

Works councils
Workplace representation and participation structures

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Table of contents

Introduction

1. Regulation

Definition and basic systems

Composition and size

Thresholds and 'triggers'

Information, consultation and other rights

Information

Consultation

Co-determination

2. Practice

Coverage

Coverage in terms of establishments

Coverage in terms of employees

Frequency of meetings

Role of trade unions

Gender distribution

Bargaining role

3. Social partner views

4. Final comments

Annex 1:

1. Practice

2. Statistics

Annex 2

Notes

Works councils

Workplace representation and participation structures

Introduction

The aim of this report is to provide a brief overview of the regulation and practice of information, consultation and other forms of employee involvement in the EU15¹ Member States plus Norway.

This is a comparative analysis of the information provided by the EIRO Network National Centres in September 2003 regarding national workplace regulatory frameworks on representation and participatory data (estimated where not available), and the practice and views of the social partners (see Questionnaire in *Annex 1*). Since the data used stems from the year 2003, analysis is limited to the pre-enlargement Member States only (EU15)². The situation in the new Member States (NMS) could not, in this instance, be taken into account.

The EU15 works councils' scenario appears heterogeneous. On March 2002, the European Parliament and Council issued a Directive ([2002/14/EC](#), see *Box 1*) to be implemented by 23 March 2005. This Directive established the regulatory framework of the information and consultation system between the employer and employee representatives organised in *works councils*-type structures. The existence of a workplace employee representative and participation structure itself, either based on law or collective agreements, is also seen as a distinctive and important feature of the continental European industrial relations model. Indeed, the European Commission's June 2001 Communication ([COM \(2001\) 313 final](#))³ states that one of the 'key policy objectives and standards [is] to ensure that all workers are informed about and involved in the development of their company and their working life', and the indicators include quality in industrial relations figures with coverage of collective agreements and the proportion of workers with a financial interest or participation in the firm.

Given the constraint of time and space, this paper focuses mainly on information and consultation through works council-type structures – i.e. standing bodies made up (wholly or partially) of elected employee representatives which provide a channel of worker involvement and representation at workplace, establishment or company level. It will not touch on a number of other areas relevant to information and consultation such as: employee representation on company boards and similar bodies; collective bargaining proper; specialised employee participative/representative bodies in the field of health and safety; particular participative/representative arrangements for workplaces below the threshold for works council-type bodies (these exist in countries such as France); and transnational information and consultation (notably European works councils). Furthermore, the works councils portrayed are those which apply in the

private sector, and not the special public sector forms that exist in countries such as Germany, France and Austria.

This report is structured into five main parts:

- I. Regulation
- II. Practice
- III. Social partners' views
- IV. Statistical analysis
- V. Final comments

The information provided here is essentially very general and does not go into extensive detail. It also seeks to focus on common themes and features, and cannot fully reflect the substantial differences between national systems.

1. Regulation

Definition and basic systems

There seems to be a widespread view that the existence of statutory works councils or similar workplace employee representative and participative structures, is a distinctive, important and perhaps even defining feature of industrial relations in the EU15. As with most generalisations in the field of comparative industrial relations, this perception, while containing a considerable element of truth, covers a wide range of situations and does not apply in all cases.

The national discipline on employee information and consultation systems shows a heterogeneous scenario. The definition of the works council itself differs significantly from country to country in terms of composition, decision-making, election procedures, thresholds, roles and power of the employee representative bodies (as shown in *Table 1*).

While in continental Europe works councils represent a traditional and fundamental institution of employee cooperation, in countries such Ireland, U.K., Sweden and Finland, such bodies are not established by labour law or collective agreements.

Table 1. Definitions of works councils in EU15 regulations on employee information and consultation.

Country	Name of organisation	Definition
Austria	Betriebsrat	Elected by the workforce, which represents all employees within an establishment consistently employing five or more workers. It exercises the workplace-level consultation and co-determination rights conferred by law on the workforce as a whole.
Belgium	Ondernemingsraad/ Conseil d'Entreprise	Together with the workplace health and safety committee, the works council is the main form of employee participation and representation in an undertaking with 100 or more employees. It is a joint bipartite body composed of representatives elected by workers in the enterprise and representatives appointed by the employer from among managerial staff (who may not outnumber the employees' representatives).
Denmark	Samarbejdsudvalg (Cooperation Committee)	Joint body (not regulated by law) with parity management/workforce (not member of a trade union) representation set up under a cooperation agreement with the purpose of promoting cooperation and employee involvement at individual workplace level.
Finland		Works councils are not disciplined by the national regulation on cooperation within undertakings. The Act on Personnel Representation in the Administration of Undertakings only provides employee representation in the company administrative bodies.

France	Comités d'Entreprise, Comité Central d'Entreprise, Comité de Groupe	Joint body composed of the head of the company and employee representatives, elected by the workforce of private companies with more than 50 employees. They receive information, respond to formal consultation by the employer and they manage cultural activities, for which they have a budget at their disposal.
Germany	Betriebsrat	Employee representation body which applies to establishments which are organised under private law. The works council has a number of participation rights, consisting of rights to information, consultation and co-determination.
Greece	Symvoúlia Ergazoménon	Voluntary organs of employee representation and participation in enterprises with at least 50 employees (or 20 employees for enterprises which have no trade union). The function of the works councils is participatory and consultative and is aimed at improving working conditions in conjunction with the growth of the company.
Ireland		Ireland has no statutory works council system.
Italy	Rappresentanze Sindacali Aziendali, Rappresentanze Sindacali Unitarie	Works councils are created by the trade unions which also define their regulations based on the national sectoral collective agreement. Works councils generally exercise information and consultation rights.
Luxembourg	Délégation du Personnel, Comités Mixtes d'Entreprise	(a) The Employee Committees are made up of employee representatives whose function is to protect employee rights and interest through its right of information and consultation. (b) The Joint Works Committee are bodies composed both by employee and employer representatives and the exercise of co-determination rights over company policy and management decisions.
The Netherlands	Ondernemingsraden	Body composed of employees within an enterprise which has the task of promoting the interests both of the enterprise and of its workforce. The main rights given to works councils by law are: the right of access to information, advisory powers, the right of consent (the veto rights on a number of related matters), and the right to propose initiatives.
Norway	a)Arbeidsmiljøutvalget b)works councils	The working environment committees are compulsory bipartite bodies composed of an equal number of employee and employer representatives. The various duties of these committees include considering questions in areas such as rationalisation schemes, work processes and working time arrangements. Works councils are compulsory in companies with more than 100 employees. They may also jointly raise the establishment of a works council as a demand in companies with fewer than 100 employees

Spain	Comité de Empresa	The committee is made up of elected worker representatives. It has defined information and consultation rights (but no rights to co-determination) and duties regarding the monitoring on the implementation of labour laws and the related discipline.
Sweden		There is no system of statutory works councils in Sweden, nor are such bodies established on a voluntary basis. Workplace employee participation and representation is based on the role of trade unions and their co-determination rights.
United Kingdom		There is no system of statutory works councils in the UK. Trade unions are the primary vehicle for the consultation of employees. However there is legislation providing for consultation of employees over certain issues. In addition, 'joint consultative committees', based on collective agreements or voluntary practice, remain significant.

