

EWPCC Conference 2019

Enforcing the rights of SNBs, EWCs, and SE-Works Councils

The European Workers' Participation Competence Centre (EWPC) of the European Trade Union Institute (ETUI)

14-15 February 2019

Venue: International Trade Union House, Auditorium
5, Boulevard du Roi Albert II / 1210 Brussels / Belgium

DRAFT AGENDA

Thursday, 14 February 2019

12:00 *Registration and lunch*

13:00 **Opening and welcome**

Aline Hoffmann, ETUI

13:15 **Update on Belgian General Strike held on 12-13 February 2019**

Stan de Spiegelaere, ETUI

13:30 **Legal and practical experience**

- *Erika Fischer, Lawyer at Steiner Mittländer Fischer, Germany*
- *Jan Buelens, Lawyer at ProgressLaw, Belgium*
- *Sjef Stoop, Expert at FNV Formaat, Netherlands*
- *Ralf Götz, Expert at IG Metall, Germany*

15:00 *Coffee Break*

15:30 **Four Parallel Workshops**

1) Practical exchange of experience with colleagues who have gone to court and those who have decided against taking legal action

In this working group, participants will have the possibility to exchange with other colleagues about their experience in taking legal action. What hurdles were overcome, what steps were taken, in pursuit of which strategy? The session also seeks to shed light on the hurdles to legal action: why haven't more trade unions, SNBs, EWCs and SE-WCs gone to court?

2) Who pays the lawyer? Exchange of national-level practices and approaches

The lack of resources for SNBs, EWCs and SE-WCs to take legal action is often mentioned as the main impediment to taking legal action. This session will compare the existing practice or legal provisions in place at the national level which give employee representatives the resources they need to enforce their collective and individual rights. The aim is to explore the extent to which these practices can be applied to enforcing SNB, EWC and SE-WC rights.

3) Advice clinic with lawyers

Two lawyers from Belgium and Germany will field questions from participants and provide preliminary advice about how to deal with difficulties in enforcing EWC and SE agreements, and rights based on the transposition legislation for SNBs, EWCs and SE-WCs.

4) Are legislative changes needed at the national or European level?

The discussions in this workshop will focus on which problems of enforcement might require legislative changes or Commission action at the EU level. How should these insights translate into trade union demands? Is there a need to revise the SE or EWC Directives in order to provide trade unions, SNBs, EWCs and SE-WCs with the legal means they need to enforce rights laid down in the Agreements and the legislation? Would an enforcement Directive suffice? What use can be made of the Commission' EU Pilot procedure?

17:30 End of the first day

19:00 Conference Dinner at Thon Hotel

Friday, 15 February 2019

9:00 What do we know about access to courts for Special Negotiating Bodies (SNBs), European Works Councils (EWCs) and SE-Works Councils (SE-WCs)?

- Overview of known jurisprudence about SNBs, EWCs, and SE-WCs across the EU: which countries, which issues, which outcomes?
- Identifying legal hurdles

Romuald Jagodzinski, ETUI

9:45 Coffee Break

10:00 Interactive session: Exchange of results of the working groups

11:30 Question and Answer session with trade union experts: Key themes: preconditions for a successful and robust claim, where do we begin if we need to enforce our Agreement?

- *Ralf Götz,*
- *Hellmut Gohde*
- *Sjef Stoop*
- NN

13:00 Lunch

14:00 Panel discussion: Where to go from here?

The conference will close with an exchange of ideas and open discussion with the participants about the results of the conference. Representatives of the Commission and trade unions are invited to comment on the results and to explore which legal and policy instruments of the EU or trade union strategies can be used to resolve the issues raised.

Adam Pokorny, EU Commission

NN. EU Commission

Peter Scherrer ETUC Deputy General Secretary

Ralf Götz, IG Metall, co-chair Company Policy Committee, IndustriAll Europe

Maria Jauhiainen, Union of Professional Engineers in Finland

15:30 End of the conference