

## analysis of court cases - Alcatel 2007 -



company name: Alcatel  
case No. 903565 in the French courts  
date of ruling: 27 April 2007  
report: this case refers to the right of EWCs to be informed and consulted

On 1 December 2006 two major companies, Alcatel and Lucent Technologies, merged. Following this merger the management announced a restructuring plan that included the suppression of 12.500 jobs worldwide over the next two years. The plan was presented at a meeting of the Alcatel European Committee for Information and Dialogue (ECID) on 23.02.2007. Since the committee considered the information to be incomplete, fresh presentations were given on 6 March in English and 9 March in French. However, the committee considered that the presentation still did not meet their expectations and did not enable them to give an opinion. On 15 March the ECID decided to summon Alcatel Lucent and the French central works committees.

### Arguments of the management:

- even though the agreement makes no such provision, the ECID was assisted by an expert;
- the elected representatives had received several reports;
- the expert received all the documents he requested;
- what the ECID are asking for is only given to the French representative bodies;
- the information requested must be given to these local bodies by national companies;
- the agreement setting up the ECID dates from 17.06.96 and is therefore a prior agreement that is not subject to either the directives or the transposition Act;
- management has fulfilled all the obligations laid on it by the agreement and is under no compulsion to provide documents;
- consultation should be understood as "an exchange of views and the establishment of a dialogue"; the directive makes no mention of an "opinion".

### Summary judgement given on 27.04.2007 by the Tribunal de Grande Instance of Paris

The Court, sitting in chambers and ruling in first instance after hearing the arguments submitted by both sides, in a decision issued to the registrar

- orders Alcatel Lucent to provide the members of the ECID with the English and French versions of the following European information:
  - an accurate, costed statement of the reasons why particular sectors of business are to be abandoned, transferred or combined;
  - an accurate, costed statement of how and on what basis the calculations of the alleged excess staff numbers were performed;
  - the number of jobs it is planned to cut, broken down by division, country and category of worker;
  - an accurate, costed statement of the reasons for this breakdown;
  - a provisional calendar of the planned job cuts.
- rules that the European Committee may not be reconvened to be consulted on the planned restructuring of the Alcatel Lucent group and the consequences for jobs less than fifteen working days after it has received the above information,
- orders Alcatel Lucent to pay the ECID the sum of 5.000 € as specified in the Code of Civil Procedure;
- orders Alcatel Lucent to pay all costs.