

This ambitious project aimed different goals that will be focussed during this present work, resulting from the research carried through, the contacts established, the meetings that took place in Portugal and abroad and the collaboration of all the direct interveners.

This present work intends to focus the concrete experience of the interveners as well as to know their perspectives on the different issues covered. It reflects such. It has been an arduous task but highly compensatory and it has been possible also due to the active participation of all the intervenors.

One of the objectives was to promote the Directive 2002/14/EC but from a practical point of view, this is, looking for examples and paying special attention to the crisis' situation and how companies were able to overcome and/or face it. Mainly, what has been the role of information and consultation during the crisis' period and its role within a restructuring situation? How has been possible, or not, to anticipate preventive measures, or others, or to manage change?

We would like to present hereby some concrete cases, cases of some companies that went through the crisis and they were able to overcome it, being considered as success examples. So, let's know them more closely and know the measures adopted and how information and consultation has been useful to overcome that situation.

At national level:

Hutchinson - Borrachas de Portalegre Lda. This company, located in Portalegre, represents one of the three industrial units located in Portugal (the other two are located in Campo Maior and in Paredes). They are participated by TOTAL, a French petrol company.

The words crisis and restructuring are not unknown to the company, even before the year 2008. This because, at that time, they've faced an internal crisis, because one of the clients (Renault) left and it has been necessary to find forms to fill in the gap and to minimise the negative effects resulting from the going out of such an important client. They lost, on that occasion, 30% of the production.

As result, they had to adapt themselves and a restructuring took place. That restructuring implicated the assumption of measures at several levels, namely organisation of the working time, the increase of the quality of the developed products.

The measures taken implicated the rescission of some labour contracts, involving around one hundred workers; with the end of the use of the temporary agency work, it was created a bank of hours, avoiding, in that way, the collective dismissal, this in 2008/2009.

During this period they were working below the capacity, but even so, it was possible a good administration of the bank of hours and despite the number of reduced number of employees; they managed to carry out the requests that were coming, balancing the company.

With the internal restructuring and with the changes inside of the group itself, because they were able to attract products that were produced in some of the factories of the Eastern Europe (Poland, Czech Rep), betting on training, on the quality of the work force and of the products and also in the innovation, in the diversification of the production (entering into new markets), betting also on the reduction of the absenteeism, the plant of Portalegre knew how to succeed in the market and it is actually hiring already more workers and it has good perspectives for the future.

Which is the role of the information and consultation?

The information and consultation were, with any doubt, essential instruments so that, the company, was able to overcome the difficulties. The social dialogue, within the company, was essential and it has been helping to overcome the different situations that the company has met with. Dialogue has been quite important, despite the natural disagreements. The instrument of the information and consultation was essential in the course of this whole process; it has been helping to overcome the situation even to hear the workers' opinion, hearing them in the application of the different measures.

Siemens - unit of Alfragide

In 2008 the company itself felt need to do a reevaluation in order to reinforce the competences' centres. One of the bets was, without a doubt, the centre of shared services (export services to other countries, namely Angola, Mozambique, Brazil, etc.), and it has been exactly to this area that more than two hundred workers were wired. This was a thorough reevaluation with the objective to keep the "know-how" in Portugal. And for such it was necessary to know what are the competence centres and in which one they should bet.

In 2009, and in the continuation of this restructuring process, they made an evaluation on what were the areas where to invest and in that sense they have done the necessary investments. This was the year of the orders; those orders were the ones that have maintained the company in the following years (2010 and 2011).

There is crisis, but they are adapting themselves to be adjusted to the reality. The company is in a permanent restructuring process because it has to be adapted to the changes at the European and world level. Besides this restructuring at global level, internally they also have been suffering restructuring. But that is something that is not new and that invariably happens. Because of that, mechanisms such as work time

flexibility and also functional mobility are applied in the company. Instruments, without a doubt, that are important for such needed adjustments.

Which is the role of the information and consultation?

Once the company has to be, as already pointed out, in permanent restructuring process, such is only possible if they have a regular contact of proximity; due to this direct contact, all know the company's situation, they are conscious of the need of doing changes, readjustments and that they have to adapt themselves.

All of this can be reached only through a dialogue with all, but such also occurs due to the company owns' culture that always aimed an "agreement culture."

Besides this contact with the collaborators at internal level, it should be underlined the role played by the European Works Council of Siemens that assumes a role of special relevance, as a body of information and consultation that it is. The EWC of the group is, without a doubt, a partner in the decisions to take at more global level.

(Note: in the entire conversation the word used has never been workers but collaborators)

Lisnave, Estaleiros Navais S.A., in Setúbal.

The company, dedicated exclusively to the naval repairing, has known, along the years, to adapt itself, due to the restructuring process suffered and completed in the year 2000. The crisis in the naval sector is not recent so they were able and knew how to deal with the most recent crisis. How? By supporting the proximity of the units and making the company's dependence more flexible on the main cost that it is, in the opinion of the company, the labour costs. Result: they've chosen to hire the great part of the services.

Despite this option, the company continues to bet on the young people's training to put them working in the two companies, Lisnave Estaleiros SA and Lisnave Yards.

The bet on training as well as the investment in areas as the recovery of the docks, the recovery of the electrical network and the environmental protection, are part of the strategy of the company to continue to face up the crisis that the industry is dealing with.

Which is the role of the information and consultation?

At the time of the big internal restructuring the company intended to negotiate a new collective agreement, however, this has not been negotiated yet with the social partners.

Daimler - Tramagal

The company, working in the car sector, a sector that has been suffering a deep crisis over the last years, knows what is the crisis and restructuring procedures. This because,

as in order to follow up the market's demands and changes, it had to adapt the company's production. For that reason it took some measures, including a layoff during the periods of no production. However, as such is not a company policy, it sought new ways to give training to the workers during those days (when the production was suspended or reduced). With this measure it was possible to accompany the evolution of the production's demands, not to dismiss and to improve the collaborators' competencies and abilities.

These were measures that helped the company to "survive" during the crisis, but to come out from it was necessary to diversify and to find new products, new orders in order to guarantee the production.

Which is the role of the information and consultation?

The information and consultation played an essential part in the ongoing of all this process, because all of the aspects were communicated and discussed with the workers so that they could understand the changes that were to be applied, the sacrifices that were being asked. In the opinion of the company, this was, without a doubt, the way for the whole process to be developed as accordingly established. All the workers were informed about the situation and they could understand the measures taken. And all have contributed to the re launch of the company.

Borgwaner - Valença

Despite the stagnation felt in the crisis' development, in the year 2010 no longer has been felt much the break and the recovery has been noticed. Aware of the crisis felt in society, the company decided voluntarily, and given the positive results, and not to take advantage from the crisis, to increase the wages.

Still today, as well as in elapsing of the crisis, they continue to apply measures such as the flexibility, working time adaptability because, according with the company, this is the way to adjust the production to the orders. Everything passed, and still does, for controlling the labour and adapt it to the company's needs, not making unnecessary recruiting. These measures are needed it, according with the company's opinion, in an industry as volatile as the car sector. They think, also, that this will be the way out if a new crisis comes.

Which is the role of the information and consultation?

The trade union (in this case only SIMA) presence is an added value for the company because everything passes through the employees' information so that they can be aware of the situation and be involved in the decision taken.

Coindu - Arcos de Valdevez

When it was verified that the crisis was longer than the initially foreseen, with the orders falling abruptly, the company, already included in a problematic sector - auto/textile sector, decided that no longer could and it was time for acting. As such it understood what was to come and how long such it would last. Having as main market the German market, they've realised that the situation would last more than foreseen. Then, the company (management/trade unions), customers and suppliers, together, tried to find measures to cross the situation or at least that allowed to await for the its' developing.

