

# EWCC: FIT FOR CHANGE



## ADVANCED TRAINING MODULES FOR EUROPEAN WORKS COUNCIL MEMBERS ON THE SUBJECT OF RESTRUCTURING



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Author: Nicola Sekler

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## INTRODUCTION AND INSTRUCTIONS

This guideline for advanced training modules on the subject of restructuring is addressed to trainers offering seminars for European Works Council (EWC) members or accompanying EWC bodies over a longer period of time. However, the modules and especially the methods described in detail in Section 7 can also be used by the EWC teams themselves if they want to explore individual subject areas in more depth, for instance within the scope of an annual meeting, or when a new team is to be established.

After the introductory sections on the skills and competencies that EWC bodies need in the context of restructuring (Section 1), the legal bases on which advanced training actions can be utilised (Section 2) and important considerations with regard to the setting (Section 3), the main focus of the guideline is on presenting the interactively designed advanced training modules.

- ✗ Sections 4-6 present the three seminars held within the scope of the project, divided into individual, consecutive modules. However, each module is independent and self-contained, so that it can also be picked individually. In addition to the contents presented in keywords, the objectives serve as orientation. The category “Implementation” describes the manner in which the module is implemented. Simpler tasks are described there, whilst more complex methods are marked with \*\* and described in more detail in Section 7.
- ✗ Section 7 presents the most important and most innovative methods more comprehensively. For better orientation, the module within the scope of which the respective task is performed is always indicated.

Many experts in the field of advanced training for EWC members were involved in the conceptualisation of the seminars that took place within the scope of the EU project “**EWC: FIT FOR CHANGE – Developing training for EWCs for restructuring**”, which form the basis for this guideline. At this point we would like to cordially thank the following persons for their commitment:

- **the trainers of the seminars:** Marielle van der Coelen (SBI Formaat), Bruno Demaître (ETUI), Bob Fazakerley (Unite), Ingrid Stipanovsky (GPA-djp, external trainer), Sjef Stoop (SBI Formaat)
- **the participants of the Expert workshops:** Werner Drizhal (GPA-djp), Wolfgang Greif (GPA-djp, project manager), Jonathan Hayward (Unite), Sophia Reisecker (GPA-djp), Frank Siebens (ver.di), Eckhard Voss (wmp consult)





## 2. LEGAL BASES FOR ADVANCED TRAINING MEASURES

Even if trade union experts are available to advise and support the EWC members, training and advanced training is an essential foundation for efficient EWC work.

The **legal basis** for this is the revised **EWC Directive** from the year 2009, which defines the company's obligation to offer the EWC the advanced training required in order to perform its function properly as the standard. The issue of cost absorption and educational leave remains, however, not clearly defined – regulating these issues in the **EWC agreement** guarantees that EWC members have the same initial conditions regardless of the national regulations in the various European countries. It is important that the EWC and the management come to an understanding that an EWC qualification is an investment in the future that benefits both the employees and the company.

With regard to **cost absorption** it should be clearly regulated that the company will cover the costs of the qualification measures. In addition, it would be sensible to schedule qualification measures for the entire EWC body close to the meetings of the EWC in terms of time and location. This saves not only costs but also time. With regard to **leave**, this advanced training regulation should extend beyond the national right to educational leave.

**Possible wording of the EWC agreement:** "... Over and beyond their respective national rights to education as workers' representatives, all European Works Council members are entitled to qualification inasmuch as training and advanced training measures are necessary within the scope of their function, in particular in the field of foreign languages and other subject matters relevant for their work as European Works Council. (...) In addition, the EWC may also - possibly in chronological proximity to a general meeting – organise training events for the entire EWC body. The costs for the qualification measures shall be borne by the central corporate management."

In order to have **advanced training as a strategic goal of EWC work** in our sights at all times, it is advisable to assign one EWC member to establish medium-term development and advanced training plans for the members and for the entire body, and to monitor their implementation.

When **sounding out training and advanced training offers**, a distinction should be made between skills and competencies that the individual member of the EWC needs (individual competence, e.g.: learning a foreign language), and those that relate more to the work of the body as a whole (collective competencies, e.g.: development and implementation of a work programme, coping with the restructuring of the company across borders, or expertise for future work focuses).

