



EPSU European Works Councils and Company Policy Network Meeting
1 October 2019, 9h30 - 16h30
ITUH - Room B, Boulevard du Roi Albert II - 5, 1210 Brussels

Draft Report

Participants

DERON Philippe, CNE (CSC), Belgium
VOJIKOVA Sarka, FTUE (SOS Energie), Czech Republic
VOTAVA Michal, OS UNIOS, Czech Republic
KLUSÁK Karel, OS ECHO, Czech Republic
PATRÁKOVÁ Adéla, OS ECHO, Czech Republic
VAIKMA Sander, AEEWTU, Estonia
JOKINEN Sari, JHL, Finland
DEROUBAIX Hervé, INTERCO-CFDT, France
MARCILLOUX Muriel, FNME-CGT, France
NEAU Elizabeth, CFE-CGC Energies, France
PINATEL Frédéric, FNEM-FO, France
PINCZES Erno, EVDSZ, Hungary
MARKI Monika, EVDSZ, Hungary
LOSETTI Antonio, FLAEI-CISL, Italy
OCEANO Letterio, FILCTEM-CGIL, Italy
PREITI Emanuela, FLAEI-CISL, Italy
SEDRAN Luigi, FLAEI-CISL, Italy
HENNUM Vidar, EL&IT, Norway
POPESCU Raluca, Gaz Rom., Romania
GLEVAN Daniel, Gaz Rom./Engie, Romania
KLIMOVA Olga, ALSWU, Russia
VASILEVSKIY Aleksandr, ALSWU, Russia
GRÄSMAN Yvonne, Kommunal, Sweden
HAUG Elisabeth, Kommunal, Sweden

EPSU Secretariat

DURIVAUX Guillaume
DRUG Roxana
MARSHALL Dylan Casey

Speakers

ARUS Susanna, Alliance for corporate transparency
CIBRARIO Daria, PSI
SALLER Claudia, European Coalition for Corporate Justice

Apologies

KRIMPHOVE Martin, Uniper, Germany
LAY Matthew, Unison, UK
OLSSON Jan-Olov, Vision, Sweden

1. Opening and announcements

Guillaume Durivaux, EPSU, welcomed participants and went through the agenda.

2. Report

Last meeting's report ([5 March 2019](#)) was adopted.

3. Utilities and Company Policy - Programme of Actions 2019 - 2024

Guillaume Durivaux, EPSU, outlined the Programme of Actions 2019 - 2024 and highlighted the five priorities there within.

Hervé Deroubaix, INTERCO-CFDT, highlighted the importance of working towards establishing permanent Social Dialogue down to employee level.

Guillaume Durivaux, EPSU, raised how EWCs can further advance social and environmental priorities for public services. The need to link due diligence, EWCs and climate transition was underlined.

Emanuela Preiti, FLAEI-CISL, highlighted the draft legislation at European level to define a model for sustainable companies. The Commission had previously issued a report on this topic, outlining the need for legislation and the Council and Parliament have agreed on a negotiating mandate. There is a chance to prepare early and get ready for the legislation.

Elisabeth Neau, CFE-CGC Energies, underlined the need for clear criteria for workers which are applied universally. She noted the importance that workers must feel that they have been fairly treated.

Aleksandr Vasilevskiy, ALSWU, highlighted that Russia has signed the Paris Agreement. Trade Unions should be more vigilant in moments like this. He acknowledged that there have been good examples of remunicipalisation, particularly with water.

Guillaume Durivaux, EPSU, noted that he is always open to hearing from affiliates to add to the agenda and adapt the programme of actions.

4. Update on developments in European Works Councils

Vidar Hennum, EL&IT, has a seat in Statkraft in Stockholm. He regards that the EWC and the Trade Union's relationships with the company are functioning well. The EWC receives all the information they request and Trade Unions had two informal meetings with the management about what is happening in the sector nationally and internationally. The EWC agreement was recently renegotiated to protect the rights of workers in the UK after Brexit.

