

Brussels, 23 November 2020  
IS/em

Mr Nicolas Schmit  
Commissioner for Jobs & Social Rights  
European Commission

Sent by e-mail to: [CAB-SCHMIT-ARCHIVES@ec.europa.eu](mailto:CAB-SCHMIT-ARCHIVES@ec.europa.eu)

Dear Commissioner Schmit,

Herewith we are handing over to you the [petition](#) for more democracy at work organised with our support by the European trade union confederation (ETUC) and the European trade unions federations (ETUFs).

**On behalf of the 45 million workers we collectively represent, the ETUC and the ETUFs urgently call on you to put forward the necessary actions to ensure that:**

- **workers' information and consultation rights** at national and at European level (via European Works Councils) **are complied with and enforced;**
- access to timely and effective remedy to workers and their representatives is guaranteed in case those rights are breached;
- dissuasive sanctions in instances of violation of workers' information and consultation rights are clearly foreseen, including suspension of restructuring plans.

**There is a need to act, and to act now. This is your responsibility as guardian of the application of European law.**

During the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO) of 13th October, EU ministers for employment and social affairs of the Member States of the European Union highlighted the importance of workers' involvement in company decision-making, notably in cases such as major company reorganisations, closures, mergers and acquisitions, downsizing, outsourcing, and relocations.

The pandemic was clearly identified as a crisis situation in which workers should be at the centre of European and national actions and initiatives to maintain employment. EU labour ministers stated that the pandemic should not serve as an excuse to cut workers' rights on information and consultation, but that inclusive social dialogue is crucial for the economic recovery and a socially responsible management of restructurings.

The ETUC and ETUFs have recurrently called for urgent initiatives to provide for the protection and support of workers against the adverse impacts of COVID-19 and related massive restructurings that are taking place, with dramatic consequences for workers and their families across sectors.

Now more than ever, workers' representatives at any workplace across Europe must have, before any decision is taken:

- timely access to meaningful and up-to-date information about the impact of the pandemic on the company's strategy and economic performance, on jobs and working conditions;

- enough time and resources to run an in-depth assessment of the information provided with the support of experts to work on alternatives to negative measures, such as redundancies or closures;
- genuine opportunity to discuss those alternatives with relevant decision-makers who must provide a motivated response to the proposed alternatives.

**We expect you to deliver concrete and rapid actions to guarantee the effective enforcement and compliance of workers' rights to be informed, consulted and to participate in decision-making before any decision is adopted.** It must be clarified that the socio-economic impact of the pandemic sparks the obligation for management to launch national and transnational information and consultation processes with worker representatives at the earliest convenience.

As already stated, we believe it is no longer time for exchanging good practices and therefore insist that a handbook is an inappropriate answer to address the persisting lack of legal clarity stemming from the EWC Recast Directive. Although we do appreciate the annex you sent in attachment to a previous reply<sup>1</sup>, we kindly stress that it is not enough to simply list some of the EU legislations on information-consultation to have management complying with them. Our experience with daily supporting hundreds of European Works Councils has taught us that significant political and legal actions are now needed.

Against this background, the flawed and limited European legal framework on democracy at work and restructuring **definitely needs to be strengthened. We also call on you to commit to a revision of the EWC Directive and for a new horizontal framework on information, consultation, and board-level participation of workers** for European company forms and for companies making use of company mobility instruments. The EU social partners' agreement on information and consultation rights on restructuring for workers and civil servants in central government administrations must be implemented by a Directive.

**Democracy at work is a must, it is a pre-requisite for social and economic cohesion in Europe, for workers, society, and the people of Europe as much as for business. Make it happen. Make it effective.**

We are looking forward to your feedback.

Yours faithfully,



Isabelle Schömann  
**ETUC**  
Confederal Secretary



Luc Triangle  
**industriAll Europe**  
General Secretary



Oliver Röthig  
**UNI-Europa**  
Regional  
Secretary



Kristjan Bragason  
**EFFAT**  
General Secretary



Jan Willem Goudriaan  
**EPSU**  
General Secretary



Livia Spera  
**ETF**  
Acting General  
Secretary



Tom Deleu  
**EFBWW**  
General  
Secretary

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<sup>1</sup> Your letter dated 13 July 2020