The first measure was the application of a bank of hours, negotiated with the workers' representatives and workers. This was supposed to be a temporary measure that would allow waiting and, on the other hand, to assure qualified work force.

However, such measure has revealed to be insufficient because, and once again together, company, customers and suppliers, they've reached the conclusion that the situation would last longer than foreseen. They had, for such reason, to reduce the number of employees. They've chosen to initiate a collective dismissal procedure, with all of the disastrous consequences that then occur. However, and in order to be able to choose the competencies that the company wanted to maintain, the process became more complicated. That is why they gave primacy to the rescissions for mutual agreement. And like this was possible to balance the needed workforce to the necessary production.

After only three months from the collective dismissal, the company began to overcome and new phase began that during which it was very complicated to recruit again qualified personnel. Presently, with a good wallet of orders, such difficulty is still persisting.

With fear that a new crisis' wave arrives again, the company choose to take measures to warn that fear. Those measures include the recruitment of temporary work. This resource to the temporary work doesn't happen, according the company's understanding, as a way to facilitate a future dismissal of those workers in the event of a second crisis to emerge, but as way to wait and see the evolution of the market. Especially because the company bets on those workers' training so that they can, after, put them in the company, but not only. Once they already have a centre of development of their own products, developed in partnership with the customer. This will allow not having to compete with other customer's suppliers.

Which is the role of the information and consultation?

These were, without a doubt, essential in the whole development of the process. This because the dialogue with the workers and their representatives allowed to agree on measures, namely, the bank of hours, even when such was not foreseen by law or by the collective agreement itself and the collective dismissal itself. Only through dialogue was possible the introduction of new measures aiming to attenuate the effects of the crisis, on

the one hand, and ways of lessening the effects of the collective dismissal, on the other hand.

Delphi

The Delphi group in Portugal is one of the main exporters and, actually, the unit of Seixal presents a very positive growth, with a significant increase of orders.

In the course of the crisis some measures were taken in order to minimise the effects of the crisis, namely the flexibility of the working time and in the organisation of the work, to allow organising the production according with the orders' volume. It is known that during the crisis' period the company closed two units in Portugal and that such it was necessary to reorganise the company.

Actually the company has been demonstrating a positive growth, with an increment of orders, namely in the Seixal unit. There were significant investments and strategic investment. They are, still, increasing the number of workplaces.

Planning in advance, this is, anticipating problems, the needs and the team spirit were essential for the company to recover.

Which is the role of the information and consultation?

It was, without a doubt, important, this because principles such as clearness, the workers' involvement are, and were, essential in the restructuring phase. The good relationship that the company has with the collaborators, and even former collaborators, allowed a good administration of conflicts. People knew what the needs of the company were, and they were aware of what was needed to overcome that situation.

TAP

The national flight carrier faces, since several years, a difficult situation which the company is trying to overcome. Having in attention the market where the company operates such has not been easy, however it has moved on and such is due, necessarily, to the continuous search of new markets, new products and reduction of costs. The company has in application, already for some years, some instruments that make possible a better management / optimisation of the resources, namely, the flexibility. This because assisting to the constants mutations of the market, it demands a constant adaptation of the company to those. That is the reason why, during the crisis period, were not applied exceptional measures to face it.

Which is the role of the information and consultation?

This has been relevant in the application of the measures. This because, the information reaches the workers and the company always seeks for consulting the workers in the event of the need of an exceptional measure to be applied. This dialogue, despite not always smooth, has been possible.

PSA - Mangualde

With the explosion of the crisis in the end of 2008 it was necessary to rethink the whole strategy. During the crisis several measures were adopted, from the bank of hours (that was being applied still before the confirmation that the crisis was installed), the anticipation of the period of vacations (one week), the elimination of one of the three shifts, the decrease of the cadences of the automobiles produced, the non renewal of the labour contracts (fixed term contracts and temporary agency contracts). It was necessary, also, to apply a layoff process during six months (during which the company took the initiative to give training to the involved workers - 5 days to each worker and supported by the company). To the involved workers it was given the possibility (an extraordinary one) to anticipate the vacation subsidy and during that time the canteen was open to all and free of charge.

These measures have been essential to maintain the company while waiting for the recovery of the market. This begun to retake during the second semester of 2009 and it dictated the end of the application of the layoff.

In the first half of 2010 the demand increases and they begin to work on Saturdays, in the morning, and one more hour (from 23 till 24:00). This work has not been totally discounted from the bank of hours, just a part came from it and the other part was considered extra time and paid as such adding the free meal.

With the increase of the production the need appears of restoring the third shift that had been suspended in elapsing of the crisis, although with special characteristics. This shift was characterised by being a variable opened team, with a six hours' contract, with a bank of hours and also with an adaptability system. It was, still, necessary to work in the month of August and to recruit more workers, around more three hundred workers.

Since that time the bank of hours has been renegotiated. It has been increased the necessary number of hours. When faced with the options presented to the workers, they've chosen to maintain the bank of hours. They have already empty the bank of hours and to recover the production they will go back, again, to work on Saturdays, in the morning.

The company, that counted with the strong support of the group, knew how to maintain itself and, actually, it is the eight exporting national company, with the better two rate of safety within the group.

In what concerns the future is foreseen an increase of the production with more recruiting.

Note: already after the meeting on the situation of the Mangualde site, the company announced the cancellation of the night shift, because the model that was manufactured didn't have the expected receptivity and it was not profitable. For that reason, this decision had to be taken, keeping all the rest.

Which is the role of the information and consultation?

To the workers was explained the entire situation, the needs and what the measures to be taken, and some of those were put to the approval of the workers. The information was necessary to explain to those involved the extent of the situation and of the measures to take, requesting the collaboration of all.

Manuel Machado e Companhia Lda - Guimarães

However, not everything is a bed of roses, because sectors as the sector of the jewellery and goldsmiths and watchmakers are facing real difficulties. In accordance with what it was transmitted to us by the company Manuel Machado and Companhia Lda, this is a sector with specific characteristics particular specificities. The entrepreneur tissue of the sector is based mainly in SME that try to survive, using all of the resources and means to their disposal, namely work time flexibility, reorganisation of the work and work forms, though applied on an informal way, sometimes imposed by the companies themselves, others as a result of an agreement between the workers and/or their representatives.

This is a sector that suffers very much from the increase of the quittance of the gold. The increase of the value of the gold associated to an internal crisis (economy stagnated, with people not buying, but the opposite, because those who own jewels are dismantling those pieces so that they can, after, sell the gold of those pieces) makes the possible buyers to retract themselves. Nowadays, people only purchase gold jewels or other pieces, only do that with the purpose of investment or, at least, on occasional and special dates.

As such, the company felt the effects of the crisis, but it managed to deal with it, although having to apply measures such as work time flexibility which was very important once the company knew in advance, anticipated the production picks. Everything went passed through the reorganisation of the work methods so that the company was able to meet the orders they had once the orders' flow is not constant and they have to wait to the next one to come. The important was to maintain the workers until those orders arrive. And it was what happened, but such was only possible due to the workers' involvement. Not forgetting the search of new markets.

Which is the role of the information and consultation?

In spite of existing, indeed, companies that promote the dialogue, facilitating information to their collaborators allowing them to interact and participate in the decision taken, they know that such only is applied to a minority of companies. This company is not the case because it facilitates information to the workers and it also consults them, which is easier having into consideration the dimension of the company. The workers feel as integral part of the company and the access to the information and their consultation leads to the fact that the measures to be implemented can be due the workers' involvement.

