

# **Marking the field: communication, division of tasks, data sources**

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Gdańsk 14-15 March 2019

“EWC – processing financial information as a key factor for effective  
communication and negotiation ”

Project VS/2019/0025

# Content & next steps

## 1. Kick off meeting (March 2019)

- A. Information flows in the research module
- B. Project responsibilities of the partner organisations
- C. Sharing experiences at the national level by partner organisations
- D. The methods of testing the communication procedure – cross-enterprise linking EWCs within the project sectors, worked out in the project VS/2015/0405 “European Works Councils as a platform for implementation Transnational Company Agreements (TCA)”
- E. Tentative structure of a national report:
  - Desk research on how the legal systems in the partner countries regulate confidentiality of information issue;
  - New challenges for EWCs in terms of Industry 4.0-GDRP and Digitalisation;
  - Development of a single system for receiving, using, transforming and passing financial information by the EWC-members, with a set of priorities on exchange of such information;
  - Development of a clear guidelines on how the EWC-members should handle confidential information.

## 2. Next steps

- Delivering the 1st draft of the questionnaire for consultation by the partners (mid-April 2019)
- Consultation phase : feedback by the partners (end of April 2019)
- Final version ready for the 2nd Steering Group Meeting (late May 2019)

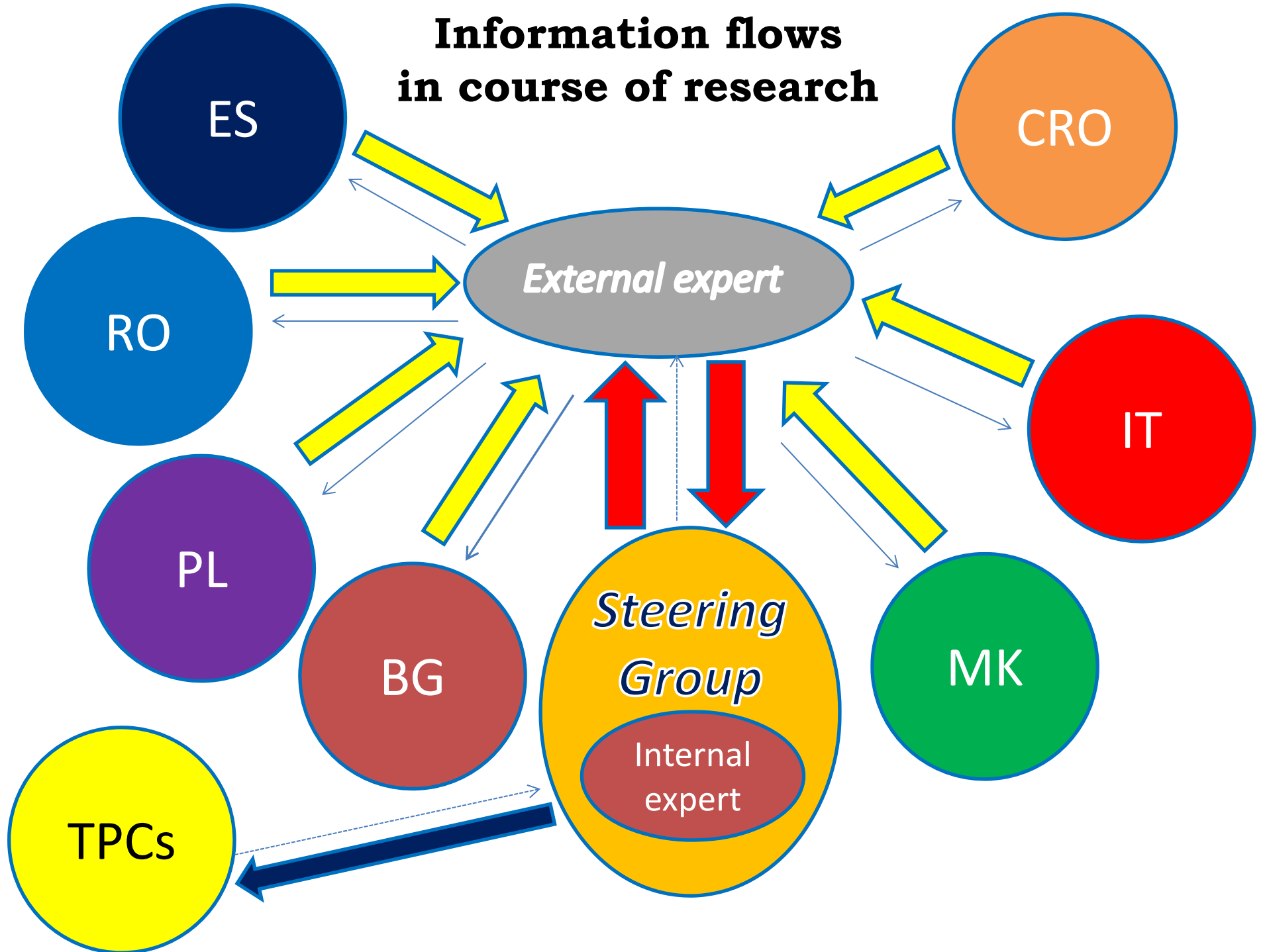
# Division of tasks

- **Steering Group** (Project Manager, Internal Expert)
- **Expert network** (Steering Group, internal expert, external expert, National Legal Experts, guest experts)
- **External expert** is responsible for preparation of the final report and supervising the process of completing national reports (case studies) by the National Legal Experts)
- **National Legal Expert (NLE)** – one per country, to be appointed by each partner organisation with responsibility for preparation a national report
- **Testing Procedure Coordinator (TPC)** – one per food and metal sector (in Poland), to be appointed by the Presidents of Branch Secretary of NSZZ “S” from food and metal sector, responsible for testing the cross-enterprise communication procedure for EWCs

# National Legal Expert (NLE)

- **conducting desk research** - supervised by the external expert, on national law regulations with the respect to:
  - ✓ differences between I&C Directives and National law regulations in terms of transfer of information, methods for gathering economic information including the confidential one,
  - ✓ definition of confidentiality at the national level in the context of ECJ law cases, other than EWC subjects which are allowed to handle with the confidential information,
  - ✓ sanctions for EWC member guilty of disclosing confidential information to unauthorized persons;
  - ✓ connection of confidential information with trade secrets, stock exchange requirements, legal requirements and other legal regulations in each of project partner country in order to clarify how the legal systems in the partner countries regulate confidentiality of information issue including detailed specification on confidentiality regarding its content and time of limitation taking into account the interests of company;
- **Preparing and conducting the national consultation meeting** including the issue of Industry 4.0

# Information flows in course of research



## **Cross-enterprise communication procedure: linking EWCs within a specific sector**

The procedure allows for exchanging information among multiple EWCs within the industry. The procedure is as follows:

- **Method** – creating a closed group (“by invitation”) on Facebook. This group would eventually include all delegates being members of the EWC within a particular sector and its admin (moderator) would be the person responsible for EWC matters in the sector (from the European trade federation).
