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## EWCs: Ireland in the spotlight



Some weeks ago, we reported on the decision by the Irish Workplace relations Commission (WRC) on claims by four members of the Verizon European Works Council (EWC).

The four claimants had attended a training program run by the EWC Academy which the company refused to pay for. The claimants claimed that this was an infringement of the rights under the Irish legislation. The Verizon EWC works under the Subsidiary Requirements as set out in Schedule 2 of the Act. The WRC Adjudication Officer (AO) ruled against them as the company had provided training to the entire EWC sometime earlier. The Director of the EWC Academy, Dr Werner Altmeyer, acts as the expert advisor to the Verizon EWC. Three of the four claimants have now lodged an appeal against the WRC decision with the Labour Court.

One of the claimants, ... who acts as chair of the EWC, has also appealed against the decision of the WRC to only allow 50% of the fee claimed by Dr Altmeyer for acting as the expert to the EWC. Dr Altmeyer suggested in a recent article in *IRN*, the Irish weekly labour relation report, that Mr. Jean-Philippe Charpentier would have to pay the other 50% himself.

The Labour Court will hear all the issues referred to it *ab initio*, meaning that both parties will be able to make fresh submissions on all the issues in contention.

The Irish Labour Court is made up of fulltime chairs and deputy chairs, along with fulltime members representing the worker side and fulltime members representing the employer side. They sit in panels of three. On the EWC issues before them, their decision will be legally binding.

**Meanwhile**, in its [response](#) to the European Commission's consultation on a possible revision of the EWC Directive, arising from the proposals from the European parliament based on the Radtke Report, the European Trade Union Confederation (ETUC) is highly critical of what it says are deficiencies in the legislation which undermine the rights of all workers in EWCs based under Irish law.

For the most part, the ETUC's response to the consultation is supportive of the proposals put forward by the Parliament. Hardly surprising, as the driving force behind the Parliament's proposals is Denis Radtke, MEP, a former official with the German union, IG Chemie.

The ETUC response focuses almost entirely on giving EWCs the ability to go to court to block management decisions. It has little or nothing to say about how EWCs could be made to work better. It also wants trade union officials to be embedded in every EWC, irrespective of what membership they may have in companies. This would very quickly lead to the "capture" of EWCs by the unions, turning them from fora for dialogue between managements and employees' representatives into instruments designed to promote union agendas. It needs to be kept in mind that, as best, unions represent around 15% of all private sector workers across Europe.

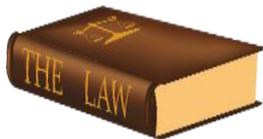
As if to underscore the fact that unions see EWCs as effective channels to block management decisions with which they disagree, the ETUC has recently published a guide for EWCs on how to legally challenge such management decision. **You can access the guide [HERE](#).** The introduction says:

*This practical overview provides an overview of the state of play and a useful toolkit, including technicalities and available means of access to justice in each EU Member State. LOOK OUT FOR THE COUNTRY FICHES ON PAGE 52, which are regularly updated.*

*It is meant as a hands-on guidance for EWCs, trade union coordinators and experts supporting EWCs and other practitioners; it is not meant to encourage or discourage litigation. The practical overview aims at offering insight into litigation as a possible conflict solution, but is not meant to replace direct trade union advice, support or specific guidelines (for those the reader is encouraged to always seek contact with the relevant trade union and European Trade Union Federation).*

## EU: Employment Law update

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At the recent European Trade Union Confederation (ETUC) conference in Berlin, union leaders called on EU Member States to implement the recently adopted **Minimum Wage Directive** as quickly as possible and not to wait out the two-year period allowed for transposition.

The 2022 Directive mandates all EU Member States introduce processes to ensure wage rates remain "adequate". Denmark has gone to the Court of Justice of the European Union (CJEU) to challenge the legality of the Directive. It argues that the Directive is illegal as the EU Treaty specifically rules out the EU having anything to do with pay.

More importantly for trade unions, the Directive also obliges Member States where collective bargaining coverage falls below 80% to take steps to bring it up to at least that level. The unions see this as something that will help them rebuild membership that has been on a steady downward drift for many years. However, we believe that they are likely to be disappointed as workers cannot be forced to join unions and younger generations show little interest in wanting to do so.

*"We now have the minimum wage directive that guarantees that member states do that everywhere," Esther Lynch ETUC general secretary said, "not just in some places, but everywhere".*

She was joined by Nicolas Schmit, European Commissioner for Jobs and Social Rights, who encouraged member states to implement the directive as national law prior to the two-year deadline, citing the needs of low-wage workers as the reason for his urgency.

“Some countries [...] discourage collective bargaining,” Schmit said, “and this is not part of the social contract of Europe”. The Directive was adopted in October 2022, meaning it must become national law by October 2024.

Last week, the European Parliament finally agreed its position on the proposed **Corporate Due Diligence Directive**, despite a last-minute attempt by the right-of-centre European Peoples Party to rewrite part of it. Talks between the Parliament, the Council of Ministers, and the Commission were due to begin this week to see if an agreement on a common text can be found. Once adopted, the Directive will oblige businesses to take steps to ensure compliance with global human rights, labour standards, and environmental regulations throughout their supply chains.