We can, equally, look outside Portugal and cross borders to find other examples of companies, in other countries, that we can focus, once we think they can be important. Companies in countries as Macedonia, Estonia, Turkey, Ireland and Poland, target countries of the study and inserted in this work, also they have felt the crisis and they've implemented some of the measures with the aim to overcome it.

If we take into consideration the case of Turkey, the effect of the crisis of the rest of Europe, it only had effects in the country later on. For instance, the car manufacturers had to reduce their production to face the European market and on such occasion it was necessary to reduce the labour force. Although, elapsed one year, the workers have begun to return. This is a very important sector, because the market is very big. They have in the country present 17 car manufacturers, 14 of which considered as "global players", like Toyota, Honda, Ford, Mercedes, Renault, etc. Then the importance of the sector. Also the metallurgy sector is in good conditions because they export to the neighbouring countries that produce nothing, such as the countries from the old Soviet union, and still the countries from the north of Africa, whose good relationships with these, privilege the export and still the countries of the medium east, rich countries.

A good expansion example is Turkish Airlines that, over the last years, extended their routes, offering more and better services. The case of Turkish Airlines is a good example of the growth of the Turkish economy.

They bet on training and a good example of the employability of the human capacity is the centre of design of the factory of Ford in Turkey.

In what concerns the steel and iron industry, despite the big dimension, only has small and medium companies, whose importance stands out due to the relevance they have in the exportation sector essentially. This is a sector that benefits from the investment that the government did in the sector of the construction, and they employ lots of people.

This without ever forgetting the tourism sector, another strong bet that gives its fruits. Better and more offers, better conditions and infrastructures make tourism to be in the limelight, not only the foreign as the national tourism.

As said previously, the European crisis arrived only later to Turkey, but the measures taken by the companies were not significant. This because the country already went through a crisis' situation, in the beginning of the century, mainly in the bank sector and it suffered the intervention and support from the IMF. It was necessary to restructure the companies, passing through necessarily by the workforce reduction and for the search of new products and markets. The recovery project went well and the financial world recovered first and only after emerged the recovery of the economy. Turkey, a country with an unstable economy, knows what is to live with the crisis. With the year 2008, the beginning of the crisis in the rest of Europe, the growth of Turkey relented and were applied measures such as subsidies, temporary compensations, for instance, to the worker that, during the crisis, worked less, the Government paid the wage difference. To avoid dismissals some of the workers went on vacations, other companies ordered the workers to go home during the period without production, some have received half of their wage, others a third, or even anything. Benefiting from an economy in expansion, from markets that facilitate the production exportation, Turkey actually continues in expansion.

Which is the role of the information and consultation?

Until the 90's, of the last century, the social dialogue was inexistent, with the companies not recognising the trade the unions, with constant conflicts (we detached a study carried through within a project supported by the European Commission and promoted by SIMA, in the end of the 90's that points out the difficulties felt).

Presently, that situation has been inverted and, in general, the relationships between the social partners are good, both at national level as at company level. The trade union representations at the companies are the ones who, directly, contact with the company participates in the information and consultation processes. They have a good chain of information with the companies as well as with the association of the sector.

Both social partners have the opinion that the information and consultation are essential for the development of the companies and consequently, in the development and in the improvement of the workers' conditions.

Despite the good relations between the social partners, such is only applied to the European companies, because most of the Japanese multinational companies refuse the presence of trade unions in their units, despite giving to their workers the same work and living conditions as the other ones but the trade union presence doesn't exist and there are no information and consultation.

Holder of an unstable economy and still in recovery and evolution, Turkey knows that at any moment the crisis can come and knock at the country's door again and for that reason the social partners meet frequently to debate the most pressing subjects, in order

to find solutions, together. They discuss all the subjects and eventual scenarios, to anticipate situations and like that to avoid the worst.

The situation in Macedonia is different because the impact of the crisis has not been very typical, not implicating many companies' closures. To face the crisis several measures were proposed by the trade unions, passing through a reduction of the work time from 42 hours per week to 32 or 36 working hours per week, and the difference to be subsidised by the State, through education and pre-qualification programs, and still subsidies to the companies to support the workplaces. Companies use job mobility and flexibility more and more having as a result not hiring more people once flexibility has been understood erroneously by both social partners. Because the companies put the workers doing everything, frequently changing the workplaces of the workers. That is why is needed a strong control to check if flexibility follows the established rules.

Which is the role of the information and consultation?

One thing is for sure, at the companies where trade unions are implemented and are strong, the conditions, at all levels in general, are much better, namely in what concerns the compensatory level, health and safety, etc. This in what concerns to the great companies, because as most of the entrepreneurs tissue reports to SMEs, there the issue is not even rose.

The information and consultation exists by law and also through the collective bargaining.

Companies as OKTA, FENI, USJE, MAKPETROL, TELEKON, EVN, ALKALOID, REPLEK, ADING, from different sectors as the pharmaceutical, chemical, cements, are examples of the application of information and consultation with good results on how dialogue is useful and it happens.

In Estonia, a country that only very recently joined the EURO, despite not escaped totally to the effects of the crisis because it is not possible, in the industry, to be independent, this didn't assume the outlines of the rest of Europe.

During the crisis' years lived at the country, many companies' closures happened, many collective dismissals occurred, as was the case of the company Autoliv that, and result of a restructuring that took place, has now 700 workers from the 1100 initials. There were also acquisitions, namely Arcelor Mittal that acquired Talbex and that are now resuming production, although not at 100%. Many other companies had to apply measures as the freezing of wages, reduction of the working time, or part-time, to maintain the companies.

Actually, they have the bank of hours with reference periods of 4 months.

Taking as example the company Elcotec that already had in application the part-time work, they have now the concentrated work time, in other words, they work 12 hours

for 4 days, and they rest in the four following days, and 2 days they work during the day and the other 2 days they work at night.

It is true that the country, and some companies in concrete, benefit from the proximity with Finland and the fact of now starting to emerge problems there, to keep the production that, previously, was taking place in that country. It is the case of the company PKC that produces cables for the car sector. Before the crisis they had 1300 workers, number that suffered a necessary reduction because there were products that suffered with the crisis. However, nowadays, resulting from the production transference to Estonia, coming from the mother company mother in Finland, they are already working at the same level as before the crisis. They have work, but no space to expand production.

Which is the role of the information and consultation?

This has been increasing since the 90's, when within an initiative promoted by SIMA with the support of the EU Commission; it was possible to reach the first collective agreement.

There are success situations that deserve to underline, this is, where dialogue happens on a salutary way and allows to the company and workers, and their representatives, to act together and as it is the case of PKC.

Another example that meets the interest of both parts is the company Elcotec.

In crisis' periods confrontation should not occur but a confluence of efforts, owing all the instruments to be used to save the company.

When the crisis arrived in Ireland the impact was huge, affecting specially the private sector, affecting seriously the financial sector of the country. Banks dismissed people, closed and many workers besides losing their jobs also lost, some of them, significant amounts of money by losing their employee share ownership systems (employees' financial participation schemes). The situation extended to other companies and the social relation fell a lot into the ground in Ireland. Especially because all the so called austerity measures were applied in the sense of asking to the people to pay for the mistakes of the private; this has generated a dissatisfaction climate.

When facing the economic challenges, the bet goes towards the increase of the productivity and competition of the companies, but without an increase of the costs. The social partners support, with that objective in view, that everything will pass through the implementation and reinforce of the employees' financial participation schemes always associated to the information and consultation.

