

EUROPEAN PARLIAMENT

2004



2009

Session document

2.5.2007

B6-0198/2007

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Gabriele Stauner and Philip Bushill-Matthews

on behalf of the PPE-DE Group

on strengthening European legislation in the field of information and
consultation of workers

European Parliament resolution on strengthening European legislation in the field of information and consultation of workers

The European Parliament,

- having regard to Council Directive 94/45/EC of 22 September 1994 on European works councils,¹
 - having regard to the European Parliament report (A5-0282/2001) on the establishment of a European works council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purpose of informing and consulting employees,
 - having regard to the increase in enterprises acting on an international level as a result of globalisation,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the main goal of the directive is to lift obstacles to informing, consulting and communicating with the workforce in companies operating in more than one Member State in order to facilitate social dialogue in these companies,
- B. having regard, particularly in phases of industrial change, to an equilibrium between the rules of competition, with which businesses must comply in a constantly changing market, and the right of employees to information and communication, which can be achieved by, inter alia, negotiating collective agreements with management,
- C. whereas in all the Member States in which businesses are established there is an urgent need to develop a culture of partnership between employers and employees, so that the spirit of cooperation demanded by the directive is also applied in relation to local workers' delegates,
- D. whereas constructive and positive sharing of information and genuine consultation of employees is important for both the success of companies and social cohesion; whereas, furthermore, information and consultation are an important component of our European social model,
- E. whereas the possibility of legal insecurity of employees in the event of changes in ownership is a matter of obvious concern,
- F. whereas various cases of restructuring and collective redundancy have highlighted possible problems in European legislation on workers' right to information and consultation, particularly with regard to timeliness and possible sanctions in the event of non-compliance, as well as conforming with the legal requirements within different

¹ OJ L 254, 30.9.1994, p. 64.

Member States governing the timing of information release,

1. Emphasises that social relations based on dialogue and genuine information and consultation of employees and their representatives should benefit collective negotiations and reduce the risk of conflict, and may also prove to be a factor in the success of businesses;
2. Calls on the Commission to supervise the application of Directive 94/95; calls on Member States to take legal action against businesses which have not implemented this directive;
3. Suggests that the Commission monitor more effectively the transposition of the directive in question in the Member States;
4. Welcomes the Commission's suggestion that the appropriate response may be a reinforcement of exchange of best practice between the social partners;
5. Recognises that the original directive calls upon the Commission to submit a proposal for the revision of Directive 94/45/EC, and suggests that the social partners might usefully consider the following:
 - (i) inclusion of a more precise definition of information and consultation of employees as the implementation of an open exchange of views and dialogue between employees or their representatives and the employer,
 - (ii) an increase in the thresholds for companies and the introduction of a greater flexibility of approach, noting that a one-size-fits-all requirement is unlikely to be appropriate in the differing circumstances facing different companies at different times;
 - (iii) greater flexibility, allowing for adjustments in numbers of members of the European works council and the special negotiating body following major restructuring of the company;
 - (iv) a recommendation that representatives of employees on works councils should be freely chosen by employees;
6. Recognises better delivery of information and employees' right to be consulted as a good opportunity to establish socially compatible restructuring processes in industry, in order to maintain social peace;
7. Welcomes the voluntary initiatives taken in certain companies to set up worldwide works councils and regards this as a positive step to be copied by other organisations;
8. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, and the social partners.