A whole range of offers are available for the qualification of EWC members, from “ready-made” standard seminars to customised seminars for a specific EWC; in many countries advanced training for EWCs is a central task of the trade unions with their extensive experience.

- **Utilising offers at the national and international level:** Especially under the aspect of additional diversity and intercultural learning, international educational work is a new challenge for the individual trade unions in Europe and their European trade union federations. They organise special advanced training courses and conferences at the European level (see, for instance, the platform of the European Trade Union Institute (ETUI) for training measures <http://www.ewctraining.eu/>).
- **Qualifications for the whole EWC “make the difference”:** The aim of such trainings is to strengthen the work of the body as a whole. The contents of the trainings are team skills and reinforcement of the group identity, as well as expansion of the political and strategic competencies. In multi-day advanced training courses the content can be combined with networking and the EWC members getting to know each other better.

## 3. THE SETTING – IMPLEMENTATION | TARGET GROUP | TARGETS

### 3.1. Target Group | Participants

As already described in the introduction, EWC teams are a motley crew: Their skills and competencies are very diverse due to their respective position in the company, the industry, their personal political orientation, the political situation in the respective country, the location, the duration of employment, their EWC experience, their prior knowledge in subject matters of importance for the EWC, language, etc. The challenge for the advanced training measure is to see this diversity “in the room” as a resource and make use of it. This applies to trainings attended by individual members from various EWC bodies, as well as to measures that address the complete EWC bodies, and also to mixed forms with the participation of several members from various EWC teams. Merely the objectives will change for the various target groups: Whilst getting to know each other and exchange trainings for whole EWC bodies the objective might be to render origin (cultural, corporate

area, etc.) visible in order to be able to take it into account better in strategic issues and ways of working, developing new opportunities for action is to the fore when working with mixed EWC teams.

However, the modules and exercises presented in Sections 4-7 can be used in all cases and only minor adaptations will be necessary at some points and the focuses will vary; the respective objectives listed will be useful when selecting the right module for the respective advanced training measure, as they provide good guidance.

**Colourful in numbers:** The three seminars organised within the scope of the project “**EWC: FIT FOR CHANGE**” were attended by a total of 10 EWC teams of 1-4 people; they were members of bodies with 10 to 50 members and represented 6.500 – 320.000 people in Europe. With respect to the sectors the following were present: telecommunication, IT, healthcare, metal industry, logistics, tourism, paper & recycling.

### 3.2. Practical Implementation | Objectives

Bearing in mind the skills and competencies that EWC teams should ideally have or acquire, a series of three seminars each with a different focus was implemented within the scope of the project “EWC: FIT FOR CHANGE”. The challenge was to have each seminar stand alone so that the participants can join at any time, whilst at the same time as many connections as possible should become visible for EWC teams or members who were able to attend all of them. The image of the interlocking but as yet unfixed pieces of a puzzle resulted in the following three seminars:



- 1. Setting the picture** (see Section 4): Overview and fundamentals of the subject of restructuring, corporate strategies and motives for restructuring decisions
- 2. EWC teams to be prepared for change** (see Section 5): Are the internal procedure, the EWC agreement, and the internal and external network “ready for action”?
- 3. Strategically into the future** (see Section 6): What strategies are (already) in place for coping with restructuring, and how can we expand our repertoire?

The following **objectives** served as political-strategic framework and for pedagogical-didactic guidance in the development of the seminars:

- ✓ trade unions and their role in supporting strategic processes should be thematised
- ✓ in addition to the transfer of knowledge, networking, exchange and reciprocal learning should be to the fore and enabled
- ✓ an exchange should be made possible both within the EWC teams and between the teams in order to create an awareness that and how things function differently in different contexts
- ✓ space for reflection should be created, in which the own EWC work can be viewed in a structured and guided manner and (new) strategy development is possible
- ✓ changing perspectives and attempting to put oneself in the other's shoes should be encouraged again and again, not only in order to see new solutions, but also as a part of transnational thinking and action
- ✓ the seminars should provide suggestions on many points that the attending EWC members can pick up on in their work with their EWC teams
- ✓ the transnational perspective should be thematised again and again
- ✓ because of the different contexts and settings of the participants, contents and exercises should be designed openly so that everyone can find him-/herself and take something along with him/her
- ✓ methodical considerations as to the work in the working groups always had to take the translation into account