Innovation is the key word, not only the innovation of the product as well of the work place, making workers more committed, involving and committing them to the objectives of the company. Such will set free the knowledge and the workers' talent. These will become more open to the necessary changes / restructuring, always based on a culture of communication and consultation with the workers. Such will allow keeping the experience and the knowledge within the company, hindering its escape to the competition, resulting in a bigger productivity.

Poland has been suffering, over the last years, a certain number of changes, namely with a spectacular development in the years 2007 and 2008, being followed by a deep recession following the global financial crisis in 2009 and the recovery in 2010. In that occasion the gross domestic product grew, the private consumption also, about 20% comparing to 2009. We cannot forget the fact of Poland being the next hostess of the Euro 2012 and such has been influencing the economy positively, namely in the increase of the orders of steel.

The situation, over the last years, has been very dynamic, as already underlined and the anti-crisis' measures implemented by the Government in order to mitigate the effects of the crisis, didn't contribute, according with several opinions, for such.

In the years 2009-2011 the work time flexibility has been the method that allowed maintaining the centre of the workforce. Agreements were signed, more or less long, on the reference period, etc.

The social partners were included in the social dialogue of the tripartite commission for the social and economic matters and sectoral tripartite groups for steel, armament and aerospace industries as well as in the structure of the commissions for the social dialogue.

With restructuring suffered they have, now, sectors such as the metallurgy and steel sectors, as modern sectors, and taking as an example the Arcelor Mittal company that invested a lot in new technology.

Which is the role of the information and consultation?

In most of the situations the decisions are taken done without any type of information. In what concerns consultation it only takes place once the decision is already taken and revealed and when the intention is to minimise the social consequences of such decisions, this according the evaluation of employers and workers. In the steel sector, such implementation was positive and many of the decisions taken by companies of the sector were taken within an information process with the unions such as companies as CMC, Celts, Celsa, ISA, with different provenience, but where, in fact, the use of the information and consultation was made in order to reach the workers.

An example to point out is the case of Arcelor Mittal Poland SA that has its EWC constituted and the Council has permanent and ad hoc teams. The other companies develop information and consultation according with the structures of social dialogue operating internationally. As a result of this dialogue, we can underline the fact of any collective dismissal has taken place. Some companies have used programs and dispositions of their collective agreements, at company level, for instance, programs for voluntary exits.

If we take as example the case of Arcelor Mittal, this putted in danger 3000 workers and the eventual shutting down, but the company negotiated with the representatives of the trade unions and it was possible to overcome the situation, making the necessary restructuring, but without closing doors. On this occasion the company, through the dialogue developed with the union representatives, tried to put back the workers affected by the measure, within the group itself. Together company and workers sought solutions.

The social partners bet on different methods, while the unions bet and defend the adoption of processes of information and consultation with the workers as a way to reinforce the commitment of these in the future of the companies and of the sectors, the employers organisations underline the importance of creating laws and working time more flexible. The Government, on its side, is willing to take measures supported by the employers' associations, directing funds, budgets for that purpose.

The most important problem consists in the maintenance and attraction of qualified work force and obtaining funds to develop those measures which are difficult due to the reduction, from the Government, of the expenses with the work fund.

Another country well succeed when facing the crisis that is installed is Lithuania. The Lithuanian economy quickly recovered from the global financial crisis. In the sector of the metallurgy, the companies created more than 40000 workplaces. However, the unemployment continues to present a high number, around 15%.

In many companies the economical difficulties led to bankruptcy or to restructuring processes - about 10% of the companies of the engineering sector were involved in those processes during the period of 2009-2011.

What were the main challenges that were putted to the companies as a result of the crisis?

The need to keep key workers, with high qualification, and that were in difficult economical situation. Before the decrease of the number of orders, the companies had to reduce their workforce, as a way of reducing costs, but the companies tried to

maintain, to preserve their more qualified workers playing a key part in the company so that they were able to recover production and their development.

Another challenge that was raised was, precisely, the execution of the legal financial obligations. Before the crisis, a great number of companies invested capital, coming from loans made abroad. When the crisis settled in, it was not possible to meet the expectations and the weight of the obligations was too much.

Finally the development of the long term business. Once again, during the crisis many companies sought their survival, but they also had to look for the future. It was necessary to seek new products and markets, to innovate. Were needed high investments, but the financial resources were very limited.

Then, the best that the companies had to do for their survival was the optimisation of their operations. The companies tried to minimise their operational costs and to increase their effectiveness. As a result of this restructuring, a fifth of the workers of this particular sector, lost their jobs; flexibility was applied, namely in what concerns the work time also the reduction of the wages, the reduction of the administrative costs and other expenses and the investments were interrupted.

Despite the clear difficulties during the crisis, the government and the sector have prepared and implemented well succeeded anti crisis measures that practically restored the economic and social circumstances as before the crisis. It has to be detached the community recognition of the well succeeded implementation of such policies.

Which is the role of the information and consultation?

The communication is seen, by both social partners, as really important as a way of positively developing the business of the companies, in the decisions taken by the companies, in training and in the implementation of innovations. That is the reason why both seek for solutions for the different situations that they face, namely in the application of the conditions of the flexible work, etc.

No doubt that the social dialogue has contributed for such an international evaluation.

If we take as an example the company Astra, a company that employs around 300 workers, actually, in operational terms, has already stabilised, with a normal volume of orders. It is a company that exports essentially to France, Sweden, Germany, Latvia and Eastern countries. It produces steel and steel containers, laundry industrial equipment, home heating appliances and several other metal materials.

The company has not recovered yet the levels of before the crisis, however it presents a recovery of 80-90%. During the crisis period a fourth of the company's workers was

dismissed (though following mutual agreement criteria, in the terms of the law), there was a reduction of the working time and the payments were reduced proportionally and at presently these are still 20% below the value that was paid before the crisis.

The priority of the company was to maintain the qualified workers. The administration discussed with the involved workers the future job possibilities as well as it sought the replacement of some of them in other places. And whenever possible the company tries to hire again former employees, now when it is already in a new admissions' period. These workers that were reinstated already represent 10% of the work force.

The company, before the hypothesis of a new crisis, understands to be better prepared due to the changes made over the last years.

Which is the role of the information and consultation in this case in particular?

In this particular case dialogue happens in a regular basis between the company and the unions, especially because the company has an established union in the company. The meetings are organised for different objectives, it is given information concerning the operational and financial of the company and are discussed the perspectives and the measures with view to improve the work processes. Every three months a meeting is organised with the personnel. To the workers it is frequently asked to collaborate in the sense of knowing their opinion and they are encouraged to give their opinion on which the improvements can carry out, namely in what concerns the work organisation, and a more efficient use of the means and resources. Both partners support that the union should have a good knowledge of the situation of the company.

Besides, it is in application a system of additional payment to the workers, as an incentive way, with good proposals. And it is frequent the application of a piece payment system.

Another example: the company "Baltik Vairas", a company that manufactures bicycles. Also this company has already reached positive financial results, associated with strategic changes guided to the global market. The global general tendency of the market showed that the cyclists seek comfort of larger quality, at that is the reason for the company to bet in that segment, leaving behind the more economic models. There are plans of the company to begin to produce an electrical model. The export market is centred in the German, Scandinavian market, and a percentage, around 4%, to the internal market. Despite producing fewer bicycles, it increased its business volume.

The market of the bicycles, in particular, is a seasonal one and also this seasonally was affected because the customers had some difficulty in guaranteeing means to invest and to prepare, in advance, the season before hand.