Elisabeth Neau, CFE-CGC Energies, gave a brief overview of EDF's restructuring "*Projet Hercule*". Interaction between the EWC and Trade Unions and management has been relatively satisfactory, but problems remain.

Daniel Glevan, Gaz Rom./Engie, outlined studies have been drawn up in ENGIE on the impact of digitalisation on the sector. Local agreements have been created to deal with these consequences. He noted that consultants have been hired to improve the body of work and hopes for a good exchange.

He also emphasised that he hopes EPSU will be able to work on updating the EWC Directive, which he called as an ageing instrument.

Guillaume Durivaux, EPSU, noted that the ETUC highlighted ENGIE as a good example for other companies in the sector.

Antonio Losetti, FLAEI-CISL, noted that the situation in ENEL is very poor, the EWC has not been convened in the past two or three years although there is hope of meeting in November. He noted that ENEL is one of the most advanced companies in digitalisation in Europe, which is reducing the amount of work while simultaneously changing the nature of work. He highlighted the digitalisation of Puglia region under an EU project. This has resulted in the reduction of labour and it is unlikely that the new labour created will not replace what is lost. ENEL is currently being restructured, splitting up subsidiaries in the global group. He also underscored that the situation in ENEL in Spain is extremely bad and they haven't met with management in three years.

Italy is making good progress on the transition to a decarbonised economy. Coal plants are closing, with only five remaining. There is a push to utilise gas to aid with transition and solar is on the up while wind power is lagging.

Muriel Marcilloux, FNME-CGT, further outlined EDF's "*Projet Hercule*". The company will be split into two entities. The blue entity will include nuclear and thermal production and will be 80%-100% state-owned. The green entity will include distribution and marketing and will be 35% state-owned. There are 46.000 workers in the partially privatised green entity. There is confusion over the status of engineering, hydroelectricity and geothermal as they have not been explicitly included within the blue nor green entities. It is unclear why this is occurring;

the company's debt is lower than in 1995 and one of the lowest in the sector. This restructuring is worrying for a number of reasons and there is no guarantee for new investment and a risk of wage cuts and job losses. Since 19 September, workers have been on strike in an act of inter-union cooperation.

She noted that UNIPER's French subsidiary was bought by EPH and workers in one of UNIPER's former plants in Gardanne have been on strike since December 2018. She also noted that redundancies have been announced in Neptune Energy.

Guillaume Durivaux, EPSU, expressed solidarity with French Trade Unions and workers and noted that the situation is worrying. He also noted that the Czech company EPH recently bought two coal plants and two gas in France.

Karel Klusák, OS ECHO, outlined that the ČEZ Group has continued to experience major changes for the second year in a row. The company is selling assets abroad including a Romanian subsidiary, assets in Romania and Bulgaria. There will be a meeting of the EWC in December about foreign operations and changes in the company, including the future coal plants.

He noted that while renewables are developing in the country, it is not possible to switch to wind power in Czechia. The Minister of Industry convened a Committee on Transition, where Trade Unions are members.

He emphasised that the development of an EWC in EPH has been problematic. Management has signed the agreement but there needs to be a final signature from Hungary, which is expected in October. There are issues pending for EPH in Germany and the questions remain about German workers ability to join the EWC. He noted that procedures for EWC elections have yet to be finalised and he would welcome EPSU's insights and aid with this.

Sarka Vojikova, SOS Energie, noted that E.ON is planning to sell Innogy Retail business in Czechia because of European Commission condition for RWE - E.ON deal.

Michal Votava, OS UNIOS, outlined the operations of Innogy which owns all gas in Czechia. An EWC established in Innogy last year, but it is when the company sale to E.ON is completed, the EWC will cease to exist. He also noted that Macquarie Infrastructure and Real Assets (MIRA), a retirement fund of Australian banks, used its right to buy all of Czechia's gas infrastructure. He underlined that MIRA is not operating as a multi-national corporation and since taking control of the grid, 200-300 workers are being transferred from energy to grid services.