All 15 countries mentioned in *Table 1* can be said to have a general system, based on law or collective agreements, providing for regular information and consultation for employee representatives of some type. The exceptions are Ireland and the UK whose rules and regulations do not establish any system of statutory works councils. In those countries, trade unions are the primary channel of workplace representation. However, there is legislation provided for consultation of employees and/or their representatives over certain issues. Notably, in Ireland, statutory requirements for consultation in respect of collective redundancies and transfer of undertakings have been introduced in response to the relevant EU Directives (respectively Directive [98/59/EC](#) and [2001/23/EC](#)). On the other hand, in the UK, collective agreements and voluntary practice generated *joint consultative committees* providing for information and consultation through standing representative structures. This situation is set to change, to some extent, in these two countries owing to the implementation of a recent EU Directive (2002/14/EC) establishing a general framework for informing and consulting employees in the European Community. This Directive (see *Box* below) provides employees, in undertakings or establishments over a certain size, with rights to information and consultation on a number of business, employment and change issues. Its implementation will have the greatest effect in Ireland and the UK, and may lead to a greater dissemination of works council-type arrangements in these countries.

In Finland also, there is no statutory or centrally agreed system of compulsory works councils, but legislation on *cooperation within undertakings* provides for a compulsory exchange of information and cooperation negotiations between employers and employees and/or their representatives (who may be workplace trade union representatives or any other representatives elected by the employees). Cooperation can be arranged in the form of a joint committee involving employer and employee representatives and covers a wide range of work-related matters.

On the other hand, in Sweden, there is legislation defining information, consultation and co-determination rights, but these are conferred on trade unions which have an agreement with the employer in question, rather than on a works council-type body.

Table 1 (above) indicates the different national definitions and regulations of works councils in the EU15. But, at the same time, it provides common elements which permit the development of a European-wide definition of works councils.

Works councils may be defined as:

Permanent elected bodies of workforce representatives (or occasionally joint committees with employers representatives), set-up on the basis of law or collective agreements with the overall task of promoting cooperation within the enterprise for the benefit of the enterprise itself and employees by creating and maintaining good and stable employment conditions, increasing welfare and security of employees and their understanding of enterprise operations, finance and competitiveness.

This is achieved through defined rights and duties. Specifically, they are to:

- Monitor the implementation of the labour laws, social security, employment and health and safety regulations, as well as conditions of work establishment by agreements, customs or practice;
- Take appropriate steps (legal or otherwise) in cases where regulation mentioned above is not respected by the employer;
- Be informed regularly on the progress of the establishment, including employment issues and developments within the sector and affecting them;
- The right of co-determination, i.e. participation in the management of the enterprise;
- In a few cases, when works councils dispose of budgetary prerogatives, their role is extended to participation in welfare measures for workers and their families, organised by the company.

Generally, works council members have legal guarantees against dismissals on grounds of their representative duties, and they have certain prerogatives concerning job security in companies facing a reduction of the workforce.

Table 2 presents the different kinds of regulation of the basic information and consultation systems in the EU15.

Table 2. Legal basis of information and consultation structures

Country	Ruling	Works councils types
Austria	Labour Constitution Act (<i>Arbeitsverfassungsgesetz, ArbVG</i>)	Statutory works councils
Belgium	National Collective Agreement no 9 of 9 March 1972 on works councils made mandatory by Royal Decree 12 September 1972 and 27 November 1973.	
France	Several regulations and intersectoral agreements since the Preamble of the Constitution (1946).	
Germany	Works Constitution Act (<i>Betriebsverfassungsgesetz, BetrVG</i>), as amended in 2001	
Greece	Law 1767/1988, as amended by law 2294/1994	
Luxembourg	Law 18 th May 1979 <i>Loi portant réforme des délégations du personnel</i> , amended by law 7 th July 1998, law 28 th July 2000	
The Netherlands	Works Councils Act (<i>Wet op de ondernemingsraden, WOR</i>) adopted in 1950, amended in 1971, 1979 and 1998	
Norway (a)	Worker Protection and Working Environment Act (<i>Arbeidsmiljøloven, AML</i>), 1997 and Public Limited Companies Act 1997 (<i>Aksjeloven</i>)	
Spain	Workers' Statute (Law No.1/1995 of 24 March 1995)	
Denmark	<i>Cooperation Committees</i> are not regulated by law. They are based on the 'September compromise' collective agreement signed in 1899 and renewed in 1947, 1970, 1986	Works councils based on central collective agreements
Italy	Article 19 of law 300 of 1970 (the <i>Workers' Statute</i>) and <i>Giugni protocol</i> 1993 (agreement between the three main trade unions confederations)	
Norway (b)	The basic agreement between the Norwegian Confederation of Trade Unions (LO) and the Confederation of Norwegian Business and Industry (NHO), 1998	
Sweden	Co-Determination Act (<i>Medbestämmandelagen, MBL</i> , 1976), as amended.	Statutory information and consultation rights for trade unions
Finland	The Act on Cooperation within Undertakings (1978), the Act on Personnel Representation in the Administration of Undertakings (1991).	Statutory information and consultation rights for employees/employee representatives
Ireland	Transnational Information and Consultation of Employees Act 1996, Worker Participation (State Enterprise) Acts of 1977 and 1988	No general, permanent or statutory system of information and consultation
United Kingdom	Section 188(2) of the Trade Union and Labour Relations (Consolidation) Act, (1975) Trade Union and Labour Relations (Consolidation) Act (1992).	

As mentioned above, statutory works councils are the most common in the EU15. What might be termed works council-type bodies also exist in Denmark and Italy, though here they are based principally on the provisions of central collective agreements (which also play a role in Belgium).

The Norwegian system is very much marked by an amalgamation of both statutory works councils (a) and joint bodies regulated by central collective agreements (b).

Box 1: Key provisions of EU Directive (2002/14/EC) establishing a general framework for informing and consulting employees in the European Community

The Directive applies to undertakings with at least 50 employees or establishments having at least 20 employees (the choice is left to the Member States)⁴. It provides employees with the following rights to information and consultation:

- Information on the recent and probable development of the undertaking's or establishment's activities and economic situation;
- Information and consultation on the situation, structure and probable development of employment within the undertaking and on any anticipatory measures envisaged, in particular, where there is a threat to employment; and
- Information and consultation, with a view to reaching an agreement, on decisions likely to lead to substantial changes in work organisation or in contractual relations.

Information and consultation arrangements set out in agreements between management and labour, including at undertaking or establishment level, may differ from those laid down in the Directive.

While the Directive does not stipulate that information and consultation must be provided through any particular channel or structure, it defines such information and consultation as taking place between the employer and employee representatives provided for by national laws and/or practices. Member States shall ensure that employees' representatives, when carrying out their functions, enjoy adequate protection against dismissal.

The Directive must be transposed in the Member States by 23 March 2005 – though countries which currently have no *general, permanent and statutory* system of information and consultation or employee representation may phase in the Directive's application to smaller firms up until 2008.

Composition and size

Among the 11 countries which have some form of statutory or centrally agreed works council-type body, an important distinction can be made between:

1. Those, which are joint bodies, made up of representatives of both management and employees.
2. Those, which are made up solely of employee representatives, and meet on a bilateral basis with management.

Table 3. Composition of works council-type bodies in the EU15 (plus Norway).

Composition	Country	Election Procedure
Employee-side only	Austria	Elected every four years by the workforce.
	Germany	Elected every four years by the employees (over 18 and employed in the establishment for at least six months) with the exception of executive staff. All those employees eligible to vote are eligible for election. There is a minimum quota for female representatives.
	Greece	Elected by the General Assembly of the company.
	Luxembourg (a)	Elected every five years by the workforce on the basis of lists of candidates presented by trade unions.
	The Netherlands	Elected by the workforce (at least six months service) on the basis of lists of candidates presented by trade unions.
	Spain	Elected every four years by the workforce on the basis of lists of candidates presented by trade unions or groups of workers.
Joint Committee	Belgium	Workforce representatives are elected every four years by 'social elections' on the basis of lists of candidates presented by trade unions divided by categories. The employer representatives are appointed by the employer.
	Denmark	Elected by the workforce/appointed by the management every two years. Efforts to ensure that all the categories are represented.
	France	Workforce representatives are elected (every two years) in separate electoral colleges for different categories of staff on the basis of lists presented by the trade unions or non-union groups. The employer representatives are appointed by the employer.
	Norway	Employee representatives are chosen by and from employees.
	Italy	Works councils elections are governed by national sectoral collective agreement. Works councils seats are 2/3 elected by the workforce for 1/3 allocated by the trade unions.
	Luxembourg (b)	Appointed by the members of the employee committee.

