

Temporary arrangements for transnational meetings during the COVID-19 crisis

Joint Recommendations of the European Trade Union Federations to EWC/SE Coordinators and worker representatives in SNBs, EWCs and SEs

October 2020

The European trade union federations issued practical recommendations to SNB, EWC and SE members in March 2020, when the Covid-19 outbreak hit Europe. The recommendations were aimed at providing guidance on how to anticipate and manage the impact of the Covid-19 crisis on jobs and companies, by adapting the operation of SNBs (Special Negotiation Bodies), EWCs (European Works Councils) and SE-WCs (Works Councils in companies with a *Societas Europaea* status) to extraordinary circumstances. Six months later, it became clear that those extraordinary circumstances would last, and that social distancing and travel restrictions would continue to prevent face-to-face SNB, EWC and SE-WC meetings for a considerable time to come.

We recall that democracy at work does not stop with the Covid-19 crisis! Quite the opposite: our rights to be informed, consulted and to take part in company decisions which may impact jobs and workers' income are more important than ever. We must use our best endeavour to ensure our rights are respected, and that SNB, EWC and SE-WC meetings are not simply called off under the pretext of the health situation.

The European trade union federations remind you that face-to-face meetings are the norm to build up effective SNB, EWC and SE-WC work and robust communication amongst delegates. Digital tools like videoconferencing must not replace the SNB, EWC or SE-WC's right to face-to-face meetings. As soon as the situation will allow it, physical meetings must become the normal way for an SNB, EWC or SE-WC to operate again.

In the meantime, we understand that online or hybrid (partly online, partly physical) videoconferencing with simultaneous interpretation, as unsatisfactory as it is, serves as a very temporary solution for the ordinary/annual, extraordinary EWC/SE-WC meetings, as well as for EWC/SE-WC training seminars. The European trade union federations recommend that the temporary use of videoconferencing be governed by the following principles:

1. **Agree formally with the management** about the rules and specific conditions for the exceptional use of online or hybrid meetings. The first goal is to ensure that all delegates benefit equally from the same high quality working conditions, and that no one will be disadvantaged (e.g. either by not having access to proper IT equipment or by not being present in the room at a hybrid meeting). A template agreement is at your disposal in the Appendix below.
2. **Request the best quality videoconferencing system**, i.e. one which provides for:
 - Participation by video, with the possibility of seeing every participant on the screen
 - Simultaneous interpretation in all required languages, provided by professional interpreters
 - Possibility for all participants to request the floor
 - A separate chat room, where delegates can interact during the meeting with all due confidentiality
 - Participation of external experts and trade union coordinators who assist the EWC/SE-WC
 - A high-level of cybersecurity and privacy protection, while ensuring that firewalls and other network security devices do not prevent delegates from convening meetings amongst themselves (without the management), nor prevent the involvement of external experts and trade union coordinators.

3. **Secure access to and training on** the videoconferencing system for all delegates. SNB, EWC and SE-WC members must have access to the necessary equipment (computer/tablet, high-speed internet connection, headset, webcam) and to a dedicated office or (home) room to allow for their meaningful participation in the meeting. A training session on, as well as a test, of the chosen videoconferencing system must be carried out before the first online/hybrid meeting takes place.
4. **Adapt your meeting.** Avoid full day online or hybrid meetings which can be particularly exhausting and lead to confusion and lack of focus. Instead, request meetings to be spread over several days, with sessions lasting at most half a day. Also, if voting is required (e.g. for an election within the EWC), avoid secret voting as much as possible. If unavoidable, request a verification procedure to be set up (e.g. appoint an assessor, or an election committee which is able to control the validity of electronic votes).
5. **Contact your European trade union federation in case of SNBs which were recently set up**, or when a EWC/SE negotiation has just started. While videoconferencing could temporarily, and very exceptionally, replace face-to-face meetings when the members already know each other quite well, we believe it is not advisable to resort to online meetings at the starting phase of a negotiation to establish a future new EWC/SE-WC.

Of course, it is for SNB, EWC or SE-WC delegates to decide, together with their trade union federation, what is best depending on their very own specific situation, provided social dialogue is maintained under high quality conditions. The trade union expert/coordinator nominated to assist your SNB, EWC or SE-WC, as well as the European trade union federations, remain at your complete disposal should you have any question.



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Appendix

Joint rules for the exceptional use of online/hybrid meetings due to the COVID-19 crisis

Securing [name of the company] workers' health and safety and ensuring a quality social dialogue to mitigate the impact of the current COVID-19 crisis on the company operations and employment are priorities jointly shared by the [name of the company] management and the EWC [or SE-WC].

While both parties recognise that face-to-face meetings are one of the essential factors in ensuring a good dialogue, they also appreciate the need to make temporary arrangements to secure both the continued involvement of the EWC [or SE-WC] in the company's decision-making process, and the health and safety of EWC [or SE-WC] delegates.

As long as physical meetings continue to be banned due to the COVID-19 crisis, the management and the EWC [or SE-WC] decide to temporarily resort to online meetings, in accordance with the following principles:

1. Ordinary meetings, extraordinary meetings for information and consultation purposes, meetings to (re-)negotiate the EWC/SE agreement, and training meetings will be held online until face-to-face meetings are allowed again. Although videoconferences do not provide the level of flexibility and interactivity which face-to-face meetings allow for, the parties will do their utmost to conduct these in the best possible way. In particular:
 - The management will facilitate these meetings by giving the delegates as much information as possible in writing, in their own language, ahead of the meetings;
 - Interpretation will be provided in all requested languages by professional interpreters;
 - Good quality IT equipment (and technical support) and a high-standard videoconferencing system will be made available to each meeting participant during joint meetings, as well as during preparatory and follow-up meetings;
 - Preparatory and follow-up meetings will continue to be organised for workers' representatives. The confidentiality of these online pre- and post-meetings will be guaranteed;
 - Experts assisting the EWC [or SE-WC], including representatives of European trade union federations, will continue to attend all meetings;
 - A list of participants at online meetings will be circulated. Minutes of meetings will be drafted and adopted in accordance with the EWC [or SE-WC] agreement and sent to all EWC [or SE-WC] members as soon as possible after the meeting.

In case of extraordinary circumstances, and according to the procedure defined in the EWC [or SE] agreement, the same standards and quality criteria will apply to the series of meetings convened to receive information from the management, conduct a thorough assessment of the information provided and elaborate an opinion amongst delegates, discuss the opinion and possible alternatives with the management, as well as its reasoned response to the final decision which will be taken.

2. Select Committee meetings with the company will go ahead online. The management must allow the Select Committee members to carry out videoconferences among themselves and with other EWC [or SE-WC] members.

These rules govern the operation of the EWC [SE-WC] during the COVID-19 crisis only, and latest until the end of March 2021. After that date, the signing parties will review the situation and agree, if necessary, to extend the application of the rules for an additional period of time to be jointly agreed upon. In any case, these rules will automatically be repealed as soon as face-to-face meetings are permitted again in all home countries of the EWC [SE-WC] members.

Made on (date)

Signatures

For the company

For the employee representatives (The EWC/SE-WC members, or the Select Committee/EWC/SE-WC Chairperson with a mandate from the EWC/SE-WC)