Aleksandr Vasilevskiy, ALSWU, said there has been 100 years since the foundation of ALSWU, but the issues in its original platform are rising and gaining significance again. He noted the positive meeting with EPSU President in Saint-Petersburg. He called on Unions to be attentive to the government's relations with the World Trade Organization (WTO).

Hervé Deroubaix, INTERCO-CFDT, reported on the situation in Veolia. Air quality is a big issue, even inside buildings. Further, redundancy plans have happened four times, which is a historic development in France. There is no economic reason for these developments and there is only the possibility to lodge complaints if books do not line up. There is a need to look at case law in this area. Also, redundancies have occurred in the support services of the

company. The company's 11 call centres have been reduced to only four. These staff are vulnerable and have found it difficult to find new employment.

He emphasised the difficulties workers are experiencing in the Waste Sector. There is also a worrying situation developing throughout the continent concerning health and safety in work. He noted the recent death of two Polish workers in an explosion. There is a need for Trade Unions to highlight these problems and work more on them.

He also underlined the importance of working to protect whistleblowers. He highlighted two cases, one in Belgium and one in France. There is more work to be done in this area to ensure workers aren't punished for exposing the truth.

Guillaume Durivaux, EPSU, noted some important points. Health and safety, particularly in the circular economy will be a priority for EPSU in the coming years. EPSU is planning a report or something more practical on this topic in the near future. He noted that Veolia has adopted a code of conduct with regards to whistleblowers.

Erno Pinczes, EVDSZ, noted that negotiations with RWE are continuing. E.ON was forced to sell off electric car operations and electricity sales division. E.ON bought two Hungarian electricity companies and now 90% of the country's electricity sector is owned by E.ON. Hungarian competition authority will investigate E.ON's place within the electricity sector. The Hungarian government is planning to buy two electricity plans to restore balance in the sector. After this purchase, 50% of the sector will be state-owned. A new nuclear power plant, Pak II, is under discussion and will be state-owned. He also noted that renewables and biomass energy are both growing. There is a big demand for energy in Hungary and the demand is only rising, particularly with companies moving from the UK. He highlighted that there are labour shortages in Hungary with many blue-collar workers coming to the country from Serbia and Ukraine.

5. EWC Directive revision process: latest developments and state-of-play

Guillaume Durivaux, EPSU, outlined that the Commission does not wish to reopen the EWC Directive but rather wants to produce a guide and budget for its dissemination while entering dialogue with Member States to improve implementation of the Directive. Trade Unions rejected the Commission's position and issued 10 demands for moving forward, including the ability for EWCs to seek legal remedies and the ability to suspend decisions taken without consultations. The Commission gathered an expert group to produce the guide for the European Commission. This Commission did not envision the guide having legally binding effects for the interpretation of the Directive. Business Europe did not have serious suggestions and the Commission rejected almost all Trade Union suggestions. As such, the Trade Union delegation withdrew from the meeting and the project has been subsequently shelved.

Moving forward, the ETUC recently adopted a declaration on more democracy at work. This included the need for information and consultations to be applied within the realm of public services. It was signed by numerous European political leaders. Further, the new European Commissioner for Jobs, Nicolas Schmit, is purportedly a strong backer of Social Dialogue.

Emanuela Preiti, FLAEI-CISL, suggested utilising friendly MEPs to draft and enact a request for a legislative proposal to reform the EWC Directive.

6. Establishing EWCs in Health and Social Services

Guillaume Durivaux, EPSU, highlighted with concern that the Health and Social Services Sector is being increasingly liberalised and privatised throughout Europe, but particularly in France. As a result, it is wise to organise workers in this sector. A new EWC agreement Korian sets a new benchmark for such agreements. This new agreement covers subcontractors who can sit as observers on the EWC. He outlined that the ongoing negotiations are more complicated with ORPEA. Negotiations have begun with Ramsey-Générale de Santé, who employs 60.000 workers. He also outlined the plan to establish EWCs in elderly care company Colisée/Armonia and health and paediatric care company Norlandia.