The first category of employee-side only bodies is more common (existing in six countries out of 10: Austria, Germany, Greece, Italy, the Netherlands and Spain) while the joint model is applied in Belgium, Denmark and France. Luxembourg has two structures, which could be described as works councils – one made up solely of employee representatives and one being a joint body.

By definition, all such structures include employee representatives. These are in all cases elected by employees, though the details vary considerably from country to country, notably in terms of the role of trade unions. Trade unions have a virtual monopoly in drawing up lists of candidates for the election of employee representatives in Belgium and Italy and a defined (and sometimes privileged) role in this area in France, Luxembourg, the Netherlands and Spain. There is no specified role for unions in countries such as Austria and Germany (though as we will see below, this does not prevent them from dominating works councils).

Regarding the joint committee, the regulation of such works councils (as established by national regulations and collective agreement) differs significantly in terms of nomination procedures and duration of the position.

Separate electoral arrangements apply to various categories of staff in a number of countries (Austria, Belgium, France and Luxembourg) – such as blue- and white-collar workers or managers, or young workers. In Luxembourg, separate elections are held among blue and white collar workers in larger companies. In Belgium, for example, voters and electoral lists are separated into a number of categories (i.e. blue-collar, white-collar, young workers and managers).

The number of employee representatives on works councils is generally based on the company size, and varies considerably between countries. In Denmark, for example, it varies between four members in companies employing between 35 and 50 workers and up to 12 members in larger companies (more than 500 employees). In the Netherlands, the size of the works councils is between three and 25 members. Finally, in Greece the number of workforce representatives varies between three and seven.

It appears that only in Belgium, Denmark and Germany, there are rules seeking to ensure a gender balance on works councils. In Belgium, in each list of candidates presented, the number of women and men is proportional to the number of workers employed in the unit concerned. Also, in Denmark, the collective agreement states that in electing the cooperation committee, efforts should be made to ensure that the members are as representative as possible, in terms of staff group, profession and department.

Tables 2 and 3 illustrate that there is a strong correlation between workforce participation ruled by national law and the existence of works councils formed exclusively by employees. Indeed, all employee-side only works councils are established thanks to statutory regulations in national law. On the other hand, there is a strong

correlation between joint works councils and the existence of collective agreements, as shown for Denmark and Norway.

Thresholds and ‘triggers’

A key factor in the coverage of works councils, and other information and consultation arrangements, is the existence of a minimum workforce-size threshold for their establishment or application. Only in Sweden is there no minimum, while in Italy this varies by agreement from sector to sector. Among the other countries, the variation in thresholds and the proportion of all establishments/undertakings covered by the relevant structures or provisions is considerable. It ranges from five employees in Austria and Germany to 100 in Belgium and 150 in Luxembourg (in the case of joint works committees). A minimum threshold of 30–50 employees appears most common, applying in Denmark, Finland, Greece and the Netherlands. However, this issue is not always clear-cut. For example, in Austria the law provides that a works council must be set up in all establishments with at least five employees. National legislation, though, does not provide for any sanctions if no works councils are established, and the matter is de facto left to the initiative of employees.

A further vital point is whether or not the establishment of a works council or the application of information and consultation arrangements is automatic in all establishments/undertakings, meeting the workforce-size thresholds, or must be activated or *triggered* by employees, trade unions or employers. The process is essentially automatic in Austria, Belgium, Finland, France, Luxembourg and the Netherlands, and must be triggered in Denmark, Germany, Greece, Italy, Norway and Spain.

Table 4. Workforce-size threshold and triggers for the establishment of works councils and the application of information and consultation provisions

Country	Automatic/ Triggered	No. of employees
Austria	Automatic	5
Belgium	Automatic	100
Denmark	Triggered	35
Finland	Automatic	30 (or 10 employment contracts in small firms)
France	Automatic	50 (10 to elect workforce delegates)
Germany	Triggered	5 (eligible to vote)
Greece	Triggered	50 (20 where no trade union)
Italy	Triggered	Varies by sector
Luxembourg (a)	Automatic	15
Luxembourg (b)	Automatic	150
Netherlands	Automatic	50 (10 for personnel delegations)
Spain	Triggered	6 to elect workforce delegates with the same functions as works councils 50 to elect works councils
	Automatic / Triggered	100 (collective agreement) 50, 20 if required by the parties (AML)
Sweden	Automatic / Triggered	No threshold

Norway has a double figure since, as mentioned above, it has a double regulation (based both on collective agreements and the Working Protection and the Working Environment Acts).

The information on Sweden in the table above does not apply to statutory/voluntary works councils since workplace employee participation and representation is channelled through the role of the trade unions. Nonetheless, there is no threshold for the application of such participation rules and, generally, even in small companies there are at least one or more trade unions.

Information, consultation and other rights

A very wide range of rights to information, consultation, co-determination and negotiation are granted to works councils and other employee and trade union

representatives in the EU15¹. There is a basic core of such rights which apply in all countries, even in those Member States which do not have works councils or analogous structures. Notably, information and consultation on collective redundancies, transfers of undertakings, and health and safety are guaranteed by the relevant EU Directives. However, in all countries except Ireland and the UK, laws or wide-ranging collective agreements provide for information and consultation rights in a wider set of matters, while in some countries there are also co-determination or co-decision rights.

It should be noted, however, that even in countries where the establishment of works councils has a strong legal basis, trade unions nevertheless play a significant role in the information and consultation processes with the employer representatives.

The issue covered by those rights includes many aspects of the establishment environment. In the following we will only cover the most common aspects, such as the information and consultation rights and co-determination process. It should be noted that the relevant legislative or collectively agreed provisions vary considerably in the extent to which they provide detailed or general rights.

In case of disagreement between the works councils and the employer, some national regulations (Austria, Greece) establish specific mediation/arbitration boards aimed at reaching an agreement between the parties.

Information

The directive 2002/14/EC, Art. 2(f) defines information as the *'transmission by the employer to the employees' representatives of data to enable them to acquaint themselves with the subject matter and to examine it'*.

The key subject areas where works councils and employee representatives have information rights are the following:

- Financial and business matters (i.e. yearly balance sheet, mergers, takeovers);
- Regular information sessions on the progress of the company, including employment issues and developments within the sector;
- Employment levels and conditions;
- Information about disciplinary measures, absence from work, health and safety and workplace environmental studies;
- Structural change that may be of material significance for the working environment (such as rationalisation schemes, work processes and work-time arrangements);
- The latest regulations also refer to privacy rights, such as computerised collection and processing of personal data on employees (Austria).

In almost all cases listed above, works councils and other representatives are entitled to receive regular information from management – the intervals vary between countries – as well as information on important matters arising in some cases.

Similarly, regular information on the situation and structure of employment in the company is also a virtually universal right in countries with statutory or centrally-agreed employee involvement systems. In terms of employment conditions, specific rights to information are often provided on matters such as recruitment, promotion, pay policy, health and safety, working time, equality, training and financial participation. Some countries use a *catch-all* requirement to inform on all matters likely to seriously affect employees' interests.

By its nature, information on structural change in the business is less likely to be provided on a regular basis, being more dependent on events. In almost all cases, information is required on matters such as closures, transfer of production, relocation, mergers, takeovers and the introduction of new technologies – especially where these are likely to lead to collective redundancies.

