



Outcomes and conclusions of the project: the final report

dr Jan Czarzasty
Warsaw School of Economics (SGH)

Gdańsk, 11 May 2021

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

Project VS/2019/0025

Objectives of the final report

- The report is the final outcome of the research module of the project.
- The report delivers an account on the empirical findings.
- The report in the large part relies on the results of work by the partners (National Legal Experts).
- The main aim of the report is to present the state-of-play regarding the dissemination of confindential information by the boards of MNCs to members of EWCs, the method employed is comapring the letter of law with daily practices.

Main findings - general

(regarding EWCs)

- EWCs are embedded deeper in institutional and cultural terms in the countries where parent corporations are domiciled (Italy, Spain) than in the rest of of our sample;
- Voluntary nature of EWCs does not help in enforcing workers rights.
- The weaker institutional environment of IR at the national level, the wider margin for multinational corporations' voluntarism (the case of CEE countries).
- EWCs remain a platform for information exchange, while consultations rarely take place.

Main findings – specific

(regarding information flows and confidentiality)

- Confidentiality (and related notions such as business secrets) seems to be often used as a convenient excuse for blocking and limiting the flow of information.
- Wide use of stock market regulations to limit information -sharing.
- Claiming that the issue about which the inquiry is made is irrelevant to the entire corporation (group) and as such should be confined to the national level.
- Transmission of information (even if it is not deemed confidential) is often delayed and its content is vague and general, also assymetry in power resources (e.g. language barriers or lack of expertise of EWC delegates) reported as a problem

The list of EWCs covered

(identified by the parent company name*)

A1 Group
Accor
Airbus
Arcelor Mittal
Arctic Paper
Atos
Bridgestone
Coca Cola Company
CRH Liberty House
Danone
Deutsche Telekom
DXC
Electrolux
FEMCA-CISL (energy, fashion, chemistry and related sectors)
FIRST-CISL (banking and insurance)
FISTEL-CISL (telecom, graphics, publishing)
FLAEI-CISL (energy sector)
Henkel AG & Company
Honeywell
Leonardo
Mars
MOL
Nestlé S.A.
Nokia
OMV
Prosegur
Raiffeisen Bank International AG
Roca Sanitario
Schneider Electric
Tenaris
Yazaki Corporation

^{*} The Italian case is different from the others in that the respondents do not represent EWCs (union organisations) directly but the federations associated with the CISL confederation. If we count the Italian responses in, the material gathered using Questionnaire 2b reflects the situation in 109 EWCs (29, if we consider only the first-hand opinions of EWC members from the remaining countries in the sample).

Contents

Introduction

<u>Chapter 1. Background: European Works Councils - regulations and recent developments</u>

<u>Chapter 2</u>. Terms and conditions for requesting and processing financial information in the context of the <u>Directive</u>

Chapter 3. Research in the project: methodological note

<u>Chapter 4. EC-verification to what extent protection of information and personal data</u>

(in terms of GDPR) affects implementation of the objectives of I&C Directives: GDPR

and EWC access to information

<u>Chapter 5</u>. Analysis on how confidentiality is defined at the national and EU level in the context of CJEU jurisprudence.

Chapter 6. Benchmarking analysis for the EU States covered

<u>Chapter 7. Mechanism of handling information by EWC members – developed on the basis of screening legal environment and practices in the countries covered by the project</u>

Chapter 8. The set of priorities on exchange of financial information

Chapter 9. Discussion and conclusions

References

Further reading

"EWC – processing financial information as a key factor for effective communication and negotiation" – final report, English version.

Follow the link:

https://www.solidarnosc.org.pl/images/files/do kumenty/zagraniczne/ERZ/Final EWC Report wersja angielska.pdf