Which is the role of the information and consultation in this particular?

Also in this example, perhaps due to the high number of unionised workers (70%), regular meetings take place, besides the signature of a collective agreement at company level. The company informs the workers of the company situation, on a regular basis, and it also proceeds to the workers' representatives' consultation.

All of the main questions are resolved through the social dialogue. The company has around 300 workers, number that doubles during the high season, and the company with sense of social responsibility to their workers has established a fund of special assistance that can be used if any accident happens and also in case of disease and to buy medicines.

Actually, some of the facilities are being modernised and renewed.

As for a possible second crisis also this company declares to be better prepared now.

The effects of the crisis also have been felt in Latvia. If we take as an example the company "Liepajas Metalurgs", company that produces products in steel, namely bars of different dimensions used in the buildings. The main activity of this company is, as everything it indicates, the production of steel. Before the financial and economical crisis, the company produced about 700 thousand tons of steel per year. The first sign of the crisis appeared in the end of the year of 2008, with the decrease of the volume of orders originating from the Baltic countries and of the rest of Europe. As a way to cross this demand decrease it was necessary to look for new markets, namely Asia and Africa, but such would mean more time and an increase of the costs. Besides this inconvenience, these markets revealed to be a little flexible and insecure, with very low prices. This was a challenge that the company had to face. However, it was not the only one, because the economic global crisis became another one. The question raised was to close the plant or to build a more modern company. Opting for this second way, it went searching for partners and found them, namely the Italian company "STG Group SpA" and the German company "FUCHS Tehnology AG". These companies were responsible to install the electrical furnace and the unit shell furnace and the scrap pre heating system.

In October 2011 a part of the development plan was completed and the factory restarted the production, the project was completed in the end of 2011.

Result of this restructuring, part of the workers lost the workplace (with the promise that they could come back once finished the reconstruction of the factory) and the ones that stayed linked to the company have participated actively in the reconstruction plans.

Which is the role of the information and consultation?

In this particular case, we have to underline the existence of information and consultation of the workers; they were involved in the company restructuring process, namely in areas such as organisational, economic and technological measures to take, this because, it was necessary to implement measures such as alterations and adaptations of the working time and of the wages, as well as it was necessary to change some of the dispositions of the collective agreement regarding the social security area.

In Croatia, the economy still didn't recovered as was expected, demonstrating a reduction of industrial activity. The continuation of the crisis in the building construction sector has affected, necessarily, the whole economic activity. And the unemployment continues with a negative tendency. An increase of the insolvencies was verified, demonstrating that the businesses don't resist. In 2008 the crisis seemed still distant, with the Government declaring that the crisis existed but for very distant countries. However, the indicators show that the crisis settled in the country, in the economy with a significant reduction of the industrial production, the investments and the works were also resented, while the public debt continued to increase. The Government adopted a plan to recover the economy with very concrete objectives. To know, the decrease of the expense of the public sector, increasing its efficiency; redirect income sources, to reduce the Government's interference in the economic through privatisation, to begin a new investment cycle with long term measures with the involvement of the private sector, to accelerate the implementation of reforms in several sectors.

The most affected sectors are the building construction sector that continues to represent the largest decline and the industry in general. The drastic reduction of these sectors affected all the other parts of the economy. Only as an example, in the industry, they lost 100000 work places.

At national level the social partners were not taken into consideration, this because in spite of the efforts in demonstrating the government the existence of the crisis, these were not heard both unions as employers.

On the other hand, at level of the companies individually considered, some social dialogue already existed. Measures were taken aiming the safeguard of the collective agreements, namely the reduction of the wages around 10 to 20%, vacations, Christmas bonus. In other cases, the work week was reduced, everything to support the recovery of the business. At this level there was, indeed, the workers' information and these were involved in the decision taken.

If we take as an example the company KONCAR, from the group with the same name, it has the headquarters in Zagreb and holds other subsidiaries in Croatia, it presents positive results, although some of the subsidiaries still face problems due to the crisis that began in 2009.

In some companies affected by the economic crisis, were concluded temporary collective agreements between the company and the union. Each company has its agreement that establishes measures to take into consideration the maintenance the business, the work organisation, social stability and job protection using for such resources and work time rationally.

The group didn't overcome totally from the consequences of the agreed measures are still applied in some of the companies.

Once some of the companies of the group are still suffering from the effects of the crisis, it will be very difficult if a second crisis emerges. Some of the measures were taken to the exhaustion so it will be difficult to ask for more.

Which is the role of the information and consultation?

This was of great importance once the measures agreed between the employer and union and through the union to all the workers. Before the economic challenges that are put, the bet relapses in the increase of the productivity and competition of the companies, without such it will mean an increase of the costs.

One of the aims of this project was to collect and present concrete cases of existing framework agreements, both at European and international level, but focusing in particular circumstances. Integrated in the crisis scenario, with all the consequences coming from such, we intended to know how these agreements can be used and whether if they consecrate special measures, and also their role, to face the restructurings, mainly by anticipating measures and scenarios.

However, in order to complement this, we also intended to, within the different countries covered by the project, know their perspective and to check on a possible development of this matter, even if in a more local basis because the possibilities to apply such an instrument are huge. Such can be applied at European level and international level but also from a more regional approach.

If applied on a regional basis, it would not lose the European frame, but it would gain one more possibility to be used. This because there are companies not so well known but are operating in the so called new EU Countries or in the accession countries and that gather all the conditions to allow establishing such an instrument. This first approach to this reality may lead to a second project aiming an independent point of view not so centralised in the companies in the «old» EU Countries.

So, having all this in mind and to reinforce such perception we have carried through a research and we've came across with several cases that foresee both realities and some of them add practical measures, as can be presented.

Most of them interact with the information and consultation at national level, as foreseen by the Directive 2002/14/EC and foresee the possibility to reach agreements on this matter.

Undoubtedly, these agreements bring in a more detailed version than what is foreseen by the Directive, namely in what concerns the procedures.

So, in many cases sometimes seems that there are not an interconnection but such really exists indeed.

And this statement comes from the first analysis developed and also as a result of the pre meetings when the actors in a first approach saw no association of the Directives with the transnational agreements namely the national information and consultation Directive. However, when they read and analysed all those documents they've realised that there is indeed a connection between these instruments.

We have analysed several cases from different examples of transnational agreements and this Directive can even be complementary with what is foreseen in those instruments. The actors won't be the same, in these cases, and once most of these agreements have been developed through the international trade unions federations, we have noticed a concern cloud concerning the involvement direct of the unions. However, the Directive is quite clear on the cases where such is up to the national members states.

From the examples gathered, we can state that the transnational agreements are really a great weapon in the anticipation, restructuring, managing change and in the development of the information and consultation. Of course that a special note has to be made on the role of the EWC in the area of information and consultation and all the matter were are referring to. In some cases they play a major role in such realities.

It is very important to stress the link between all these instruments that cannot be seen individually. They should be seen as a whole: international framework agreements, EU Directives, EWC and trade unions at local level. They all represent important parts of equation. The interconnection among all is relevant, needed and useful.

We do think that this has been quite underlined and explained and the actors participating in the initiative have known a whole different perspective of the importance and role of the transnational agreements.

So, hereby you will find a summary of the research that has been carried through with a detailed analysis of each one of the agreements. For a more complete and detailed scenario we suggest to consult the cases presented at the main event of the project that are at the web page of the project (<http://voluntaryway.sima.org.pt>).

However, and before going into details we think that is advisable to make some remarks, in order to make the understanding of such instruments easier and making their framing.