# 4 SEMINAR 1: FUNDAMENTALS | SETTING THE PICTURE

## Module 1.A: Introduction of the EWC Teams

Objectives	Getting to know each other, creating a common basis for a good exchange, exchange of experience
Contents	Information about the company and how the EWC works
Implementation	Poster presentation by the EWC teams The basic information** was already obtained in advance and printed out in poster size

## Module 1.B: Political-economic framework conditions of the restructuring and corporate strategies

Objectives	Pointing out the connections between corporate strategies and economic and political dynamics, understanding how transnational companies “tick”; reflecting on the strategies of the own company against this background
Contents	General economic trends and industry-specific features in times of globalisation, and especially within the EU; the role of companies especially in designing these framework conditions (e.g.: lobbying); corporate strategies such as offshoring, outsourcing, internal restructuring, merger, acquisition...
Implementation	Input followed by exchange of experience in small groups: Round 1: How are you experiencing these trends in your country? What are specifically the economic challenges in your country?; Round 2: What role does the EU play in the current discussions in your country?; Round 3: How are you experiencing the trade unions in your country and at the European level under these framework conditions? What positions are they taking up? What demands do you have for them? Round 4: What are the key strategies in your company?

## Module 1.C: Different types of change

Objectives	Transfer of knowledge and transfer to the own context; exchange of experience between the EWC teams; learning to ask the right questions
Contents	Change as a permanent process with different framework conditions, speeds, involved actors and their respective roles and opportunities, etc.; types and models of change
Implementation	Input followed by an interactive part: 2 EWC teams always work together, the basis is a written case description** that was requested from all EWC teams ahead of the seminar. Process: <ol style="list-style-type: none"> <li>1. The EWC teams each read the other team’s case and note what information is still missing for a clear picture</li> <li>2. Questions are cleared up with the respective other EWC team</li> <li>3. “Setting the picture” – each EWC team draws a picture of the “other” case with all the relevant information, actors and connections</li> <li>4. The pictures are presented in a poster session</li> </ol>

## Module 1.D: Pros and cons of restructuring

Objectives	Communication of a basic economic understanding to obtain the management's terminology
Contents	What key business figures are relevant for an evaluation of the company's situation? What figures and indicators are often used to justify restructuring? Where can they be found? What consequences can I derive from this information?
Implementation	<p>Input followed by an interactive part:</p> <p>Step 1 (in the EWC team): Find the key figures in the annual financial statement and other reports published by your company (material: reports)</p> <p>Step 2 (in the EWC team): How did your company justify the restructuring in the case you have brought along? What arguments did you as the EWC team offer in reply to the management? What was your strategy? (material: case description**)</p> <p>Step 3 (exchange with the other EWC team): What would you change in your strategy now? What would you take into account more the next time?</p>

## Module 1.E: Is your agreement "fit for change"?

Objectives	Although the passages on information and consultation are stronger in the revised version of Directive 2009/38 and the right to advanced training is also firmly established (see also Section 2), this is not reflected in all EWC agreements yet. This sequence aims at analysing the own agreement and identifying potentials for improvement in an exchange with other EWC teams
Implementation	<ol style="list-style-type: none"> <li>1. Every EWC team analyses its own agreement with the help of a schematic**</li> <li>2. 2-3 EWC teams present their results and exchange views: What do you find particularly interesting or unclear? Have you ever been confronted with similar problems? Do you have tips for the other EWC team with regard to what it could improve?</li> <li>3. Plenary report: What are the conclusions/observations with regard to the other EWC team's agreement? What can be learned from them?</li> </ol>

# 5. SEMINAR 2: EWC TEAMS TO BE PREPARED FOR CHANGE...

## Module 2.A: How does our EWC function – an analysis

Objectives	Reflecting the own EWC structures, identifying strengths and weaknesses, and deriving opportunities for action
Implementation	<p>1. Reflection with the help of questions** ahead of the seminar and presentation to kick off the seminar</p> <p>2. What is our self-understanding as an EWC team? Positioning with the help of specified categories** and subsequent plenary discussion</p> <p>3. Analysis of our own EWC work based on the questions: What do we want to keep the same? What do we want to change? What do we need in order to implement the planned changes? What do we already have, but should make better use of?</p>

