



Brussels, 03 April 2024

## **European Works Councils: Continue and modernize proven cooperation**

### **Chemical employers' demands for the revision of the European Works Council (EWC)**

#### **Directive:**

- **Maintaining grandfathering of pre-Directive agreements**

The current EWC Directive ensures that voluntary agreements between social partners are protected if they were already in place before the original Directive came into force. Where social partners have jointly found tailor-made solutions for them, some of which also include non-EU countries, no Directive may intervene in the future. The social partners' trust in established cooperation based on existing agreements must remain protected. Such agreements must not be undermined by the fact that the establishment of an EWC can be enforced at the request of 100 employees. Furthermore, the provisions of a Directive must not be applied to voluntary agreements outside its scope without any subsequent negotiation.

- **Defining cross-border matters with legal certainty**

Matters that affect several EU member states must be clearly distinguished from purely national matters. An EWC can only be responsible if a measure directly affects a company in two or more member states. To ensure legal clarity, the competence of EWC must be clearly distinguished from the competence of national employees' representative bodies. The definitions of "*indirect transnational matters*" or "*expected effects*" under discussion are not practicable and lead to unnecessary legal uncertainty.

- **Making information and consultation obligations practicable**

The proposed involvement of the EWC before any measure affecting the interests of employees is impractical. According to the draft Directive, employees should be informed so that their opinions can be considered. However, a distinction must be made between measures that affect employees in general and those with a significant impact on them. In the case of measures with a significant impact on the interests of employees, information and consultation should take place as quickly as possible. However, it must be ensured that consultations do not delay a planned measure or that measures can be temporarily halted by injunctive relief. Otherwise, there is a risk of abuse.

- **Maintaining confidentiality**

Companies often must disclose confidential business secrets as part of EWC involvement. To ensure fair competition across Europe, confidentiality must be guaranteed within the European internal market. For companies to be able to create the necessary transparency vis-à-vis the EWC, business secrets must be protected in the best possible way. The protection of confidentiality must not be unnecessarily complicated and thus ultimately jeopardized by a mandatory obligation to justify why certain information should be treated confidentially.

- **Adapting EWC work to the digital world of work**

Digital solutions must be made available to modernize the work of the EWC. Meetings must also be able to take place virtually. In this case, automatically generated subtitles can be used for translation from and into other languages.

For more information, please contact:  
Emma Argutyan, Director General  
[e.argutyan@eceg.org](mailto:e.argutyan@eceg.org).

**About ECEG**

ECEG, the European Chemical Employers Group, founded in 2002, is a recognised European Sectoral Social Partner, representing the chemicals, pharmaceuticals, rubber and plastics industries in Europe. Our sector provides approximately 3.3 million direct jobs in more than 94.000 enterprises.