



COMMUNICATION TO THE EUROPEAN COMMISSION

Carried out within the framework of the Project: Supporting the Public Services Sector for Establishing and Promoting CEE

Adopted by partners in the
“*Learning Workshop*”
Held in Rome, 19-20.09.2023

The Project ***Supporting the Public Services Sector for Establishing and Promoting CEE***, had as its most important objective: *To improve the participation procedures of the employees of the public services sector to develop a real participation, establish European Works Councils and improve the effectiveness of the already existing*; analyzing the reasons for the low number of these Committees in the public services sector and identifying the functioning deficiencies of those already established.

To carry out this objective, the Project partner organizations have developed a research process with various phases of analysis: online questionnaires, interviews, desktop analysis, studies and discussions with expert advisors, which have ended with a series of conclusions and proposals for improvement and good practices that aim to allow greater participation of workers in the public services sector at the transnational level, but without forgetting improvements that must also be implemented at national levels.

Among the most notable conclusions due to their special implication in the participation of workers, both at the national and transnational levels, we can highlight the following:

- 1) There is a high level of ignorance on the part of workers about the existence of European and national regulations on workers' participation rights.
- 2) Most believe that the regulation on participation is not applied in the public sector and that, when it is applied, it is ineffective and does not guarantee the right of workers to participate in decision-making in their workplaces.
- 3) There is an overwhelming majority that affirms that collective bargaining is the most effective instrument to establish working conditions, through collective agreements in the public services sector; and that said negotiation contributes to increasing the participation of workers.
- 4) There is a high percentage of workers who are aware of the existence of European works councils in the private sector and who believe that it would be necessary to establish some transnational information and consultation system in the public services sector.



- 5) The existence of EWC or an alternative information and consultation system would provide elements of support for national negotiations, establishing more homogeneous employment conditions within the EU framework; coordination or pressure mechanisms in collective bargaining.

After analyzing these conclusions and, despite having different starting points in three specific aspects that affect the public services of each country, such as: the conceptualization and configuration of the public sector; the way of understanding labor relations in this area in each country; and the framework of social dialogue and collective bargaining, the Project partners have been able to establish elements of improvement and good practices, with concrete proposals for action, in the short and medium term, that are not limited to the scope of the four countries. project partners, but are intended to be a generalized framework within the Member States of the European Union and the candidate countries.

In this sense, all the partners have agreed to point out two specific aspects of the objectives pursued:

- 1) That **the current European regulations do not allow, neither technically nor legally, the creation of European works councils in the field of public services** since Directive 2009/38 refers to companies and groups of companies with a community dimension, excluding, de facto, to the public sector and to non-member states of the European Union.
- 2) That **we believe that an information exchange system can be established** between union representatives and public managers of the different Member States and/or candidates (which we have called the *Transnational Information System in the public services sector*) that can provide a series of benefits to all countries, members or candidates, that are integrated into it.

It is necessary to highlight that our project has been developed at a strategically key moment in the future treatment of European Works Councils, coinciding with the *European Parliament Resolution of February 2, 2023, with recommendations on the review of the Directive on European works councils*, and their location for the **development of a new framework Directive on information, consultation and participation of workers in European companies**. The celebration of the Learning Workshop of our Project, on September 19 and 20, also coincides with the **second phase of consultation with the social partners** initiated by that European Commission and which will end on October 4th.

We are aware that the time that may remain before the preparation of this proposal for a "new Directive" probably does not work in our favor; but, also, that **the field of the public services sector needs a framework of action** that, at present, does not seem compatible with the creation of these EWCs and other specific information mechanisms that are probably subject to conditions. different from those of the Works Councils themselves, due to the peculiarities of the Public Sector and the autonomy of



governments in this matter. And we believe that we cannot waste this moment to carry it out, regardless of whether it was accepted to include specific aspects for the public sector in the “new Directive”, or whether the design of an alternative information system (which also provided for by the current *Directive 2009/38*) specific to the public services sector.