The reference to '*core labour standards*' has its origin in two areas: the requirements of various countries' national legislation for companies to include social matters in their annual reports and to develop some form of social performance assessment. This is combined with the growing pressure of society, in general for multinationals, to have greater liability for their activities and those of their suppliers. As far as concerns the trade union rights.

Most of the transnational agreements aim to improve relations between management and labour, not only at the multinational level but also in the multinational subsidiaries and, when possible, at the supplier and subcontractor levels (very relevant in some countries, Portugal and many of the countries covered but this project work mainly with suppliers). Earlier studies (for example, Bourque 2005; Hammer 2005; and Schömann et al. 2008) have shown that a precondition for successfully negotiating a good transnational agreement is the trust that the signatory parties have already built at the national level (which reinforces the interconnection we have mentioned early in the text).

Note: in this project we prefer to use the expression «transnational agreement» in order to cover different realities, once it is used to cover several different instruments, since European Framework Agreements, International Framework Agreements and Agreements of other different natures. Codes of conduct are not included once they are usually associated to a will / deliberation of one of the parts, generally a company; these codes of conduct are more and more spread and often they result in a transnational agreement (Nokia demands in that sense).

Also another very relevant aspect for countries, as Portugal, is that subsidiaries companies are also covered by these instruments. This is really very relevant in Portugal where, in several occasions the company's transnational agreement has been used to solve the problem. This kind of agreement has, undoubtedly, a huge impact in relations, also at national level. For instance, in Portugal and the cases we have been studying, in this project, this is definitively the case. The companies that have transitional agreements have a more profound relationship between the parts.

The study by Schömann et al. (2008) shows that negotiating an IFA has an impact on national and local social dialogue when, for example, national unions have co-signed the IFA. At EDF, for example, the IFA clearly contributed to the further development of social dialogue at both national and international levels.

The project «WAVE», also promoted by SIMA, focused on the Daimler, PSA, Volkswagen and Leoni cases has been important in a crises situation as the one we have been facing over the last years, starting in 2008.

Securitas's management considers the IFA as an important means of promoting the 'Nordic way of doing social dialogue' which is based on consultation and participation of workers' representatives and trade unions in daily business, as well as in the company's European and global activities.

The impact of the multinationals on social dialogue in the multinationals can be assessed, in looking at the involvement of workers' representatives and trade unions in the implementation of the agreement, by using existing social dialogue structures and processes (Bosch and Securitas), or by the creation of specific transnational structures of workers' representation (EDF and, in a way, also IKEA). And this undoubtedly reinforces the role of the information and consultation.

Furthermore, the activities linked to implementation and monitoring can provide some interesting additional information on the involvement of trade unions and workers, for example in reporting. Most transnational agreements prescribe a regular reporting exercise, usually once a year, and additionally on an ad hoc basis as necessary. During the relevant meetings, management and workers' representatives discuss the implementation of the transnational agreement, the progress achieved and the difficulties encountered.

They also provide a forum for information and consultation on the possible difficulties encountered in implementing the agreement and a means to identify joint solutions as a form of alternative dispute resolution, also for the regular management of the company. Note some of the companies associate that to the EWC and the connection is made through them and in this way we, in our opinion, and in some cases, we should pay more attention to them once, and in Portugal, recently, and sometimes, the connection is established between the national trade union and the national management.

After the main role for the EWC we can say that now there is a new important trend is to involve the national and local trade unions from the very outset in the negotiations as well as to set a specific agenda of negotiations in as much detail as possible so that, once it is signed, the agreement will be taken as such and form a collective agreement at national level.

Such procedure brings to mind the use of European social dialogue committees, in this field, besides, despite not being target of this project, as an example we can point out the agreement reached within the chemical SSDC.

It intends to circumvent one of the main difficulties encountered in implementing the agreements: the variety of national industrial relations systems and laws that do not allow for direct enforcement. Furthermore, it would prevent reference to national law for enforcement, especially when such laws are weak or poorly implemented. The

example of IKEA's code of conduct for suppliers is a good example: it relies on national standards, and is criticized for accepting low standards with respect to working time but also freedom of association and trade union rights.

- Implementation -

Some transnational agreements clearly stress the company's responsibility for the agreement's implementation (Bosch, Daimler and Triumph International). Others oblige both sides of industry to ensure the provisions' implementation (Air France, Euradius, GEA, ISS, Rhodia and Umicore). Finally, in some rare cases, only are the employees asked to implement the text of the agreement (Rhodia, Securitas and Umicore). Note that the role, in almost all the cases, is to reinforce the role of the national areas on the information and consultation.

An example of such is Bosch; there is a plant of Bosch in the north of Portugal and in a problem related to trade union rights, the co-operation with IG Metal worked perfectly in order to solve the issue.

Similar developments have been reported from the Faber-Castell Group. Monitoring is carried out at three levels: every company performs a self assessment every two years; an internal audit is organised annually; and a monitoring committee composed of representatives of Faber-Castell and of IG Metal with the Building and Wood Workers International (BWI) on equal terms will monitor implementation of the agreement. The committee will meet every two years and local trade unions are entitled to participate. The monitoring committee will also be responsible for the settlement of disputes arising from the IFA.

Going back Bosch' case, the Basic Principles of Social Responsibility at Bosch (Basic Principles, in short), which were signed by management and employee representatives as well as by the IMF, should be seen in a wider context of CSR and corporate codes of conduct.

This agreement explicitly refers to operational issues, such as implementation.

A major step in implementing the 10 Basic Principles throughout the group was to include those principles in the internal Management System Manual for Quality, Environment, Safety and Security in the Bosch Group.

It also stipulates that the main actors responsible for implementing the principles are senior management representatives of the respective divisions, regional subsidiaries and local companies. The agreement is disseminated in cooperation with employee representatives.

In consultation with the respective employee representative organisations, individual employees will be informed 'through proper channels about contents of the principles'. For this purpose, the document was translated into all the major Bosch languages and employees were informed by local works councils and trade unions and through internal information channels both management and employee representatives have identified the impact arising from the very adoption of the Basic Principles, mainly because of the integration of certain principles of core labour standards and basic ILO norms into the general Bosch values and respective compliance auditing processes that affect suppliers and other business partners. The global agreement particularly impacts on labour standards and relations outside the Bosch home country (Germany) and outside most European countries, since ILO standards are generally well implemented in Europe. Thus, the agreement is unlikely to have any beneficial effects on employee rights in Europe, where core labour standards are already widely respected, but will most likely have such effects in countries like Brazil, China and India. Through the supplier audit procedure, which has been developed over the past few years, the agreement has also had a direct impact on social regulation beyond the company.

LEONI

We have to regard to the implementation and enforcement of the basic social and industrial relations provisions. The integration of the principles is crucial, both in the internal auditing process of Leoni's subsidiaries worldwide as in regular human resources reporting by local manager. The main responsibility and coordinating role for the enforcement, monitoring and reporting of compliance with the declaration is with the corporate human resources department at corporate headquarters in Nuremberg. In addition to the obligation of local human resources managers to report any cases of violations of the Social Charter in regular human resources and ad hoc reports, questions on compliance with the Social Charter have also been integrated into the normal internal auditing process.

Leoni's management is also expected to report on the implementation of the corporate social rights and principles as well as cases of non compliance at the annual EWC meeting.

The instruments applied to implement and enforce the social rights and principles were mainly designed as 'self-checks' for local human resources and plant managers as to whether they were in compliance. However, the company has started to integrate these rights and principles in its relations with business partners and suppliers. A reference to the Social Charter is, for example, included in the general terms and conditions of business contracts.