Consultation

The concepts of information and consultation are often hard to distinguish and define. However, consultation can generally be regarded as a right to be informed of planned measures in advance *and* to have an opportunity to express an opinion prior to implementation. The degree of formality and the procedure for such consultation may differ markedly between countries. Consultation rights generally cover the same kind of issues as information rights, i.e. financial and business matters, employment levels and conditions, and structural change.

Consultation rights on financial and business matters are less common than information rights. However, they do exist in countries such as Austria, France, Germany, Luxembourg, the Netherlands and Spain.

Consultation rights on employment issues are altogether more frequent, while it is restructuring that is probably the most usual subject on which consultation is required. As noted above, consultation is universally required on collective redundancies and transfers of undertakings. Furthermore, consultation rights on planned changes to the structure of the business (such as mergers, takeovers, relocations etc) are widespread in the EU, and the same applies to new technologies and new forms of work organisation. Moreover it is in Austria where works councils have the right of intervention in the case of perceived shortcomings.

The most common issues covered by consultation rights are:

- Changes to the company's legal status;
- The removal, expansion or downsizing of all parts of the company installations;
- The introduction of new technologies;
- Any change in staff structure (increase or decrease of the number of employees, lay-offs, subsidised short-time work;)⁵
- The annual budget for the company health and safety measures;
- The scheduling of overtime exceeding maximum working hours;
- Redundancies and vocational training;
- The nomination of workplace and safety committee members (if any);
- More rarely, affirmative action for gender equality.

In Italy, works councils are also responsible for supplementary negotiations on matters referred to at company-level bargaining by sectoral collective agreements (generally mandated to the trade unions), such as pay increments, union rights, variable parts of wages, etc.

Co-determination

In several countries (Austria, Belgium, Denmark, Finland, Germany, Italy, Luxembourg, the Netherlands, Norway, Sweden), the rights of works councils and other employee representatives exceed information and consultation and extend into co-determination – i.e. the agreement of the works council or other representatives is necessary for certain decisions or measures to be taken, giving them a right of veto.

Co-determination rights refer to matters that are of material importance for employees and their working conditions, which relate to the activities of the enterprise, such as: substantial investments, changes in systems and methods of production, quality, product development, plans for expansion, reductions or restructuring. Decisions of this kind are submitted to the council for its opinion before any decision is made.

Germany has the most extensive co-determination rights, since the agreement of the works council is required in areas such as works rules, working time, payment methods; the introduction and use of monitoring equipment and health and safety issues also fall into this category. Austrian works councils have similar rights, while a form of co-determination also exists in the Netherlands, Luxembourg and Belgium. In Denmark, Finland and Sweden, negotiations between management and employee/trade union

representatives are required on a number of issues (often related to change in the business), but without the latter having any genuine power of veto.

In Austria and Germany, the co-determination procedure is implemented through the conclusion of works agreements between management and works councils. Such works agreements differ depending on the nature of the matters concerned. Thus, for matters such as monitoring systems within an establishment there are *mandatory* works agreements where the works councils hold veto powers; with regard to a second category of social matters there are the so called *enforceable* works agreements (mediated through an arbitration board); finally, for all social matters, works councils and management are free to conclude an *optional* works agreement.

Other issues

Finally, in terms of the regulation of works councils and similar forms of employee representation, it should be noted that all countries with such systems have rules covering:

- the confidentiality of information provided to employee representatives; members of the works councils are under an obligation not to provide to third parties, without the employer's consent, information of particular significance which would have adverse consequences for the company's competitiveness.
- the protection of employee representatives from dismissal or detriment on grounds related to the performance of their duties.
- resources for employee representatives which may take the form of paid time off to perform their duties, training, facilities (office space, a budget, communications etc) and access to experts. In France, the representatives receive various facilities (i.e. paid time off). In Spain, the members of works councils have the right to remain in employment in the company in any situation involving a reduction of the workforce. In Belgium this regulation is also extended to un-elected candidates for two years after the elections.

In addition to works councils, three Member States (France, Belgium and Italy) envisage the formation of hygiene, safety and working conditions' committees nominated by works councils or elected by the workforce. Such committees have a special means of accessing information and may take certain initiatives (such as monitoring and training) related to their duties.

2. Practice

It is worth mentioning that detailed and comprehensive information on the actual operation of works councils and similar employee representative structures, as well as the use of information, consultation and other rights, is scarce in many of the EU15. However, based mainly on the information provided by the EIRO national centres in the recent data-collection exercise, we will attempt to present at least some eclectic data on a number of issues relating to works council practices in the EU15. This data will be on:

- coverage of works councils and similar structures/procedures;
- frequency of meetings of the representative committees;
- role of trade unions;
- gender distribution of employee representatives;
- works councils and collective bargaining.

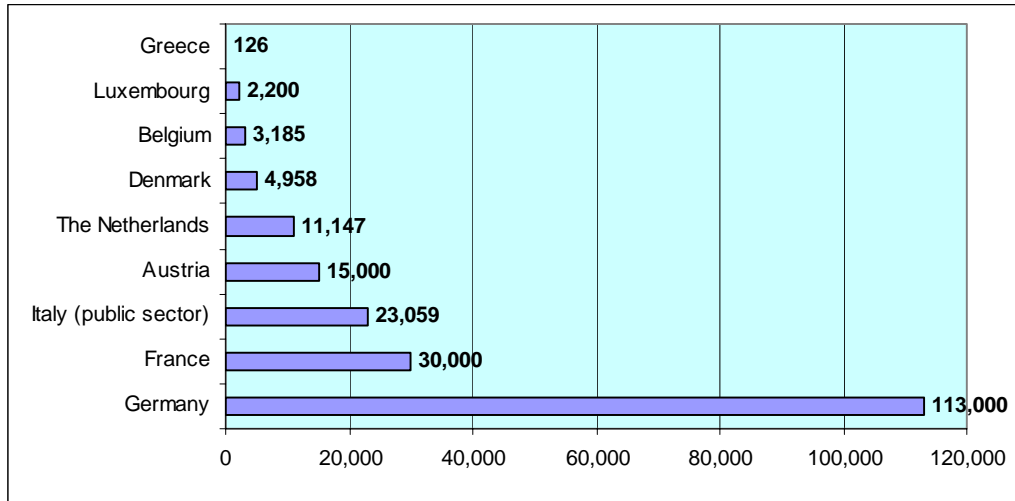
Coverage

Unfortunately, only limited data on the coverage of works councils is available. Nevertheless, we will try to provide data on the number of companies and employees covered by regulations on works councils, the number of works councils installed, and finally, the number of employees represented.

As noted above, in all the Member States (apart from Sweden) there is a minimum workforce-size threshold set by law or agreement for the establishment of works councils or the application of other information and consultation arrangements. Thus, employees in small and medium-sized enterprises (SME) as well as in micro establishments are often not covered by these rights (though there are other information and consultation channels in smaller companies – above a certain size – in some countries, such as France). Even assuming that all establishments *potentially* covered by such provisions have actually applied them, large swathes of the working population are therefore essentially excluded from statutory or agreed information and consultation. The proportion of the workforce excluded depends on the level at which the threshold is set, whether or not the establishment of works councils need to be triggered by the workforce and the productive structure of the country considered (i.e. whether national production is based on SME clusters or large companies).