## Module 2.B: Analysis of the information and communication flows

Objectives	<p>Well-functioning communication within the EWC with the different national works council bodies, the different company staff and locations as well as professional networking with external actors is crucial for successful EWC work.</p> <p>The following analysis should visualise the communication flows within and outside the EWC body, and point out opportunities for action – Where does information flow how, when and how often? What works well? Where are there disturbances and blind spots? Where are actors missing? What additional – internal and external – connections and networks are needed in order to obtain information and support?</p>
Implementation	Sociogram**

## Module 2.C: Developing a strategic way of working in the EWC team

Objectives	Experiencing dynamics in teams and reflecting upon them with reference to the own EWC body, reflecting on decision-making structures and ways of working in the own EWC team; knowing/reflecting on competencies that an EWC team needs in order to be “fit for change”.
Implementation	<p>Step 1: Teambuilding exercise + reflection**</p> <p>Step 2: Democracy in the EWC**</p> <p>Step 3: Under the motto “Wanted, dead or alive”, the participants – in groups – collate the 10 most important features that an EWC member and a member of the Select Committee should have – a good foundation for “personnel planning” in their own EWC</p>

# 6. SEMINAR 3: STRATEGICALLY INTO THE FUTURE...

## Module 3.A: The confidentiality trap ...

Objectives	Sensitisation + problem presentation: What criteria play a role with regard to confidentiality? How can I deal with the confidentiality trap?; Exchange of experience + getting to know different contexts (country- and company-specific)
Contents	Difference between secret + confidentiality; What (specified) reasons can there be for confidentiality?; Types/levels of confidentiality; reasonableness and scope for action
Implementation	Input and plenary discussion The discussion can be stimulated with small case examples; discussion in groups of 2-3: Is this information confidential? Why? Confidential in which circle? Within the EWC, towards national works council members, trade unions, all employees, others? Situations: 1. A new CEO has been appointed and is to present his/her corporate strategy at the next general meeting; 2. the head of HR gives an overview of the employment situation in the next 2 years, broken down by country and type of work; 3. a restructuring plan is announced that will result in job cuts by 10-15%

## Module 3.B: Development of strategy for restructuring measures

Objectives	strategy development
Implementation	Role play** The role play gives the participants a common framework and need for action; within this framework they can exchange different strategies, understand their rights with regard to information and consultation in a transnational context, sort the information offered, and "translate" it into a strategic process

## Module 3.C: How to react to restructuring announcements?

Objectives	Communication of different basic reactions and forms of involvement; illustration of different framework conditions and options
Contents	Basic reactions: against, for, ambivalent; decision-making processes take place in the following phases: Analysis of the situation, ideas for a change, evaluation/assessment of different opportunities, proposal, decision and project plan, implementation  It is important to clarify: In which phase is the process at the moment? What information do I have, what is still missing? What opportunities and necessities result from this? What conditions can I set for collaboration? What do I need for this (network, confidentiality, experts/trade unions, setting conditions)
Implementation	Input + plenary discussion

## Module 3.D: Possible (political) strategies

Objectives	Getting to know different strategies, success factors and obstacles; expanding the range of opportunities for action; identifying the importance of strategic networks and an agreement with the management with regard to a common procedure in restructuring measures
Implementation	<p>Presentation of examples + at the end summary of the most important findings/factors</p> <p>Work with examples from the group if possible, e.g. task individual EWC teams with this ahead of the seminar</p> <p>Guiding questions: What was the problem and how did the management want to proceed? How did the briefing and hearing go? How did the EWC position itself? What did the EWC want to achieve? What support did the EWC utilise, what other actors were involved? What problems did the EWC encounter? What was achieved in the end? What went well retrospectively, and why? What were the success factors for the EWC? What should the EWC change in its strategy the next time? Based on this experience, is there a need to adapt the EWC agreement in order to have better starting conditions?</p>

## Module 3.E: If worst comes to worst ... What to do when information and consultation fail?

Objectives	Getting to know escalation strategies; expanding scopes for action, realising the importance of networks (again), identifying the role of trade unions (national, global) as mouthpiece/ external partner
Implementation	Input followed by a discussion of various opportunities for action (world café, open space) – e.g. formal protest, mobilisation of workforce (action day...), using the public (press release...), going to court – based on the following guiding questions: Do you have any experience with this form of action? What concrete steps are necessary? Resulting advantages and opportunities? Risks and how they can be avoided? What would the role of the trade unions be in each of these forms of action?

