

COVID 19 Crisis and European Works Councils

– a vital role to play.

Unite Guidance



Introduction

The current Coronavirus Crisis is unprecedented in its scale and effect on all people and all aspects of life and work. Unite's first priority is the health and safety and future wellbeing of Unite members and their families. However, we are under no illusions of the threat the crisis poses to jobs and wages moving forward.

For our members in multinational companies their involvement in company decision making through EWCs is more important than ever in this dramatic situation.

EWCs are uniquely placed and with their information, consultation and participation rights they can play a huge role in helping to anticipate and mitigate the many negative social and economic consequences which may arise from this crisis. UNITE has therefore decided to issue the following guidance to members in European Works Councils (EWC).

The guidance covers 3 key issues that need to be addressed during the crisis:

1. The use of video-conferencing
 - a. Regular Annual Meetings
 - b. Extraordinary meetings to provide regular updates on the changing dynamics of the situation
2. Proactively engaging with other EWC colleagues to ascertain the situation in other countries, the implementation of any mitigating policies and the impact on remuneration
3. Actions post crisis

1. The Use of Video-Conferencing

Video-conferencing can be an excellent tool to communicate with management and other EWC colleagues. However, EWC's need to be careful that companies don't use the current crisis to set dangerous precedents, which could jeopardise future face-to-face EWC meetings. Nonetheless video-conferencing will be a vitaly important tool to provide regular updates to EWCs and Select Committees on the changing dynamics of the current situation. We would therefore suggest the following recommendation:

a. Annual EWC meeting

If a regular Annual EWC meeting has been arranged to take place during the current crisis, and the company are suggesting that it is held via video-conferencing, we would advise that you contact management to request and insist on a postponement of the meeting until the crisis is over. It is impossible to hold via video-conference, what would normally be a 3 day EWC meeting covering a number of issues and involving a number of speakers. In addition it will be essential to have a meeting **POST** the crisis to be informed and consulted on the impact of the crisis on the company and what this means for the future development of the business and employees.

b. Extraordinary meetings to provide regular updates on the changing dynamics of the situation

It is important to point out that company management **should already** be in contact with the EWC/Select Committee on a regular basis regarding the current COVID 19 crisis. It is without exception a **'Transnational Matter'**,¹ which falls within the scope of the European EWC Directive and EWC agreements. **If your company is not already in contact with the EWC/Select Committee, you must make contact with them immediately (via your EWC chair) requesting that they engage with the EWC/Select Committee with immediate effect. Failure to engage with the EWC over COVID 19 will undoubtedly subject the company to a potential legal complaint.**

¹ **Transnational matters** – Matters are transnational when they concern the Community-scale undertaking or Community-scale group of undertakings as a whole or at least two undertakings or establishments of Community-scale undertaking or Community-scale of undertakings situated in two different member States

Obviously this situation is a little more problematic in regards the use of video-conferencing as it imperative that the EWC/Select Committee is provided with regular updates of the changing dynamics of the situation, and also the opportunity to engage with management on business developments and the impact on employees.

Due to the European shut down because of health and safety implications of the COVID 19 pandemic, it is impossible to meet in a face to face meeting, therefore the only current option is via video-conferencing. However, it is important to recognise the following points:

- i. The meeting should only be in relation to the COVID 19 crisis and the changing dynamics of the situation;
- ii. It should be made clear to management that the use of video-conferencing is appropriate in the current unprecedented situation, however it does not determine the future operation and format of the EWC/Select Committee meetings;
- iii. Consideration should be given to who should participate in any video-conferencing meeting. This should be determined by the number of EWC representatives covered by the agreement and the number of languages involved. Too many EWC representatives/languages involved in any one meeting will make the meeting ineffective, therefore it may be more appropriate for the Select Committee only to attend the meeting. However it is important that the Select Committee keep the full EWC involved in the process and give a full report of any information provided;
- iv. No video-conference should take place unless the management provide the correct and appropriate facilities, space, translation and software to ensure a meaningful video-conference meeting can take place;
- v. The EWC/Select Committee should also insist that a pre meeting and post meeting of EWC/Select Committee can take place and that any information should be provided in advance of the meeting;
- vi. There should also be limits on the amount of time the EWC/select committee should spend in one video-conference session. We would recommend that a session should last no more than 2 hrs at any one time.
- vii. We would also suggest that you establish a whats-app group before any meeting whereby you can communicate and coordinate between yourselves during the meeting. This is can often be very effective.