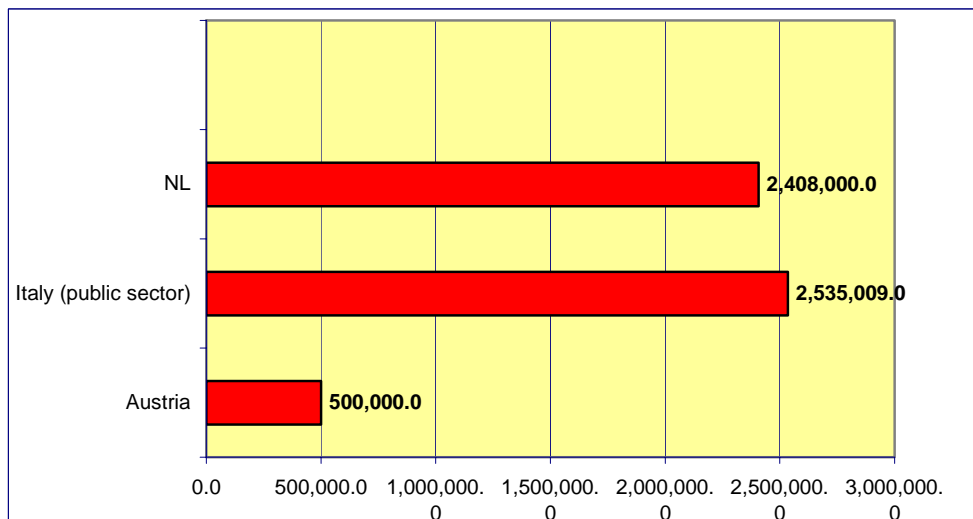
This paragraph compares the figures on the coverage of works councils' regulation in the EU15, where available, considering first the absolute values and subsequently the shares in terms of establishment, coverage and employees represented. The full database appears on the Statistical Data, *Annex 2*.

Graph 1. Number of works councils.



Graph 1 shows that Germany has the largest number of works councils counting 113,000 committees, followed by France (30,000). On the other hand, the country which counts the smallest number of works councils is Greece with 126 committees. This is mainly due to the fact that the establishment of works councils is encountering some opposition in Greece whereas work place employee committees are well established in Germany and France.

Graph 2. Number of employees represented by works councils.



Graphs 1 and 2 give a first insight into the coverage of works councils in absolute values, but explain very little on the incidence of regulation of the enterprises and the employees if the industrial structure and the labour market of the country is not taken into account.

A more effective description of works council coverage and practice is provided in the following:

Works council coverage in terms of establishments:

- Establishments covered by works council legislation as a share of the total number of companies in a Member State (Graph 3);
- Establishment with works councils as a share of companies covered by the legislation (Graph 4);
- Establishment with works councils as share of the total number of companies in a Member State (Graph 5);

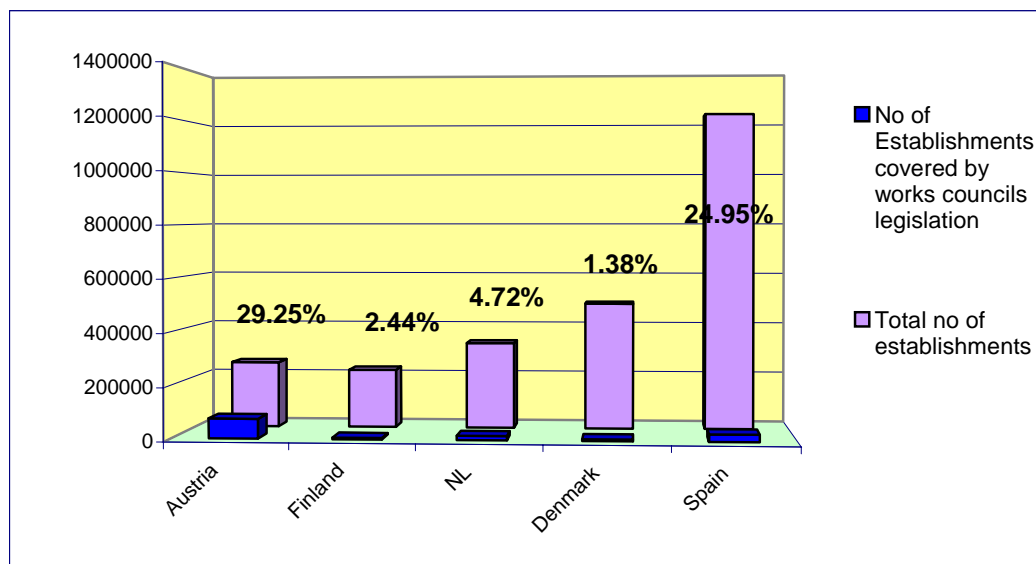
Works council coverage in terms of employees:

- Employees covered by works council legislation as a share of the total number of employees in a Member State (Graph 6);
- Employees represented by works councils as a share of those covered by the legislation (Graph 7);
- Employees represented by works councils as a share of the total number of employees in a Member State (Graph 8).

Coverage in terms of establishments

As mentioned above, it is possible to describe the incidence of the works councils regulations in the EU15 through a number of indicators in relation to the share of establishments covered by the national legislation, the percentage of works councils effectively put in place and the share of operating works councils in relation to the total number of companies in a given Member State.

Graph 3. Share of establishments covered by works council legislation as part of the total number of companies in a Member State⁶.

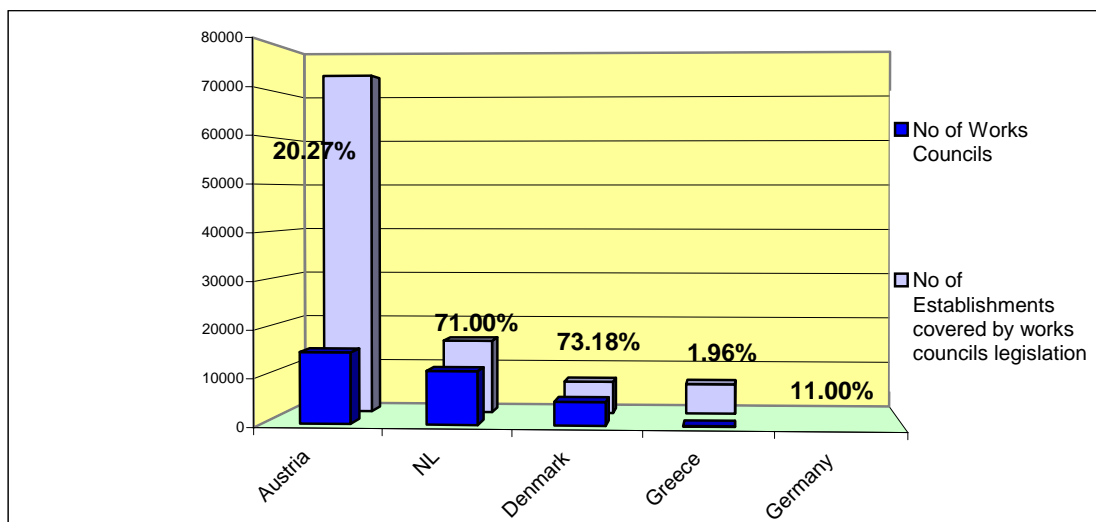


Theoretically, as the threshold climbs, the proportion of companies excluded will rise since works council regulation would apply to a smaller number of relatively large companies. Within the countries presented in Graph 1, the lowest threshold, at five employees, is found in Austria. Thus, all but the lower segment of micro-enterprises (one to four employees) is likely to be covered, at least potentially, by the works council legislation in these countries. Consequently, in Denmark, Finland and the Netherlands, the proportion of companies excluded rises, up to an estimated 96% in the case of the Netherlands' 50-employee threshold.

The highest number of excluded establishments is reported from Denmark although the threshold is not reached even among the highest ones (35 employees). Spain, reporting the second lowest threshold (six employees) shows a relatively high coverage (24.95 %) close to that of Austria (29.25%). Thus, the share of establishments excluded is not exclusively due to the level of thresholds set by the regulation but also depends on the production structure of a given country. In countries where small and medium-sized enterprises are widespread, high thresholds will exclude large numbers of enterprises. Surprisingly, in Austria, the great majority of the companies – around 70% – are excluded. Such evidence is not explicable unless assuming that the Austrian industrial structure is composed of up to 70% of firms employing less than five workers, but such an explanation would have to be verified.