The participation of workers, its improvement, through information and consultation systems at the national levels of the public services sector can, even today, in many countries, clearly be improved; The processes of collective bargaining and/or social dialogue in this specific area also require greater development and fewer limitations in their implementation; and, in a globalized world, with an increasingly integrated European Union that positions itself with joint strategies in the face of economic or health crises such as those we have recently suffered, we also need instruments that allow us to exchange information **on those strategic matters that affect the set of states.**

Likewise, we are aware of the role that the European Commission and the Parliament play in this regard and of the obligation they have acquired to defend those workers' rights; as well as their **duty to support and complete the activities of the Member States, also in the field of Information and Consultation of workers** ; in particular, co-determination, as stipulated in Articles 151 and 152 of the TFEU and the *EU Charter of Fundamental Rights*.

For all the above, the partner organizations of the Project ***Supporting the Public Services Sector for Establishing and Promoting EWCs*** We have developed a series of good practices that allow us to improve the participation of workers, through their representatives and unions, in their workplaces and, aware of the duty of the Union to guarantee the application of the rights of Participation, Information, Consultation and Collective Bargaining, of workers in decision-making with their companies , **we demand from the European Commission the assessment and implementation of the following actions :**

- ☐ Analyze the convenience of incorporating, in the revision of *Directive 2009/38*, specific actions that allow the implementation of *European Works Councils* in the field of the public services sector; and, where appropriate , **define which Public Sector Companies or Institutions can establish EWCs** , within the scope of *Directive 2009/38*, fostering their creation and reinforcing their capacities for action.
- ☐ Extend the actions that may derive from this analysis to the candidate countries to become part of the European Union.
- ☐ Design a *Transnational Information System for the public services sector* , integrated into the new Directive on European works councils, or as an instrument for the participation of workers in this area, independent of these committees.



- ☐ Define, jointly with unions and public managers, the matters that must be the subject of information in the transnational sphere and within the framework of action of the Public Services Sector.
- ☐ Strengthen and enhance the use of Information, Consultation and Collective Negotiation, or Social Dialogue, procedures, both at national and transnational levels in the public services sector of the Member States and candidates; guaranteeing that they receive the necessary and complete information from public managers, which allows them to reach agreements during the Consultation procedure.
- ☐ Establish a framework of effective sanctions for employers in the public services sector in situations of serious violation of the right to information and consultation of workers and their representatives.
- ☐ Promote a *Framework on Collective Bargaining* in the public services sector , for the entire European Union, to eliminate the current limitations on this matter that exist in this sector and to allow the scope of these negotiations to be extended to matters such as: Remuneration, professional development, employment , training and prevention of occupational risks, among others.
- ☐ Promote, in line with what is designed in the *EU Strategic Framework on safety and health at work 2021-2027* , the development of a *Directive on the protection of psychosocial risks* and the fight against violence, harassment or discrimination in the workplace *in the public services sector* , extending to Member States and candidate countries, establishing transnational actions that develop a support program for workers suffering from psychosocial risks (including stress, depression, professional exhaustion or Burnout) with effective guidelines and recommendations to fight against these risks, when considering the significant physical and emotional overload endured by public service workers in their daily work (a situation that is increased during crises such as the health and economic)

Project Partner Organizations **Supporting the Public Services Sector for Establishing and Promoting CEE** , we are convinced that the participation of unions and workers' representatives in decision-making in workplaces, it is essential to guarantee both employment conditions, as well as professional conditions or the protection of the safety and health of workers in the public services sector.

For this reason, we sign this document, reiterating our call to strengthen and expand the field of action of the information, consultation and collective bargaining procedures in the field of the public services sector, both in its national version and in the transnational framework; and we express our full support to the European Commission on this matter and our availability and willingness to collaborate on this matter both with the European Commission and the European Parliament, as well as with other European institutions to achieve the implementation of the requested principles.

Signed at the Project's *Learning Workshop*
Rome, September 20, 2023



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ANTONIO BUSTAMANTE FOUNDATION, FAB
SPAIN

INDEPENDENT TRADE UNION COALITION OF WORKERS OF MADRID,
CSIT PROFESSIONAL UNION - SPAIN

AUTONOMOUS FEDERATION OF TRANSPORT UNIONS, FAST
ITALY

CONFEDERATION OF FREE TRADE UNIONS. KSS
NORTH MACEDONIA

GSUPOIP NEZAVISNOST
Republic of SERBIA