Elisabeth Haug, Kommunal, outlined their plan to begin negotiations to set up an EWC in healthcare company Attendo. The company employs approximately 25.000 workers, mainly in the Nordic countries. There the company acts ethically in Sweden while the situation in Norway has large problems. There was a positive response to the EWC request and negotiations are planned to begin before Christmas and there is a positive outlook at securing a strong agreement.

Aleksandr Vasilevskiy, ALSWU, noted that ORPEA is heavily advertising in Russia.

Elisabeth Neau, CFE-CGC, inquired about the conditions for the Commission to approve an EWC project.

Guillaume Durivaux, EPSU, outlined the conditions which are technical procedure internal to the Commission.

7. Non-financial reporting instruments and Due diligence

Susanna Arus, Alliance for Corporate Transparency, gave a presentation on non-financial reporting instruments. She noted that the Non-Financial Reporting Directive came into effect in 2018. She highlighted the potential for Trade Unions to have a role in the approval or assessment of reports by companies. She also noted that a draft revision is expected to be tabled next year and outlined the alliance's priorities including expanding the scope of the Directive and defining mandatory reporting criteria.

Claudia Saller, European Coalition for Corporate Justice, gave a presentation on Corporate Due Diligence. She highlighted that the Non-Financial Reporting Directive does not require companies to do anything other than reporting. She noted that there are some due diligence requirements at EU level, but they are lacking. Most laws are present at national level. She noted that the French vigilance law requires companies to create a risk map which requires Trade Union involvement. Further, Trade Unions are involved in the enforcement of this piece of legislation. She also highlighted uses of Mandatory Human Rights Due-Diligence legislation for Trade Unions, including in the work of GFAs and EWCs.

Guillaume Durivaux, EPSU, highlighted the possibility to link Non-Financial Reporting Directive and Mandatory Human Rights Due-Diligence legislation with whistleblower protections and the importance to link this at a European level.

Daniel Glevan, Gaz Rom./Engie, noted the coalition's gap in Central and Eastern Europe.

Claudia Saller, European Coalition for Corporate Justice, noted that the coalition has yet to establish contacts in the region but is eager to expand there.

Muriel Marcilloux, FNME-CGT, noted that the text of the French vigilance law is good but enforcement is not strong enough and as such, companies do not respect it. Companies regularly do not respond to or answer questions posed by Trade Unions. She raised the question about whether Trade Unions should be part of this masquerade.

Guillaume Durivaux, EPSU, highlighted that EPSU has signed the European Coalition for Corporate Justice's declaration alongside 88 other organisations.

8. Overview on recent policy developments and GFA negotiations at global level

Daria Cibrario, PSI, gave a presentation on GFAs and an update on PSI's work with GFAs. She highlighted that GFAs developed in response to the asymmetry between global capital and labour. She also noted the role of EWCs in pushing management to negotiate and sign GFAs. She outlined the differences between GFAs, EFAs, EWCs and CSR and the importance of all of these. She then gave an overview of ongoing GFA negotiations with EDF, ENEL and ENGIE which are all looking positive, yet a number of problems remain in all cases.

9. Miscellaneous

Guillaume Durivaux, EPSU, updated members on the situation in the German healthcare company, Fresenius. The company has been involved with Union busting in the USA and Latin America. Creating an International network of Trade Unions with a goal to sign a GFA. There was a first meeting last Spring in parallel with the Fresenius shareholders meeting with ITUFs (PSI and Uni), ETUFs, Ver.di, North and South American unions and Asian TUs. The initiative has been successful so far and a formal letter has been sent to management.

10. Any other business

None.