The coverage of works councils in a given Member State looks even less impressive if one takes the actual practice into account, i.e. the discrepancy between the regulatory framework and the number of works councils effectively in place.

Graph 4. Establishments with works councils and establishments covered by legislation on works councils.



Graph 4 shows that the largest disparity between the regulatory framework and the reality of information and consultation practice in a Member State is found in Greece. Works councils in Greece, which since 1988 were supposed to be set up in all companies with 50 or more workers, have actually been established in only 2% of such firms, apparently due to reservations on the part of trade unions and a lack of enthusiasm on the part of employers.

According to the data available, the most virtuous countries in the implementation of the works council legislation are found to be the Netherlands and Denmark. The large shares (71% and 73%) of operative works councils in these countries is principally due to the long-term tradition of employee representation dating back to 1950 for the Netherlands and 1890 for Denmark.

Different trends can be highlighted with regard to the actual implementation of the regulation on works councils. In Germany, for example, there is an increase in works councils out of the establishments covered by the legislation from 10% in 1998 to 11% in 2000. On the other hand, in the Netherlands, the number of seats occupied by representatives of works councils has decreased in the last five years.

A general overview of the implementation of the works council legislation is offered when comparing the operative works councils with respect to the total number of establishments in the Member State. The data submitted to the Foundation suggests that employee-side representative committees at workplace level are not common practice within the EU15 as yet. The effective implementation of works councils in the EU

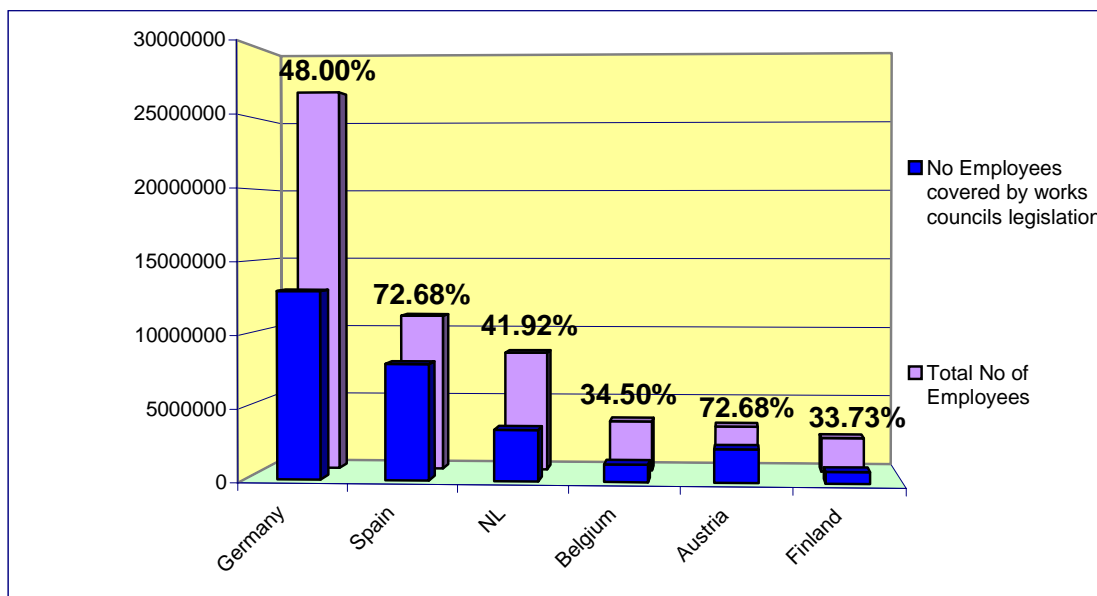
countries in relation to companies falling under the legislation (where data is available) is ranging from 1.01% in Denmark and 9.49% in Luxembourg.

It is important to mention two particular cases: the UK and Ireland. They generally lack permanent or statutory information and consultation rules. However, voluntary works council-type structures do exist in these countries, especially the UK. Here, approaching 30% of establishments with 25 or more employees have (voluntary or agreed) workplace *joint consultative committees* (JCCs), with their presence closely linked to workplace size. Including committees at a level higher than the workplace (i.e. organisation-wide bodies), 43% of private sector workplaces are covered by a committee at one or both levels.

Coverage in terms of employees

In a further step, the analysis on works council implementation in the EU15 will be developed by shifting the perspective from the establishment to the employee coverage perspective. Indeed, since the Member States are characterised by different thresholds and industrial structures, the focus on the employee coverage shares will provide additional information on the implementation of the regulation. *Graph 6* gives a first overview of the potential coverage of the employee-side representation legislation as shares of the total number of employees.

Graph 5. Employees covered by works councils' legislation as a share of total number of employees in a Member State.



Obviously, the proportion of employees excluded from coverage of information and consultation provisions by workforce-size thresholds will be smaller than the proportion of companies excluded (i.e. small companies make-up the great majority of firms but employ a minority of workers). Statistical information is very limited on this issue, but the data available indicates that the proportion of employees excluded from *potential* coverage is only around 28% in a low-threshold country such as Austria. However, a more usual threshold of 30–50 employees, as in the Netherlands and Finland, excludes between 60% and 70% of employees. The Spanish case excludes only 27% of employees due to the low threshold of six employees only. Once again, the actual coverage of employees depends on national thresholds as well as on the business structure of each country (i.e. the relative weight of companies of different sizes).

As we have seen, in many countries the establishment of a works council or application of other information and consultation rights is not automatic, but needs to be triggered by employees, unions or employers, while even where it is automatic it may not be enforced or imposed. Thus, the proportion of employees *actually* covered by such arrangements, in practice, is in almost all cases considerably lower than the proportion potentially covered. Again, accurate data is scarce, but some indications can be given (see *Graph 7*). Data suggests a successful implementation in Spain and the Netherlands, while only one fifth of Austrian employees are represented in a works council structure.

As shown in *Graph 5*, the overall effect is that the proportion of all establishments or of the total national workforce covered by the arrangements examined here is low in some cases, and very rarely exceeds 50% of the workforce.

Finally, with regard to works council practice in some of the Member States, some conclusions may be drawn. In Austria, only 16% of employees work in an establishment with a works council which accounts for about 6% of all establishments. In the same vein, works councils cover almost 3.5% of establishments and 29% of employees in the Netherlands. In Germany the gap between the number of establishments with works councils (5.65%) and employees represented (48%) is much wider than other countries. This may be explained by the fact that German undertakings are generally of a large size.

Sweden represents a special case. As noted above, it has no statutory system of works councils, with workplace employee participation and representation based on the role of trade unions and their co-determination rights. These rules apply to the great majority of companies, even the smaller ones. Around 90% of all companies with employees are covered by collective agreements, and thus by co-determination rights.

From the data analysis above, it is possible to conclude that implementation of works council legislation is governed by several determinants:

- The national legislative background (in terms of previous legislation on employee representative committees);
- The existence of thresholds and triggers;
- Industry structures in a Member State (size of enterprises).

Frequency of meetings

The frequency of meetings of the employee representatives are either established by law or collective agreements (for countries listed in *Table 5*) or decided independently in each company.

As shown in *Table 5*, the frequency of employee representative committee meetings varies considerably between countries and sometimes regulations provide different frequencies for employee-only and joint meetings with management.

In any case, the works council has the right to convene whenever an important issue concerning information, consultation and co-determination rights arise.