- Future -

Transnational agreements are a qualitatively new instrument for industrial relations at global level, one that encourages and promotes social partnership across national borders and this is indeed an added value. They yield entirely new forms of social regulation at global level, which may also impact on industrial relations at the national level. Potential spillover effects include the promotion of social dialogue and cooperation, the development of mutual trust and a new potential for conflict resolution.

Transnational agreements can also help to close the gap between the employees' and trade unions' largely national action arena, what is essential for the information and consultation, and the matters range are being more and more extended: anticipation, restructuring, assuming concrete measures in this area.

The rationale for taking the initiative to negotiate transnational agreements can be traced back to the effects of the globalisation, of production structures and human resource strategies. In the case studies, the national unions and other structures of interest representation perceived the need to develop transnational representation structures and to sign IFAs in order to develop a capacity to act globally, while management saw that IFAs could contribute to facilitating the introduction of transnational policies, thereby avoiding time-consuming processes of conducting parallel negotiations in countries separately.

A remark, some cases should be complemented with the presentations included at the web page of the project at the internet (<http://voluntaryway.sima.org.pt>) and have been approached during the project's development.

- Restructuring -

ALSTOM

It foresees matters as restructuring and anticipation of changes. The objective of this agreement is to improve the anticipation of change by promoting on the one hand the social dialogue on the necessary development of the organisation and on the other hand the tools required to adapt to this, such as competency planning, career guidance interview, development interviews, mid-careers interviews, training or any other method.

Alstom is faced with changes in its environment, demographic situation and competency requirements. Therefore it has chosen, via this agreement, to outline its commitments to accompanying all its employees in both their career progression and skills and know-how development.

It also targets job security, accompanying measures, anticipation of organisation and skills development, personnel development, strategic social dialogue, information and

consultation (articulation between EWC and national level). This goes in the sense of the project. But how is this done in practice? The communication of this agreement will be project-managed and followed in each European country. The Steering Committee will discuss with the Management the means to facilitate the cascading such as explanatory brochures, joint meetings at local level with management and employees representatives, etc.

The social partners, at local level, will also have to implement an appropriate follow-up process. Undoubtedly, and in this concrete case, there is an effort towards that.

ALSTOM FRAMEWORK AREVA

It targets mainly the matters of transfer and the social dialogue in a sense of having taken precise social commitments concerning the evolution of employment in the training and development activity when it is taken over and integrated into each of the two groups.

The purpose of this agreement is to list the commitments, provide additional detail and specify their scope, duration and follow-up procedure.

So, from this, the social dialogue or the information and consultation come very clearly. The signing parties agreed to meet once a year to ensure that this Agreement is followed up at European level.

They agreed that the implementation procedure of this Agreement will be specifically followed up by the Alstom and Schneider Electric groups, within the meetings of their European Works Councils, and country by country, within their respective social instance.

Also the same has been agreed for Schneider.

So, in this group, we have a very concrete use of transnational agreement in a merger case and the role of this instrument in such process.

ECONCOM

This agreement is mainly focused in the restructuring matters. This through the different measures aiming to provide an answer for two major concerns:

- To determine individual measures appropriate for the foreseeable social consequences of the implementation of the Metropolis project [regarding the creation of a subsidiary in Morocco] outside of the limits of what could be considered as mass layoff;
- To determine the modalities for European information and consultation regarding the Metropolis project.

Also here we can have concrete application in concrete cases. For that reason it is important to determinate how such has been carried through since the project can be qualified of «sensitive» because of its social aspects, the management and the representatives will consult each other at best to organise personnel communication in the name of the works council.

ARCELOR (also a case target in a previous project developed by SIMA) is at the moment in a very concrete structural change and it is essaying the use of those instruments.

It clearly aims the anticipation:

“The purpose of this agreement is to facilitate the management and the anticipation of change by promoting effective social dialogue with regards to changes within Arcelor Mittal as well as accompanying tools to adapt together with the development of appropriate training policies.

It aims to:

- *Safeguard and develop the competitiveness of the companies concerned and secure the sustainable development of their production activities in Europe,*
- *Preserve and develop the employability of the AM workers in Europe,*
- *Develop the workers’ required competencies and skills so as to enable them to adapt to the new economic and strategic challenges.*

The agreement lays down minimum principles, to which all companies included in the scope of this Agreement should refer, with a view to anticipating and managing change in a socially responsible manner, and which do not prevent those companies from developing this further at local level or from continuing to do so where it already exists.”

It also aims the organisation and skills development, strategic social dialogue, restructuring/job security, social dialogue.

How?

“This agreement will be communicated to all workers of Arcelor Mittal, following national practices and traditions.”

“This Agreement will be translated into all languages of the countries included in the scope of this Agreement.”

This agreement reports really many cases of use during the long process of Arcelor Mittal and recently several actions have been taken. Undoubtedly, the base of the actual social dialogue relations, it goes through the company’s transnational agreements, social partners’ information and consultation and the development of measures that are not always consensual.

ABB

The main topic focussed by this agreement is related to HR policy. However, it has also Secondary Topics such as personnel development, working time limits, work life balance, pensions and benefits, personnel adjustments, alternatives to dismissal and involvement of employees' representatives.

SUEZ

Focused on restructuring and information and consultation, the parties aim at formalising additional guarantees, through this agreement, which respond to the concerns of the ECC members and take into account the interests of the group's employees. Through this agreement, SUEZ is reasserting its commitment for a "socially responsible" policy that prioritises employees.

How?

The current agreement applies to subsidiaries globally integrated within the scope of consolidation of the SUEZ Group in Europe without prejudging more favourable dispositions existing locally.

BP

Focusing on restructuring it consecrates the employees' representatives involvement. The management of BP has informed BP's EWC employee representatives of their intention to pursue the option of consolidating their Customer Service and Finance Centres of Expertise activities into a single Business Service Centre (BSC) in Europe. The purpose of such memorandum is to clarify the main project targets and the processes of the proposed consultation between management and BP EWC employee representatives.

How?

Through organising responsibilities of management and BP EWC employee representatives, this divided into two:

- A) The accountability for the project lies with the Refining and Marketing Vice-President, Business Transformation. The project will be managed by a project team headed by - Project Manager, Programme Coordination and Business Simplification - Project Manager, Customer Service Design - Project Manager, Finance Centres of Expertise. It is envisaged these people will be the R&M business contacts for the consultation process. The roles may evolve as the project progresses.
- B) The involvement of BP EWC will initially be covered by the Link Committee, representing the elected members of the BP EWC.

RWE

The main aim of this agreement is restructuring and also, as secondary topics, the involvement / participation of the EWC in case of restructuring, job security, accompanying measures, trade unions rights and social dialogue.

“The purpose of this agreement is to accompany restructuring measures necessary to position the company from the perspective of workers in the market and in the competition and to minimize eventual adverse consequences for the employees. National differences in information and consultation rights of employees have to be considered when facing restructuring measures. In this agreement, minimum standards are regulated, but further national participation rights based on laws or agreements remain unaffected.”

KRAFT FOOD

Mainly focused on restructuring, it has also secondary topics such as to maintain material level of representation and labour relations, pension benefits, transfer of collective agreements, information and consultation.

The restructuring of the operations of Kraft Foods in Europe according to "Project One Europe" is designed to increase the competitiveness of Kraft Foods in Europe and to lay the basis for further growth. The aforementioned spirit the management of Kraft Foods in Europe and the representatives of the employees in the European Council of Kraft Foods in Europe enter into this Framework Agreement outlining nine basic principles of understanding for the implementation of Project One Europe.

