



FIRST PHASE CONSULTATION – CONSOLIDATION OF EU DIRECTIVES ON INFORMATION AND CONSULTATION OF WORKERS

Position by CEC European Managers - June 2015

The issue of information and consultation of workers concerning all major events occurring to the company for which these work for is of particular Importance for managers. Not only because managers are also concerned in their quality of worker whose career and professional outlooks can be affected by the very same events: managers are also in fact mostly the main executors (on a practical level) of those corporate changes that are covered by the directives that represent the subject of this consultation.

Whether it is about defining the consequences (from the point of view of the staff) of a company purchasing another one (or a branch thereof) or discussing with the ownership the terms of a plan for collectively laying-off personnel, managers are in the front line of every transformation envisaged by these directives, and therefore have a clear interest in making sure that the provisions set are effective and represent a valid tool also for the years to come.

In addition to these general remarks, managers are a specific category of workers who can in some countries, because of the nature of their professional profile and hierarchical positioning within the company, experience problems in enjoying the same rights as the other workers. It is for instance the case of Italian managers (*dirigenti*), to whom the provisions contained in the directive on collective redundancies were initially not applied by national law. Only last year has the European Court of Justice condemned Italy for excluding managerial workforce from the scope of the national law implementing Directive 98/59/EC on collective redundancies. The case of Italy needs to be put in the perspective of the more general problem of the representativeness (and sometimes perceived legitimacy) of managers within companies and single undertakings.

In the light of the example mentioned above, we support the idea that a revision of the Directives should serve to launch a debate on the scope of application and the categories of workers that have intentionally not been covered by this legislation. We also share the remarks outlined in the working document attached on the applicability of these provisions to the case of SMEs, as well as the opportunity to provide more clarity and uniformity in the terminology used, with the goal of providing more coherence to the current legislation applied.

If we therefore agree on a general level on the opportunity to proceed to a review of the current legislation (also in the light of the "appeal" to better regulation and within the limits of the principle, mentioned in the attached working document, that "such exercise of revision should not jeopardize the legitimate objectives pursued under the existing Directives, nor lead to any unjustified regression in relation to the existing situation"), when it comes to discussing the possible outcomes of this revision process, i.e. the

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“approach” to follow, we don’t have yet a clear position as to whether a recast of the three Directives would be the good way to proceed. In a phase of relative tension in the industrial relations field, when from different sides fears are voiced that some policy orientations are the sign of the intention to progressively weaken the system of social dialogue, the intention to recast the three Directives might be perceived as a move going in this direction. We believe an open debate among European social partners should first take place; for that reason we very much welcome the possibility to take part in an open dialogue under art. 155 TFEU, as indicated in your working document. This exchange will offer us (and all our European parties) the opportunity to discuss openly the issue and verify our respective intentions and proposals for reform.

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