How to deal with transnational restructuring?

How to prepare for company change

Dealing with transnational company restructuring part 1 part 2

EU legislation

- Directive 2001/14/EC establishing a general framework for informing and consulting employees
- Directive 2000/70/EC on the establishment of a European Works Council
- Directive 2009/38/EC on the establishment of a European Works Council
- Directive 2001/86/EC on supplementing the SE Statute with regard to the involvement of employees
- Directive 2002/14/EC establishing a general framework for informing and consulting employees

Your mission is to...

- Organise cross-border trade union networks.
- Make sure the EWC/SE WC has a trade union coordinator, as well as topical experts.
- Communicate permanently, not only just before or after a plenary meeting.
- Claim your rights, do not wait for management to voluntarily come forward with the necessary information or ask for your opinion.
- Google the name of your company and subscribe to newsfeeds.

How to use this guide?

- Click on the button with the type of restructuring that you are facing.
- This will lead you to a dedicated page, where you will find a timeline and a selection of possible actions, reference legislation and practical recommendations.
- Clicking on any of these options will provide you all the information you need to face the restructuring that has been announced for your company or group.
- Are you confronted with more than one type of restructuring, for instance a merger that will involve collective redundancies? Then click on every topic concerned. Read the rules and recommendations, check the responsibilities and develop your strategy accordingly.
- For every aspect a short and simple explanation is available. Want to dig deeper? Then click and you will find dedicated websites and detailed documents, which can be downloaded. Information developed by industriAll Europe is indicated as . Legal texts are referred to with .

Before restructuring be proactive and anticipate

Collective redundancies when many jobs being out at the same time

Outsourcing when an activity is subcontracted to another company

Relocation when an activity stays within the company, but is moved to another place

Offshoring when an activity stays within the company, but is moved outside the EU borders

Spin-off when an activity is moved into a new, autonomous company

Joint-venture when a new business entity is created and controlled by two or more companies

Cross-border merger when two companies join to form one new legal entity

Acquisition when a company is being integrated within another existing legal entity

Creation of an SE when a company establishes or adopts the legal statute of a European Company

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Management obligations: workers' rights, trade union action, role of public authorities.

- National union federation
- IndustrAll Europe

Employee board members
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Local worker representation

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National

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management obligations: European national federation
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Management obligations, workers' rights, trade union action, role of public authorities.

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Employee board members, EWC / SE WC, local worker representation.

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**Spin-off** when an activity is moved into a new, autonomous company

Management obligations: workers' rights, trade union action, role of public authorities

Rational union federation

IndustriALL Europe

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Your mission is to...

**Cross-border merger** when two companies join to form one new legal entity

Management obligations: workers' rights, trade union action, role of public authorities

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**Trade Union Action**

**Role of Public Authorities**

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**EWC / SE WC**

**Local Worker Representation**
EU legislation
Directive 2009/109/EC on reporting and documentation requirements in mergers
Directive 2007/63/EC on the requirement for an independent expert’s report

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Cross-border merger
when two companies join to form one new legal entity

Joint-venture
when a new business entity is created and controlled by two or more companies

Management obligations

- Workers’ rights
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National union federation

- Industry
- Europe

Your mission is to...

- International rollout
- Final decision
- Negotiations
- Early rumours
- Intended decision
- Start decision
- Finalisation
- Rollout
When a new business entity is created and controlled by two or more companies, joint-venture agreements are often used. These agreements can include joint management obligations that affect workers' rights, trade union action, and the role of public authorities. For example, in a joint-venture, national union federations and European federations, such as IndustriAll Europe, can be involved in the management process. Employee board members, EMU, SE WC, and local worker representation are also important considerations in these negotiations.
joint-venture when a new business entity is created and controlled by two or more companies

management obligations

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Your mission is to...
acquisition when a company is being integrated within another existing legal entity

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When a company is being integrated within another existing legal entity, the early rumours and intended decision involve I&C rollout. The acquisition process includes:

- **Management Obligations**: Work on rational and industrial relations.
- **Workers' Rights**: Trade union action.
- **Role of Public Authorities**: Final decision.

The key stakeholders are:

- **National Union Federation**
- **IndustriAll Europe**

**Employee Board Members**

- **EWC / SE WC**
- **Local Worker Representation**

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**Acquisition Details**

- **Early Rumours**
- **Intended Decision**
- **I&C Rollout**
- **Acquisition**
- **Management Obligations**
- **Workers' Rights**
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industriAll Europe

further reading

EU legislation
- Directive 2001/23/EC on employees' rights in transfer of undertakings
- Directive 2004/25/EC on takeover bids

Your mission is to:

creation of an SE when a company establishes or adopts the legal statute of a European Company

management obligations workers’ rights trade union action role of public authorities

employee board members

EMC / SE WC

local worker representation

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effective decision

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negotiations
EU legislation
- Directive 2001/86/EC on the involvement of employees in the SE
- Regulation 2157/2001 on the statute for a European Company (SE)