# 7 ● ACTIVITY SHEETS

## 7.1 EWC Teams: Introduction und exchange of experience (Module 1.A + 1.C)

The information was requested in writing ahead of the seminar.

### 1. Basic information (see Module 1.A)

**Company:** Name, industry, number of employees (total + thereof in Europe), location of corporate headquarters, European countries with corporate locations

**European Works Council:** Number of EWC members, names of seminar participants, which countries have a seat in the EWC and how many? Is there a steering group? If yes, with how many members? How often do meetings take place? Where?

**What challenges is the EWC currently faced with?** (in a few keywords)

**2. Case description (see Module 1.C)**

In the following, please describe a (selected) restructuring situation that has taken place in your company based on the 6 questions.

1. Description of the **initial situation**
2. What was the entrepreneurial **objective** of restructuring?
3. What **strategy** did the company pursue with the restructuring?
4. How was the restructuring process **implemented**?
5. What **role** did the **EWC** play in this restructuring and how was it involved?
6. **Summary and conclusion**  
(e.g.: Where did the EWC encounter difficulties with regard to information and being heard? What were the particular challenges? What would you do differently next time? Which strategies worked, which didn't? etc ...)

**7.2 Checklist: Is your EWC agreement "fit for change"? (Module 1.E)**

	article corresponding in your agreement to that topic	strengths + weaknesses compared to the EU directive	opportunities + threats experienced in practice	actions you would like to initiate
information & consultation definitions				
linking the EWC with local/national representation				
themes				
extraordinary meetings				
resources				
training				
experts				

actions you would like to initiate	opportunities + threats experienced in practice	strengths + weaknesses compared to the EU directive	article corresponding in your agreement to that topic	
			information & consultation definitions	
			linking the EWC with local/national representation	
			themes	
			extraordinary meetings	
			resources	
			training	
			experts	

## 7.3 Analysis of own EWC work (Module 2.A)

The information was requested in writing ahead of the seminar

- Do you have established “standing orders” in which your functioning, election procedures, voting and responsibilities, etc. are regulated?  
If yes ...
  - ✓ how does it work (please give an example)
- Do you have a common understanding of your way of working, respectively a mission statement?  
If yes...
  - ✓ how does it work (please give an example)
  - ✓ How do you communicate it to your new EWC members?
- Do all your EWC members attend trainings regularly?
- Do you organize special trainings for the whole EWC body?
- Have you established a communication structure in your EWC?
- Do you cooperate with National and European Trade Unions?  
If yes...
  - ✓ how does it work? (please give an example)

## 7.4 What is our self-understanding as EWC? (Module 2.A)

<p><b>Symbolical EWC</b></p> <ul style="list-style-type: none"> <li>✓ We have no common understanding of the way of working in our EWC</li> <li>✓ We meet the central management once a year</li> <li>✓ We get information but we do not discuss these issues with the management</li> <li>✓ We do not take final decisions</li> <li>✓ We hardly communicate during the year (only if needed due to certain events)</li> </ul>	<p><b>Service oriented EWC</b></p> <ul style="list-style-type: none"> <li>✓ We forward information of central management to our countries/subsidiaries without setting activities</li> <li>✓ We inform the central management about developments and/or grievances in our countries /subsidiaries without making demands</li> <li>✓ Communication in between annual meetings is rare</li> </ul>
<p><b>Project oriented EWC</b></p> <ul style="list-style-type: none"> <li>✓ We pick up several problems and issues pro-actively</li> <li>✓ We are dealing with these problems/issues in working groups and take consolidated decisions</li> <li>✓ We discuss our results with the management and try to find solutions</li> <li>✓ We communicate frequently during the whole year</li> <li>✓ There is a good coherence in the group</li> </ul>	<p><b>Participation oriented EWC</b></p> <ul style="list-style-type: none"> <li>✓ We maintain constant dialog with the management on a level playing field</li> <li>✓ We receive detailed information about all developments in the company</li> <li>✓ We deliver joint opinions on all planned projects and changes in the company</li> <li>✓ We discuss strategic directions with the management and attempt to influence them</li> <li>✓ We develop alternatives</li> </ul>

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## 7.5 Sociogram: Analysis of the information and communication flows (Module 2.B)

**Phase 1: Internal analysis** (focus EWC body: members, formal + informal subgroups, ...)



**1.** At first, the most important involved groups and/or persons are placed on a flip chart by means of small cards, whereby the personal perception of the EWC body guides the allocation of the cards (location, distance).

