



Statutes 2016-2020

2nd Congress of
industriAll Europe

Madrid
7-9/6/2016



Industrial European Trade Union Statutes

(As adopted by the 2nd industriAll Europe Congress on 9th June 2016)

APPENDIX II: MANDATE PROCEDURE

(ref.: Statutes Art. 21 m)

INTERNAL MANDATE PROCEDURE FOR NEGOTIATIONS

II. COMPANY LEVEL AGREEMENTS

Preliminary information and consultation procedure

Mandates

EWCs have no mandate to negotiate collectively. This remains solely the responsibility of trade unions. The affiliates involved in the company can give industriAll European Trade Union a mandate to undertake negotiations on behalf of and with participation from the organisations involved in the company in question.

Negotiation of a company agreement started or concluded by an EWC/SNB outside the scope of this mandate procedure or outside the information-consultation scope of the EWC shall not be supported or recognised by industriAll European Trade Union and shall not carry any obligations for the affiliates.

The affiliates represented in the EWC and the EWC Coordinators have the duty to inform the Secretariat that a proposal to start negotiations has been made. A complete information and consultation round shall be organised involving all the trade unions involved in the company, the EWC Coordinator, the EWC Select Committee and the EWC. If this also involves other sister organisations, cooperation will be sought.

The affiliates involved should agree to start the negotiations. This should be a unanimous agreement, where possible. If unanimity cannot be reached, then the decision should be taken by at least a two-thirds majority in each country involved; following their national practices and traditions. Nevertheless, a country that represents 5% or less of the total European workforce of the company cannot block a decision to start negotiations.

Mandates

Decision on platform and delegation

The mandate, including the platform and negotiating team, for these negotiations shall be decided on a case-by-case basis. The mandate shall be given by the trade unions involved and should preferably be unanimous. If unanimity cannot be reached, then the decision (following their own national practices and traditions) should be made by at least a two-thirds majority in each country involved. Nevertheless, a country that represents 5% or less of the total European workforce cannot block a decision on a platform. The mandate could include:

- a) concrete topics, viewpoints, policies i.e. the mandate position paper.
- b) details of how the negotiation process will take place and the composition of the complete negotiating/monitoring group.

There must be a concrete proposal as to the negotiating team, which is to meet with management. This negotiating team must include at least one representative from industriAll European Trade Union and/or the EWC Coordinator, and/or a representative of the trade unions involved, one of whom will lead the negotiations. The negotiators can also include trade union members of the EWC and/or EWC Select Committee.

In addition to the specific mandate, the negotiation team is bound by general industriAll European Trade Union policies.

Nomination of experts

Experts - to provide help and support - can be nominated in cooperation and coordination with the Secretariat and the affiliates concerned.

Non regression clause

A “non-regression clause” must be included in all agreements.

Negotiation on text and information duty towards affiliates

The Secretariat shall keep the Executive Committee, all affiliates and the relevant policy committees informed of the state of play of the negotiations.

Adoption of texts

The Secretariat, in close cooperation with the negotiating team shall present the draft agreement to all affiliates involved for evaluation. All the countries involved have to approve the agreement for it to be binding on affiliates. At national level, to obtain approval, a two-thirds majority is required, and must be reached according to national traditions.

The Secretariat shall inform the affiliates concerned and give a deadline for a decision.

Signing of the agreement

IndustriAll European Trade Union, represented by the General Secretary or Deputy General Secretary(ies), or another person to whom they give a mandate, shall sign the agreement on behalf of the trade unions that are involved in the company at the time of signing.

If no agreement reached

If no agreement is reached the Secretariat shall inform the employer.

Implementation

All trade unions involved shall agree to implement the signed agreement. The agreement shall be implemented in accordance with the national practices of the countries involved. Implementation must respect the legal framework and the collective agreement system of these countries.

The Executive Committee and all relevant Policy Committees must be informed about the signing and implementation of the agreement.