

Employees use new legislation to hold their employer to account

The Georgia Pacific European Works Council, governed by UK legislation, is the first known EWC to successfully hold their company to account by using the new European Works Council Directive.

American owned multinational packaging firm Georgia Pacific is currently considering a binding offer from Svenska Cellulosa Aktiebolaget (SCA) for its European operations, which employs almost 5,000 employees. The Georgia Pacific EWC was informed of the situation in early December and on the advice of UNITE the Union, immediately used the new UK legislation to request the services of an independent Expert to conduct an in-depth assessment of the potential impact of this proposal on the company's workforce. Following negotiations between the company, its EWC reps and officers from UNITE, the Company agreed to cover the full costs of the in-depth assessment, which are rumoured to have been in the region of 40,000 euro's.

The in-depth assessment was carried out by the French company Syndex who have recently established an office in the UK, after realising the massive potential to support EWCs and British trade unions arising from the new UK legislation.

Based on the Syndex report the Georgia Pacific EWC gave its formal opinion to the company at an Extraordinary Meeting on 4th January, which stated that the EWC had been *'frustrated at the overall lack of meaningful information provided by GP and SCA and the unnecessary difficulties [it] had in obtaining the company's agreement for the Syndex study.'* However they went on to state *'that the final report by Syndex has given the EWC a greater understanding of the reasons behind the proposed sale of GP EMEA and its possible consequences for the GP EMEA workforce.'*

There was not an overall consensus from the representatives on whether the sale was good or bad for the GP employees, which was reflected in their final opinion; *'While the majority of GP EWC representatives feel that the acquisition may offer future opportunities for current employees of GP EMEA, this is not a unanimous position due to the uncertainty felt by the EWC'*. They did conclude however that; *'...its acquisition by SCA may be the only viable option.'*

This breakthrough by the GP EWC demonstrates the significant new consultation rights that EWC representatives are now entitled, and the lengths to which UK employers must now go to ensure employee representatives are provided with sufficient information on transnational issues in order to make an assessment of their consequences on the workforce.

Simon Dubbins, UNITE International and Research Director, commented that *'while employment rights, especially consultation rights, are being attacked by the current government, these new EWC rights give us more access to information and*

consultation than we have ever had. The fact that the companies now have to provide in-depth information to EWC representatives, and cover the costs of doing so, is a new opportunity we must utilise as trade unions.'

The new UK Transnational Information and Consultation of Employee Regulations 2010, which came into force in June 2011, are as a result of a revision to the previous EWC Directive. The UK legislation has been considerably improved in a number of key areas including, new information and consultation definitions, a wider scope of the concept of Transnational, new legal rights to training that include the requirement for the employer to cover all training cost, new legal rights to report back more comprehensively to the employees, and most significantly (and controversially) the 'means required' to fulfil their duties to represent collectively the interests of the employees, which implies financial procurement to fulfil the EWC's responsibilities and associated costs and to protect the interests of the employees (legal).

The success of the Georgia Pacific EWC will undoubtedly encourage other European Works Council's to utilise and maximise these new legal rights.