**2.** Subsequently, the communication flows between the groups/persons involved are plotted with a marker (a separate arrow for every direction). Particularly intensive communication flows are emphasised by highlighting the corresponding arrow.

**3.** Connections between groups/persons that especially rest on confidentiality are plotted with a different-coloured marker.

**4.** Dots are used to mark with which groups/persons information is being exchanged particularly well.

**5.** Flows of information that are interrupted or obstructed for whatever reasons are marked with a "lightning flash" and possibly also with brief explanations in form of notes.

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**6.** Particularly powerful groups and/or persons can be marked with different-coloured dots.

**7.** At the end of the analysis those sections in the sociogram are identified that require the greatest need for action (e.g. with wax circles or a different colour).

### Tips

- Phases 1 and 2 can also be combined.
- In phase 2, two EWC teams can also work together and exchange ideas.
- During this longer group exercise the teams should always be coached, i.e. the trainers should walk around and take an active part in the individual EWC teams' discussions as well as pointing out the objective of the analysis again and again.

**Phase 2: External analysis** (everything outside the actual EWC body: national + international structures, experts, trade unions...)

1. Identify actors who play a role and write them on small cards
2. Go over the steps 1-7 again, this time only regarding external actors
3. Conclusion: Which external actors are missing? What parts need strategic improvements? What would be important to be "FIT"?

## 7.6 Reflection questions teambuilding task (Module 2.C)

The starting point can be any teambuilding exercise the objectives and framework conditions of which have been adapted to the EWC context, e.g. building a Lego tower, building a bridge from a certain stock of materials. In this case the objective was to get as many members as possible; the number of Lego pieces used, the height of the tower and the time needed to build it were linked to the number of members. Challenge: with a certain number of Lego pieces used, the number of members dropped again, as it also did with a certain time and height, so that an ideal combination had to be found.

The important part is then the joint reflection on the "task", e.g. based on the following questions:

<ul style="list-style-type: none"> <li>✗ How clear was the purpose of the assignment?</li> <li>✗ Did everyone agree with the purpose of the assignment?</li> <li>✗ What behavior was most useful to the team?</li> <li>✗ What behavior hindered the team?</li> <li>✗ How well was the time available used?</li> <li>✗ How did you resolve disagreements?</li> </ul>	<ul style="list-style-type: none"> <li>✗ Did difficult points come to the surface? Did you find a solution for these issues? How?</li> <li>✗ Did the team keep itself to the facts? Were there conflicting individual interests?</li> <li>✗ Did you produce creative ideas?</li> <li>✗ What happened with creative ideas?</li> <li>✗ How well did you listen to each other?</li> <li>✗ Who did most of the talking?</li> <li>✗ Who took the word least?</li> </ul>
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## 7.7 Democracy in the EWC (Module 2.C)

### Step 1: Sensitisation for different positions

The following statements are read out and every participant has to decide between YES and NO; after every question the trainers ask each participant for their thoughts on the question and why they have chosen YES or NO. It is important to ask every single participant and not just every EWC team for this positioning - that's what makes the whole exercise so fascinating.

- It is okay for the chair and/or secretary of the EWC to have a tête-à-tête with the CEO
- A EWC member of the home country should definitely be in the Select Committee, preferably as Chairperson and/or Secretary.
- The members of the Select Committee should stem from different countries
- Voting is the best method to take decisions
- Every EWC member should at least say one thing during the meeting between the EWC and management
- Individual EWC members should be allowed to express their individual opinion towards central management
- The company's biggest countries should have a seat in the Select Committee

**Step 2: Discussion** of the following questions on the subject of "Democracy in your EWC" in exchange with another EWC team

### Select Committee

- How many members does your select Committee have? What specific functions do you have in the Select Committee (chair, secretary, vice-chair, ...)
- Who can be a member of the Select Committee?
- How often can a Select Committee member be re-elected?
- What is, according to your agreement or your EWC's Internal Rules and Regulations the task of the Select Committee?
- On what matters can the Select Committee decide without agreement of the EWC?
- How is the Select Committee elected?
- Can the Select Committee be dismissed by the EWC?