As well as a video-conference on a regular basis, we would also propose that you request that management provide the EWC/Select Committee with a regular written report outlining the changing dynamics of the situation. This could include:

- I. The impact of the COVID 19 Crisis on each Member State;
- II. The number of employees impacted;
- III. Measures taken by management to protect workers' health and safety in relation to COVID-19

IV. Measures taken by management to mitigate the consequences of this crisis on the business operation and jobs including, shorter working time, remote working, numbers of employees stood down, possible redundancies, contingency plan over the supply chain) etc

- V. Remuneration schemes introduced to protect jobs and wages.
- VI. Evolution of employment levels
- VII. Evolution of the economic and financial situation

2. Proactively engaging with other EWC colleagues to ascertain the situation in other countries, the implementation of mitigating policies and the impact on remuneration

While EWC's provide an opportunity to engage with management on a regular basis over the current COVID 19 crisis and changing impact on employees and the business, EWC's also provide an excellent platform whereby EWC representatives can communicate between themselves in order to determine how the company and national/local management are reacting to the crisis;

what policies they are putting in place, and what the impact will be on employees, jobs, remuneration and long-term security.

We would therefore recommend that if you are an EWC representative/member, a Chair or Vice Chair of the EWC, on the Select Committee or even a non EWC representative/member but you know the company have an EWC, that you take a proactive approach in creating solidarity and trying to establish how the company is approaching the current crisis in different countries This will also assist your local negotiations to secure enhanced policies if you know this is being adopted by your company in other countries.

In order to establish what the situation is in other countries we would propose that you contact the Chairperson or Vice Chairperson of your EWC and request that they circulate the below questions.

These are quite simple questions (**which can be translated into the various languages via google translate**), but they should provide enough information in establishing a European picture of the situation for employees:

Question 1	What is the current situation in your workplace? Has your site closed and if so, have <u>all</u> workers been asked to stay at home?
Answer	
Question 2	What commitments have the Government made to protecting wages, is your employer using the scheme and how long will it last? For example: <ul style="list-style-type: none"> • Direct wage protection payments to workers • Reimbursing wage payments to employer • Short time working schemes • Other: Please explain
Answer	
Question 3	What additional commitments has the company made to protect wages? For example: <ul style="list-style-type: none"> • My workplace is using a Working Time Agreement, Short Working or a similar banked hour agreement? • My employer is 'topping up' any government payment to make sure workers receive 100% of basic pay • Other: Please explain
Answer	
Question 4	If you are on a Working Time Agreement (using banked hours) are workers being forced to pay these hours back and/or will it have an impact on later holiday time?
Answer	
Question 5	What is the situation regarding workers who are away from work due to sickness? (for example - In self-isolation, with caring responsibilities, or ordered to maintain 12-week isolation.)
Answer	
Question 6	Are these workers receiving sick pay? Is this provided by the state or does your site have an agreement above legal minimums? How long does this last? What levels of pay are they receiving?
Answer	
Question 7	Are you aware of any examples of where your company is going above what national governments are putting in place either in terms of advice or support for workers?
Answer	

3. Actions Post Crisis

Once this current unprecedented crisis is over, it is imperative that your EWC takes an immediate proactive approach to establishing dialogue with the company and engaging in meaningful information and consultation with immediate effect.

We would propose that a Select Committee meeting is immediately arranged to discuss what, how, and when a process will be established to ensure that the EWC can be informed and consulted on the impact of the COVID 19 Crisis on the business and employees. The most appropriate course of action would be to call for an exceptional/extraordinary meeting of the EWC. **We do not believe that a company could legally, morally or legitimately refuse such a request.**

Further information and contacts:

UNITE international department are happy to assist in any further information you may need or assistance and you can contact us on: Unite.EWC@unitetheunion.org.

IMPORTANT: It is important that UNITE is also able to assess how companies are reacting to the crisis in different countries, if you are therefore able to acquire information in line with point 2 above it would be greatly appreciated if that information could be forwarded to us at the above email address.

We are more than aware that these are difficult and challenging times for our members, however UNITE the UNION stands shoulder to shoulder with you and will provide any support you need to get us through this crisis.

GOOD LUCK AND STAY SAFE!