Table 5. Frequency of works council meetings

Country	Number of meetings per year
Austria	3 (or 12 if the councils requests so)
Belgium	12
Denmark	6
Germany	30 in absence of the employer 11 with the employer
The Netherlands	14 without the management
Spain	8.5 with management 6 as a minimum, but in many cases more

Role of trade unions

Works councils and other information and consultation arrangements are often perceived as being separate from trade union representation – with the two acting as dual channels of employee representation. However, this separation does not exist in some cases – notably Sweden – while in other cases such as Belgium and Italy, it lacks real meaning because works councils and *Rappresentanze Sindacali Unitarie* are essentially trade union bodies. Furthermore, in France, Luxembourg, the Netherlands and Spain, trade unions have a specified role in nominating candidates for elections, with the majority of members thus being union members. As a result, works council elections in these countries become a major test of trade union strength and an important indicator of the degree to which they are representative.

Even in countries where trade unions are not given a specific role in works councils, in practice these bodies are usually union-dominated. For example, in Austria, 85% to 90% of all works council members are union members and works councils are considered a basic unit of union structures, acting as a link between the union and the workforce in terms of recruiting new union members, communicating union policies and even collecting union dues. Also in Spain, works councils in trade unions play a

similar key-role. In Germany, 79% of works council members are also union members. Similarly high levels of union penetration of works councils are reported from countries such as Denmark.

In the UK, where works council-type bodies (joint consultative committees) are voluntary or based on local agreements, it is not generally the case that they are an alternative to trade union-based representation. Such structures are much more common in workplaces with union recognition. Consultative committees and union representation go hand-in-hand rather than being substitutes for one another.

From this point of view, Greek works councils differ significantly from the rest of the EU15. Indeed, in Greece, much confusion has been created over the role of works councils. As a consequence, trade unions continue to claim for themselves many of the competencies the EC regulation gives to works councils. Indeed, only 1.96% of the Greek undertakings covered by the regulation have established a works council so far.

Gender distribution

Very little information is available from most countries as to the breakdown of works council members or other employee representatives by gender. However, the little data available indicates that men predominate.

In France, a study on the position of women in works councils highlighted that female works council secretaries, as senior elected representatives on the employee side, are generally well-represented (40% of the total). However, in France, access by women and men to employee representative positions differ, depending on the particular characteristics of the workplace. Women are more likely to be works council secretaries in small, newly created and non-unionised companies.⁷

Despite the French case, in other countries there is not such a level of gender equality. For example, in Austria, the Netherlands and Germany, 70% or more of works council members are men – though in the latter case, recent changes to the law to promote a balanced gender representation on works councils appears to be increasing the proportion of women.

Apart from women, under-represented categories on worker committees are: workers under the age of 30 (only 8.7% in Spain); people from ethnic minorities (in the Netherlands); and employees with disabilities and a lower level of education (also in the Netherlands). On the other hand, trade union members, employees with a high level of education and senior staff are over-represented.

Bargaining role

Works councils and similar bodies also have a negotiating role in countries like Austria, Denmark, Finland, Germany, the Netherlands, Spain and Sweden. This role is often constrained in terms of the issues covered and its relationship with collective bargaining conducted by trade unions – as in Austria, Germany and the Netherlands – but is rather freer in countries such as Spain and Italy where works councils and Rsus are the main trade union-side agents in company-level collective bargaining.

In countries where the bargaining role of works councils has been constrained, a relatively common trend is for this role to be expanded, as part of a wider decentralisation of collective bargaining. For example, in Austria, for more than a decade, a substantial number of sectoral collective agreements have contained opening clauses designed to delegate certain issues to regulation by works agreements between company management and works councils. This mainly seeks to allow more flexibility regarding working-time. A similar trend can be observed in countries such as Germany and the Netherlands. The increasing delegation of bargaining to works councils has led in some countries to calls, notably from trade unions, for works councils to be given greater resources in order to be able to deal with these increased responsibilities.

3. Social partner views

In most countries in the EU, works council-type bodies are a well-established part of the industrial relations system. Their existence is not a matter of debate on either the trade union or employer side. In Norway and Sweden, for example, employee participation and representation structures have been an intrinsic part of national industrial relations for a long time, and are hardly controversial. However, this does not imply that employers will support any extension of works councils rights – they have opposed such moves in recent years in countries such as Austria, Germany, Italy and the Netherlands. They also have specific concerns about certain aspects of the current rules. For example, French employers sometimes call for a reduction in representation bodies' responsibilities, a reduction in the number of hours for which representatives are freed from their work to carry out their duties, and the creation of a single structure to replace current specialised bodies (such as works councils and health and safety committees). Spanish employers are also in favour of a reduction of paid time off for worker representatives.

In general, employers seem to oppose provisions and changes they see as increasing bureaucracy, reducing flexibility and incurring increased costs. This is particularly onerous for small and medium-sized companies since it introduces more rules and bureaucracy. However, employers may, in some cases, wish to expand particular aspects

of the role of works councils. For example, many employers in Austria, Germany and the Netherlands are keen to increase the bargaining role of works councils to enable greater company-level flexibility.

Within this overall acceptance of works councils as an institution, there are cases of employers that oppose their establishment. This is reported from Austria and Germany, for example, where new companies in retail, the fast-food industry and the 'new economy' are particularly known for their opposition to works councils.

Trade unions, even where they might have had initial misgivings, in almost all cases now support the institution of works councils and similar arrangements. Their focus in most countries is now on improving details of the current system, and they have often called, sometimes successfully, for changes to the regulations and in many cases continue to do so. For example, Belgian unions would like to see a reduction in the workforce-size threshold for the establishment of works councils. In Finland, some trade unions have somewhat more fundamental concerns. They believe that the cooperation legislation has not been working in practice in its original spirit, with employers concentrating too much on information and not enough on negotiations (especially over company restructuring). On the other hand, in Austria and the Netherlands, even if a dual system of employee representation institutionalises a formal separation between works councils and trade unions, *de facto* about 60% to 90% of the works councils' members are also members of the unions. In such an environment, the works council acts as a link between the union and the workforce. Hence the works council becomes of paramount importance for the union.

Greece is perhaps the only country with a statutory or centrally agreed system of works councils where these structures appear to be largely rejected by both trade unions and employers. The institution is relatively new (1988) and, as noted above, very few works councils have been established. Trade unions are concerned about confusion between the role of works councils and unions and fear that the councils might replace them. Many employers have concerns about encroachment on managerial prerogatives.

In this regard, Spain represents a peculiar case. Worker committees are seen as part of the general trade union movement and have a very close link with trade union organisations themselves. Indeed, in Spain, trade unions are very much anchored to worker committees, depending on them for legitimacy and resources.

Finally, the issue of information and consultation structures is currently of most pressing concern for the social partners in Ireland and the UK, the two current EU Member States with no statutory or centrally-agreed system of works council-type bodies. This is because the forthcoming transposition of the EU Directive on national information and consultation rules will involve major change, and trade unions and employers have been seeking to influence the implementation of the Directive in ways that suit their views best. Broadly speaking, employers are keen to maintain, as far as

possible, voluntary and direct (rather than representational) arrangements tailored to the position of individual companies, while unions are, on the whole, in favour of greater formality and works council-type arrangements – though with some fears about competition with existing union-based arrangements. In the UK, a recent government consultation document on implementation of the Directive is based on a framework established in discussions between ministers and representatives of the Confederation of British Industry (CBI) and the Trade Union Council (TUC). They agreed on an outline scheme for implementing legislation which is incorporated in the consultation document. This approach seeks a compromise between trade union and employer positions.

4. Final comments

This paper only provides a very broad-brush picture of some aspects of works council-type information and consultation arrangements in the EU15.

It demonstrates that there is a great heterogeneity within the EU15 works council model. But also that there is in fact a *Europeanisation* process toward a common discipline.