## Decision making in your EWC

- When the EWC makes an official statement or writes a formal opinion: who does the writing?
- How does the EWC approve the end-result?
- How do you decide on business matters in the EWC?
- How does a voting procedure on business matter take place in your EWC?
- What happens if an EWC does not respect confidentiality? Does the EWC or the SC act?
- How do you make sure that all EWC members are heard?

## 7.8 Role play: Strategies for restructuring measures (Module 3.B)

The role play is divided into phases:

1. Introduction by the trainer: Hand out activity sheet with information about the case and tasks, announce group allocation – without further information
2. Work on task 1 in groups – trainer goes from group to group (participating observation)
3. Optional: Negotiate whether there are enough arguments for an extraordinary meeting (for guidance see Notes for coaching by the trainers); alternatively, (automatically) allow everyone a meeting and continue with the next step
4. Hand out the additional information addressed to the EWC, which is strictly confidential
5. Work on tasks 2+3 in groups – trainer goes from group to group (participating observation)
6. Holding of the extraordinary meeting: Groups are invited to “negotiations” one after the other (for guidance see Notes for coaching by the trainers)
7. Feedback:
  - ✓ Content: Talk through all the tasks, ask groups what they did; feedback from trainer as to what is/was more expedient, what perhaps not so....
  - ✓ Atmosphere – Team building: How did the groups get on?
  - ✓ Feedback from the observers/trainers

## **A. Materials for the participants**

### **Information about the case and tasks**

You are members of an EWC at Flexco, a transnational company in the food manufacturing sector. The Global headquarters of Flexco is located in Chicago, Illinois, USA.

The company is focused on acquiring well-known brands to enhance its portfolio globally, and is constantly monitoring and targeting businesses which would provide synergies with those it already has.

Products range from biscuits, dry sauces, wet sauces, soft drinks, chocolate, cereal bars, cakes, cheese, and confectionery.

The company has little research and development capacity, preferring to invest in products and companies with already established presence in the various markets in which it operates.

Although Flexco operates a 'divisional' model of operation, with business directors in place to oversee product clusters, the EWC agreement (Article 6) covers all divisions of the business.

### **Background**

You have been following developments in Europe following the referendum decision in the UK to leave the European Union.

The fall in the value of the £ Sterling has weakened the position of certain UK-based companies. Their value has, effectively, been reduced by 20% in relation to the US Dollar, and they are vulnerable to predators.

One such example has been the interest from K-H in Unibrand, the Anglo-Dutch conglomerate. Although the K-H bid was rejected, and the parties agreed to end discussions, the matter did not end there. The agreement from K-H to withdraw is only time-limited to six months, when they may come back with another offer.

In the meantime, Unibrand has to strengthen its share price on the UK and Dutch stock exchanges. This is normally achieved by restructuring and divestment of their least-performing food brands.

You have been advised of Unibrand's strategy via contacts in their EWC, and your information is that Flexco is putting together a bid for some parts of Unibrand's food businesses. You have found some indication online and via the print media.

### **Present Circumstances**

Flexco has, so far, told the EWC nothing. You have the facility in your EWC Agreement for an extraordinary meeting.

### Task 1

- How will you go about making a request under your agreement?
- What will be the role of your Select Committee in co-ordinating communication with the wider EWC?
- What are the anticipated barriers which may be placed in your way, and what will you do to overcome them?
- List in detail the information you will require from Central Management.
- How do you see the timeline in these circumstances?
- What do you need to do within that timeline? What is the step-by-step plan?

### Task 2

You have achieved a meeting with Central Management, and you are now in a pre-meeting with your fellow EWC members.

You have been given information about Flexco's plans and intentions. What more information do you need? What questions do you need to prepare for your forthcoming meeting?

### Task 3

You are about to meet Central Management.

- How will the EWC conduct itself?
- What are your objectives?
- Do you have a plan for adjournments? What is it?