- **Group members** – the Moderator, national-level industry union federations, EWC members;
- **Starting and running a group** – the day-to-day functioning of the group should be based on the interaction of parallel communication processes; the activities of the group would be initiated by the Moderator, sending group invitations to national industry trade union federations; these in turn would submit the list of identified trade unionist EWC members to the Moderator. Next, the Moderator would send invitation to those persons, while the European trade federation and industry trade federations seek to determine whether there are EWC with no trade union participation within the industry, who is the employee representative – after an individual assessment of each case and analysing the profile of the non-union delegate – to undertake efforts to establish communication with such persons and ultimately include them in the group;
- **The collection of information** – after each EWC meeting the delegates should prepare a summary, using the *standard reporting form*. The same form should be used to prepare an annual activity report based on the information collected over the reporting period;
- **Information distribution mode** – national level trade federations should distribute the information collected concerning the activities of EWCs in their organizational structures present in or in contact with the companies that formally can join (assign a representative) to an existing EWC or take measures to appoint a new one.
- **Group’s primary areas of interest** – the Facebook group is primarily intended to search for the best practices used in EWCs, with particular attention to those associated with the negotiation of TCAs, no matter on whose initiative (the management’s or the employees’); the persons responsible for the functioning of the group (with the Moderator in the first place) should clearly and legibly inform the members that the group focuses only on matters relating to the activities of EWCs, rather than economic issues, disclosure of which outside the forum of a particular EWC could have undesirable effects due to the confidentiality clause binding upon delegates .

# Information collection tools

## 1) Reporting form to be completed after EWC meeting:

- Corporation name;
- Date of EWC meeting;
- The main points of the meeting;
- Is there a TCA currently in effect or being negotiated? If so, provide detailed information;
- Comment on the main processes at national level: collective bargaining, wage bargaining, its results etc. The scope and level of detail to be decided by the author of the report

## 2) Annual report

- EWC main points of focus during the year;
- The assessment of adequacy of EWC operating principles for the current conditions.
- Has any good practice worth popularising emerged during the year?
- Has there been any situation or event causing concern during the year – e.g. failure to provide information, lack of consultation, EWC ritualisation, tension between delegates from different countries etc.?

## 3) Alert on opening, conducting and closing of negotiations over the TCA

- On whose initiative was the negotiation started?
- What was its subject?
- What was the composition of the negotiating team representing the employees?
- What are the main problems that occurred?
- What will be the monitoring and implementation procedure?
- TCA content\*

\* Whether to be retained is an open question, following comments during the 1st Steering Group Meeting

# Questionnaire

- A key tool to be employed in course of research by NLEs;
- It is to be used for collecting data from EWC members regarding their experiences with EWC work in practice, in particular, related to „confidential information”