The Directive 2002/14/EC stipulates that by March 2005 the Member States will have regular structures of employee-side information and consultation rights in establishments of at least 50 (or in undertakings, 20) employees. Given the diversity and the common elements described, is the EU15 ready to accomplish the requirements of the Directive 2002/14/EC?

On one side, in the EU15 countries (excluding the UK and Ireland since they represent specific cases), the employee representative committee arrangements differ significantly in areas such as:

- the composition of works council-type bodies;
- the size of companies/establishments in which they are established;
- the role of trade unions;
- the nature and content of information and consultation rights;
- the existence of co-determination rights;
- the proportion of the total workforce covered.

On such matters, the picture is thus predominantly one of diversity within the EU. And, surely, if one included the NMS in such comparative analysis, the variety of representative schemes would be even larger. Even in the majority of Member States, where works council-type bodies are a well-established part of the national industrial relations system, employers and trade unions often do not support further extensions of works councils' rights. Furthermore, while the implementation of works councils appear to be relatively easy in large establishments, it may encounter obstacles in small and medium-sized undertakings since it is often equated with an increase in bureaucracy and less flexibility. Thus, in southern European countries, whose industrial environment is generally characterised by small and medium-sized undertakings, the establishment of works councils will need stronger activation mechanisms for the workforce. It should also be said that Ireland and the UK presently have no such system (though EU legislation is likely to bring them more into line with the other EU countries). Finally, it seems that in most countries a majority of workers are not covered by the arrangements defined by the Directive.

On the opposite side, it is possible to identify a few European-wide common elements of the current employee representation systems. In continental European countries, employee-side information and consultation rights are a generally well-established part of the traditional industrial relations system. They are either based on law or collective agreements, providing for ongoing information and consultation for employee representatives. These arrangements are in most countries (with the exception of Greece) deeply embedded in the industrial relations system and the social partners do not seriously challenge their existence. Even in Ireland and the UK where such bodies are not part of the traditional industrial relations system, the pending implementation of the Directive requirements has introduced several relevant changes in terms of employee representation in the workplace. Regarding Ireland, the Department of Enterprise, Trade and Employment recently conducted a survey concluding that national establishments are prepared for, and capable of adapting to, the requirements of the 2002 EU Directive on national information and consultation. In the UK too, the TUC and the Department of Trade and Industry welcomed the 2002 EU Directive.

As a general conclusion one may affirm that, while a European-wide overview depicts the national works council structures as a heterogeneous phenomenon, the Member States are incrementally striving for the accomplishment of the 2004/14/COM requirements on employer representative information and consultation rights. Such a process is expected to take a number of years before Europeanised works councils will operate across the Member States. Looking at the findings on works councils' coverage in this report, several determinants of the effectiveness of such a regulation within the national

regulative and working environment have been highlighted: the national legislative background, the existence of thresholds and triggers as well as national industrial structures.

Annex 1:

Questionnaire submitted to the EIRO national centres:

1 Regulation

What is the legislative framework in your country concerning works councils and/or other workplace employee representation and participation structures? Please include here: definition; workforce-size threshold for establishment; composition/election; subjects for information, consultation and co-determination; conditions under which information, consultation and co-determination should take place (i.e. timing, methods, contents, level of representation, type of response by employees, form of interaction etc); meetings; confidentiality; protection of employees' representatives. If there is no legislation on this issue in your country, please refer to widespread systems of works councils etc based on collective agreements.

2 Statistics

Please provide the most recent available statistics (in absence of statistics please provide estimates referring to sources) on the following (referring to other workplace employee representation and participation structures where works councils are not present and to widespread collective agreements on the issue where there is no legislation):

- The total number of employees and undertakings/establishments in your country;
- The total number of undertakings/establishments covered by the works council legislation in your country and their total employment (data should be as much as possible disaggregated by gender, company size and sector);
- The total number of undertakings/establishments in your country which have established works councils and their total employment (data should be as much as possible disaggregated by gender, company size and sector).

Please provide any other national data indicating the number/diffusion of works councils.

3. Practice

If there are any other statistical sources or recent research on the current practice of works councils or other workplace representation/participation bodies, please give details of the results paying attention to the issues covered by Question 1 (Regulation). Please provide as much quantitative data as possible – e.g. how many meetings and how often, chair, agenda, composition (e.g. how many representatives of management, if any, workers, proportion of women members, proportion of women as head of works councils etc) and identify factors of success. Please indicate how the works councils (or works council-type bodies) institution has evolved over the years.

4. Social partners

Please summarise the views of trade unions on works councils etc. and their operation, and outline relations between works councils and trade unions.

Please summarise the views of employers' organisations on works councils etc and their operation.

Annex 2.

Statistical data

Statistical data are lacking in the area of work place employee representation structure. Not all EU15 Member States have official figures available on how many establishments / employees are covered by works council legislation or how many works councils are actually operating. So, as the existence or non-existence of a works council need not be reported to any official agency there are no official statistics available on their number.

Data of *Tables A* and *B* are provided by the EIRO national centre. Unfortunately, they are rarely complete and mostly based on estimation.

Table A. Establishments covered by works councils regulation.

Country	Total no of establishments	No of establishments covered by works councils legislation	Number of works councils
Austria	253,013	74,000	15,000
Belgium	257,357		3,185
Denmark	489,312	6,775	4,958
Finland	225,000	5,500	
France			30,000
Germany	2,000,000		113,000
Greece		6,441	126
Ireland			
Italy	5,864,374		
Italy (public sector)			23,059
Luxembourg	23,194		2,200
The Netherlands	332,810	15,700	11,147

Norway			43%
Spain	1,229,391	28,000	
Sweden	842,358		
United Kingdom	1,623,715		698,197

Table B. Employees covered by works councils regulation.

Country	Total no of employees			Employees of establishments covered by works councils legislation	Employees of establishments with works councils
	M	F	TOT		
Austria			3,155,000	2,282,000	500,000
Belgium	1,967,973	1,519,310	3,487,283	1,203,047	
Denmark	1,483,624	1,298,682	2,782,306		
Finland			2,372,000	800,000	
France				6,000,000	
Germany	15,000,000	12,000,000	27,000,000	12,960,000	
Greece					
Ireland			1,778,300		
Italy			22,215,000		
Italy (public sector)					2,535,009
Luxembourg			268,800		
The Netherlands			8,349,000	3,500,000	2,408,000
Norway					33%
Spain	6,696,900	4,280,300	10,977,200	7,978,000	4,850,000
Sweden			4,391,000		
United Kingdom			25,784,000		

Notes

¹ In this thematic feature EU15 does not include Portugal, but it does include Norway because of the specific structure of the EIRO network.

² The national reports are available for perusal on the EIROOnline website (www.eiro.eurofound.eu.int/thematicfeature4.html)

³ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, **Employment and Social Policies: a framework for investing in quality**, 2001/313/COM, Brussels 20.06.2001.

⁴ Directive 2002/14/EC defines an undertaking as *a public or private undertaking carrying out an economic activity, whether or not operating for gain, which is located within the territory of the Member States*; and an establishment as *a unit of business defined in accordance with national law and practice, and located within the territory of a Member State, where an economic activity is carried out on an ongoing basis with human and material resources*.

⁵ Also, in England, where works councils are not established, there are statutory requirements for consultation on such kinds of topics, introduced in response to the relevant EU Directives.

⁶ Unfortunately, no complete data is available for the other Member States.

⁷ Cf. Adelheid Hege, Christian Dufour and Catherine Nunes, 2001, *Les femmes secrétaires de comité d'entreprise: une parité trompeuse?* [Female works council secretaries : Misleading parity, *Premières Informations, Premières Synthèses, DARES, n°15.2, avril 2001.*