### Information to the European Works Council: **STRICTLY CONFIDENTIAL**

**Flexco** is investigating an acquisition programme for certain Unibrand brands. Unibrand have made it clear to a number of bidders that they are rationalising their UK business and it is only UK manufacture that will be affected.

The main brands on offer are:

- Crabtree's mustard.
- Branded dry sauce mixes – bolognaise, Thai curry, pepper sauce, mushroom sauce and ragout.
- Wet sauces – mint, cranberry, apple and horseradish.

Flexco has no interest in other brands being divested.

All of the above products are manufactured in the Unibrand facility in Newtown, Norfolk, UK.

Raw materials are sourced from local farms – mustard seeds, fresh mint, cranberries, apples and horseradish. Dry sauce mixtures are prepared and imported in bulk from a third party supplier in Germany before packaging under the Delish brand in the Norfolk factory.

It is likely, but not certain, that the processes for locally sourced raw materials will remain in Norwich. Dry mix could be integrated in Flexco's other facilities in Europe.

Flexco manufactures mustard and other wet sauces under their own brand 'Tasty-Fresh'. It is acknowledged that the Delish's name is a much stronger proposition.

At present, output of all products is sent to a central warehouse in Northampton, UK, for distribution to Unibrand's main customers – Tesco, Waitrose, Morrison's and Sainsbury. The warehouse is wholly owned by Unibrand and operated by Stobart Logistics.

It must be emphasised that 'due diligence' has not been completed as yet. There is no information currently about manufacturing costs or, more particularly, profit margins – Unibrand will not disclose its arrangements with the supermarket chains they supply.

## **B. Notes for coaching by the trainers**

### **Ad task 1**

You (as management) have received a request for an extraordinary meeting from the EWC. Are you satisfied that this was done properly – in writing?

If you aren't, you will refuse to provide a meeting on the following grounds:

- The request is founded on speculation and rumour
- Even if it were true that Flexco had intentions toward Unibrand's food brands, the matter would be strictly confidential. Any information could be used by rivals to undermine Flexco's position, that is, if Flexco had a position in the first place
- Unibrand is only interested in divesting manufacture in the UK, so even if Flexco had an interest, this would not be a transnational matter

The EWC should press you on the need for an extraordinary meeting – note how well they do this and the arguments they use. If you are persuaded, then you can agree to the meeting.

You then need to agree a timeline, but only at the EWC's request. If they don't mention it, neither do you.

At the appropriate time, hand over the 'Information to the European Works Council: **STRICTLY CONFIDENTIAL**'.

### **Ad tasks 2+3**

After having offered the "Information to the European Works Council: STRICTLY CONFIDENTIAL" and the groups have finished the tasks 2 and 3, you are now in the meeting.

What supplementary questions are they asking? For example: further information about the intentions of this acquisition, the potential effect on Flexco's other operations, further plans of restructuring, the effect on overall investment plans over the coming years. Whatever the concrete questions, try to envisage managerial behaviour in these circumstances. Do not give further information freely, and even if asked directly, see if you can get away with being vague and unspecific.

## FURTHER READING

- **EWC:** Fit for change: Manual on transnational restructuring processes, Eckhard Voss <http://www.gpa-djp.at/international> – Europäischer Betriebsrat – EBR Recht und Downloads
- **Intercultural Competence for European Works Councils** – Intercultural challenges and solution strategies: <http://www.gpa-djp.at/international> – Europäischer Betriebsrat – EBR Recht und Downloads
- **ETUI**
  - ✓ European Works Councils Database (EWADB): <http://www.ewadb.eu/>
  - ✓ tailor-made EWC Trainings (European Trade Union Institut, Brussels): <http://www.ewctraining.eu/>
- **Information on „Worker Participation in Europe“:** <http://www.worker-participation.eu/>
- **Handbuch „Der Europäische Betriebsrat“**, Wolfgang Greif (ÖGB-Verlag) <http://www.arbeit-recht-soziales.at/der-europaeische-betriebsrat>







# For all those, who want more!

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1030 Wien, Alfred-Dallinger-Platz 1 – Service-Hotline: 05 0301-301, [service@gpa-djp.at](mailto:service@gpa-djp.at) – [www.gpa-djp.at](http://www.gpa-djp.at)  
DVR 0046655, ZVR 576439352