For the avoidance of doubt it is clarified that the above nine basic principles of understanding do only apply in relation to the implementation of "Project One Europe" and only as regards employees employed at the time in the respective countries. The aforementioned nine principles of understanding are not meant as a guarantee in conjunction with other potential restructuring measures eventually to be contemplated in the future.

DAIMLER

The key word is «Restructuring». Nevertheless it also focus, as secondary topics, the employee representations and information rights, continuation of employment relationships, exclusion of lay-offs for operating reasons, bonus.

The implementation of this provision shall take place under the responsibility of the respective MPCs. DaimlerChrysler AG shall ensure that the agreed provisions are implemented by the Group companies in accordance with the legal framework conditions in the respective country.

STARWOOD

Dealing with transfer of undertaking as main aim, the secondary topic the mobility:
“This agreement constitutes minimum conditions for associates’ transfers within the areas defined ...”

GM

Focusing on restructuring, this has been one of the cases with more application, in practice, due to the several changes and restructuring plans.

In fact, and just to refer to the Portuguese plant closure and the discussion and measures taken under this agreement, (please note that closure agreement is confidential and only what comes out can be here referred), the transference of the workers from Azambuja to Zaragoza (in Spain) was not, unfortunately, a success once that company also has been affected by a restructuring plan that led to its closure.

As secondary topics we can refer job security, accompanying measures, employee’s involvement in restructuring process.

The European Employee Forum (EEF) of general Motors sets a framework in relation to the current European Restructuring Initiative. Employee Representatives acknowledge the serious situation GME is faced with and, in general, support the need for the restructuring.

Management and Employee Representatives will work together during the restructuring with continuing information and consultation and with the intention to reach mutually agreed solutions.

NORDEA

Main topic is the employee involvement in restructuring in order to come to terms with the high level, strategic business orientation in major change initiatives, with cross-border consequences expected to result in redundancies, faster and with greater overview and transparency.

DIAGEO

It focus on restructuring, but also has as secondary topics the job security, alternative measures to layoffs, information of individuals concerned, outplacement measures and support.

Diageo is committed to ensuring that its treatment of those affected by redundancy will be sensitive, fair and constructive. These are basic guidelines for managing the process,

which will need to be tailored for use within each business region or market, reflecting local legislation and practice.

Diageo has a statement of best practice guidelines on redeployment, redundancy and outplacement which will be adopted by all its European enterprises in such circumstances.

DANONE

As the previous examples also this agreement focuses as main topic the restructuring and as secondary topics, training, employees' representatives' involvement.

This Convention defines the procedures for implementing the provisions of the protocol agreement for the constitution of the Group Danone Information and Consultation Committee on issues affecting employment and working conditions. These measures are applicable in the event of the implementation of new techniques, and organisational processes, substantial changes in production volume, the partial or total closing of facilities and, more generally, in all situations whereby working conditions of the nature of employment contracts are significantly affected.

- Anticipation -

DBAPAREL

It has as main aim the anticipation of change, strategic social dialogue but it also focus on secondary topics: organisational and skills development, anticipation of skills' needs, restructuring/accompanying measures, training and mobility, information and consultation, equal opportunities and non discrimination, age and disability.

It was created a European Works Council Task Force to identify best practices and make recommendations to improve the anticipation of employment matters in Europe given market trends and business objectives, strategies, a performance. Following an exchange of views on the Task Force recommendations, some objectives were agreed for implementation. On the other hand, the parties agree on objectives to improve the knowledge of the Group and of its employees, namely:

To create a job description database for all current positions and positions to be established; to hold an annual employee meeting with direct supervisor and to create a unique database with European vacancies.

GDF

It aims to anticipate the evolution of jobs and skills. As secondary topics we can point out the skills development, anticipation committees at different levels, training, social dialogue, professional mobility.

This European framework agreement defines the principles for the implementation of an Employment and Expertise Plan (GPEC) within GDF SUEZ European companies.

THALES

The agreement focus on the human resources policy/framework for the activity discussion, and also, as secondary topics, and considering the importance of such, a discussion between the unions and the employee representatives as well as the management, through the negotiation, wanting to create a clear framework and comprehensive points of reference to facilitate a real and lasting improvement, both on an individual and collective level. More precisely, the signatories wished to define the fundamental principles ensuring that the Annual Activity Discussion is realised in a socially responsible atmosphere of mutual respect and listening.

“This agreement has the aim to create an European framework for the Annual Activity Discussion at Thales.”

The social partners of each country, in the perimeter of the European Work Council, shall implement the agreement at the relevant level with a view to ensuring its effective local application in respect of local regulations. The way and means to implement this European Agreement, on some specific points like training, job descriptions, or appeal process, may require if needed, at the specific request of National Trade Unions or company management, a specific country.

UNICREDIT

A Joint Declaration intended to define common Group guidelines on Training, Learning and Professional Development, aimed at orienting the whole Group’s initiatives and activities.

As main topic we can point out skills development and training. The Joint Declaration was subject to periodic monitoring among the parts. Monitoring results and details at divisional level are presented and discussed during one of the two ordinary meetings of the UEWC, in order to share views, exchange information and to assess the situation in the interest of effectiveness and continuous improvement.

PSA

As the previous one also this agreement has as a main topic the anticipation of change, never forgetting the secondary topics, such as strategic social dialogue, forward-looking management of employment and skills.

"During the meeting of the Liaison Committee and of the Group Committee, the Management suggested inviting the members of the Liaison Committee who are not French to the future meetings of the Strategic Equal Committee. This is the object of the present agreement."

This agreement, of international scope, will be subject to official information to the government and administrative structures of all the countries concerned, in compliance with the national regulations and customs in force.

This agreement has been applied in several occasions, even in Portugal.

- Local economic development -

TOTAL

This agreement has, in our opinion, a problem related to the huge universe of companies that belong to the group Total but as many of them appear with a different name, the agreement is not applied or even known to them. So, here we must refer to the services' companies that appear really and directly with the Total designation.

It focus the local economic development through social dialogue.

"In consultation with the European Federation of Trade Unions, the Total Group's General Management wishes to develop these experiments in favour of employment in the local employment areas surrounding its main European establishments. This undertaking is made in addition to actions brought about by public players and institutions whose mission is to stimulate local economic development".

The Total Group's general management and the European Federation of Trade Unions intend to record the undertaking and actions formalised in the agreement on the one hand in the Lisbon strategy renewed in 2005, prioritising actions in favour of employment, and on the other hand as part of the Total Group's community responsibility.

Though not yet concluded but, in our opinion, they deserve a note, we have to point out the cases of:

GE

Negotiation topics

Negotiations will deal with:

- The conditions of a successful integration of Converteam into GE energy;
- The defence of sites and employment;
- The socially responsible management of change;

- Accompanying the change in line with the growth of industrial activities and the group's global strategy.

The framework agreement will not affect national and European legislation in force. It will not constitute a regression with regards to agreements in force on the topic in the company.

The framework agreement will set out provisions in respect of implementation, follow-up, monitoring and evaluation at national and European level.

SAFRAN

Negotiation topics

- Need for full visibility regarding the company's industrial strategy in order to foresee its effects in terms of employment and competences
- Define the mapping of jobs and occupations
- Define the company's needs as regards competences, but also take into account employees' own choices and aspirations (career development interviews for all employees)
- Equal opportunities
- Training policy and individual right to training
- Recognition of skills and on-the-job learning
- Introduction of a training passport
- Integration of young employees
- Career development plan
- Mentoring