



Supporting the Public Services Sector
for Establishing and Promoting EWCs

EUROPEAN PUBLIC SECTOR UNIONS PROPOSE AMENDMENTS TO

DIRECTIVE 2009/38 ON EUROPEAN WORKS COUNCILS

Trade unions from Spain, Italy, Serbia and North Macedonia have analyzed, during the first half of 2023, Directive 2009/38 on European works councils and the participation of workers in the public services sector at the transnational level, identifying the deficiencies in operation and the difficulties in its creation. These works have taken place within the framework of the project, financed with funds from the European Union, Supporting the public Services Sector for Establishing and Promoting EWCs.

The project is being developed as a consequence of the call made by the European Parliament (Resolution of 02.03.2023) to “strengthen European works councils and their operational capacities and increase their number taking into account the different industrial relations systems of the Member States”. In accordance with Parliament’s request, on 26 July, the European Commission presented its “Analytical and consultation document” to carry out the second phase of consultations with the social partners, under Article 154 TFEU, on a possible review of the Directive on European Works Councils.



At the expert meetings held at the beginning of July and, more recently, on September 19 and 20 in Rome, the project partners have analyzed the difficulties posed by both the configuration of the public sector in each country, their labor relations systems and community legislation for the constitution of these European works councils in the field of public services and have concluded that the alternative to these committees is the creation of a transnational information system in the public services sector for all Member States and candidates.

As a result of these reflections, the project partners [1] have signed an **Agreement of proposals on Directive 2009/38, of the European Works Councils** , which they have sent to the European Commission , within the second phase of consultations with the interlocutors social.

[1].- The partners participating in this project are: CSIT UNIÓN PROFESIONAL and the Antonio Bustamante Foundation (FAB) of Spain; the Federation Autonomous of the Transport Union (FAST), of Italy; the Macedonian KSS union; and Gsupoip Nezavisnost , from Serbia





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These proposals propose a modification of the current scope of application of the Directive to accommodate public services or, failing that, the creation of a transnational information system for the public sector of the Member States and candidates, together with other matters that They are specified in:

- Analyze the convenience of incorporating, in the review 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 constitute CEE, within the scope of Directive 2009/38, promoting their creation and reinforcing their acting capacities.

- Extend the actions that may arise 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 field, independent of these committees.

- Define, jointly with unions and public managers, the matters that must be the subject of information at the transnational level 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.





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• 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)

