organization whose own rules say (as



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those of BUSINESSEUROPE do) that any agreement made through social dialogue must have the consensus of all their affiliates before they can adopt it.

These wide differences of opinion, as well as the large number of technically complex legal clarifications that would need to be addressed, meant that very extensive negotiations would need to have taken place before we could have had any realistic hope of agreeing a revised draft of the legislation. The scheduling for negotiations would have had to be especially intense because in these circumstances it would not have been responsible for the ETUC to agree on a timetable which would prevent the issue from being resolved through the institutional route before the end of 2008 if negotiations were not successful. However, proposals for such an accelerated schedule were not accepted by BUSINESSEUROPE. Furthermore, BUSINESSEUROPE was not able to give a clear indication concerning their readiness to accept the need to harmonize information and consultation definitions with subsequent legislation. This is a fundamental issue for EFFAT, already identified by the Commission, and we could never endorse a revised directive that didn't address it.

So, without any assurances on what for us would be the key preconditions for a negotiation in these circumstances, despite the best efforts of the ETUC, we think that they came to the only possible conclusion: that the relatively short amount of time we have available for new business under this Parliament should be used by the Commission to proceed along the lines of its proposal. We remind those who continue to feel uncomfortable with anything but negotiation that while not to be taken lightly, this is a perfectly legitimate position for the ETUC. Deciding not to negotiate is an option within the 'rules of game' agreed by the European social partners back when European social dialogue was first conceived and one that that employers have taken up repeatedly whenever they felt it was in their interests to do so. By taking this position now, the ETUC leaves the European social partners open to make their inputs into the legislative process without creating potentially disastrous delays to that process in the unrealistic hope of reaching a quick and acceptable agreement through European social dialogue. We therefore welcome the ETUC's decision and commend its many detailed observations on the consultation document to the European Commission, the European Parliament and the EU Member States. We at EFFAT will now work to see that the necessary improvements to the directive are put into place as quickly as possible.

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