While [welcoming](#) the Parliament’s vote, the ETUC has called for:

- *Proper involvement of trade unions and workers’ representatives throughout the whole due diligence process in the companies and their whole value chain.*
- *Effective access to justice for victims and trade unions.*
- *Dissuasive sanctions and remedies for companies which violate human rights, workers’ rights, or their obligations to protect the environment, and strong liability rules.*

Meanwhile, [according to EurActiv](#) the Council of Ministers continues to struggle to find an agreed position on the proposed Directive on the **Employment Status of Platform Workers**. Some countries, such as Spain and the Netherlands, are pushing a strong “presumption of employment” article which would see platform workers automatically regarded as employees unless the platforms can prove otherwise.

Other countries, such as France and many in central and eastern Europe, wanted lighter provisions in this regard. It was anticipated that Spain, which holds the EU Presidency from July 1, would have used its position to push hard for its position, as well as pushing the proposed revision of the European Works Council Directive. However, Prime Minister Sanchez has called a snap general election for late July which polls suggest the opposition, conservative PP will win, thus changing the dynamics in the Council, tipping the balance in favour of those wanting a lighter law.

Once the Council agrees its position it will have to be negotiated with the Parliament and the Commission. The Parliament has already adopted a hardline position on the presumption of employment which means the negotiations will not be easy.

## Worth reading: Some interesting articles...

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EU Member States had until late last year to transpose the **Whistleblowers Directive** into national law. This [survey](#) from Ius Laboris looks at the state of play across Europe.

What rate of pay are members of German works council entitled to? How does a company ensure that because someone becomes a member of their works’ council, they do not lose out compared to fellow employees? This [article](#) from Freshfields takes an in-depth look at the issue.

Recent months has seen many tech companies “offboard” employees for the first time as they look to correct course after the hiring spree during the pandemic. This [comment](#) from Matheson looks at the *do’s and don’ts* of managing the redundancy process in Ireland.

## UK: Amazon to offer term-time work

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Parents and grandparents who work in Amazon warehouses will be able to choose to work in term-time only. Amazon said the new contract will mean people with children to look after can take six weeks of holiday in summer and two weeks at Easter and at Christmas.

Amazon's regional operations director, Neil Travis, said he hopes the flexible working will encourage more people back into the workplace. "We spent a lot of time listening to our employees and one of the things that we were learning is that they really wanted more flexible opportunities," Mr Travis said. He added that the contract still entitles people to full-time benefits.

Claire McCartney at the Chartered Institute of Personnel and Development notes that only 4% of workers have term-time working, commenting: "With the cost and availability of childcare causing huge challenges for working parents, term-time working is likely to have a positive impact on attraction and retention at a time when organisations are struggling with skills shortages."

## Future Work: Multinationals to cut office space

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[The Financial Times reports](#) that the property consultants, Knight Frank, predicts that half of big multinationals plan to cut office space in next three years as they adapt to the rise of WFH since the Covid pandemic.

A survey of executives in charge of real estate at 350 companies round the world that together employ 10mn people found that, among major groups cutting their footprint, the largest number was aiming to reduce space by 10% to 20%. Nearly half of the companies surveyed are also planning to change their headquarters in the next three years.

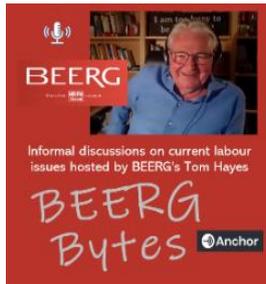
Companies are taking different approaches to working from home. BlackRock, the investment manager, last month ordered all employees back to the office four days a week, following JPMorgan's decision in April to ask senior staff to work in person full time. Roughly a third of companies have opted for fully or mostly in-person work, according to the Knight Frank research, which covered companies worldwide in industries ranging from tech to financial services. The majority, or 56%, of companies have settled on a hybrid policy, while about 10% plan to be mostly or entirely remote. Following a round of lay-offs, ride-sharing group Lyft in April reversed a policy to allow fully remote working and told employees to come back to the office part-time later this year.

**Meanwhile,** Ronni Zehavi, chief executive of human resources tech firm HiBob, says hybrid working "will stay with us for ever," and warns that companies demanding their workers spend five days in the office "will experience a very high level of attrition." While a number of firms are urging staff to return to their desks, and UK finance minister Jeremy Hunt has suggested that the "default" location for workers should be the office, Mr Zehavi said hybrid working is "here to stay," adding: "It's irreversible. It's not short-term hype; it's a change that will last for the next ten to fifteen years."

He added that around 90% of HiBob's clients were committed to hybrid working and were "finding it very productive." On a shift in working patterns, he added: "It's no longer about counting hours, it's about productivity." He also expects the five-day working week to become a thing of the past.

## BEERG Bytes: *Knowing Me Knowing EU* – Part 2 of 3rd Wave of EU Laws

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Our latest "*Knowing Me, Knowing EU*" Podcast ([link here](#)) published yesterday is Part 2 of a two-part series of related episodes. In [Part 1](#) Tom Hayes discussed a few of the "third wave" of EU laws which mandate some form of information and consultation process. In this episode he examines the other new EU laws, including ones on AI and Due Diligence, which also mandate employee representatives.

*Knowing Me Knowing EU* is BEERG Bytes' monthly podcast stream that looks at EU developments of interest to HR professionals. This episode is available from Spotify Podcasts or via your favourite Podcast search engine: [Spotify](#) / [Google Podcasts](#) / [Apple Podcasts](#) / [Anchor RSS](#) etc - Search for "**BEERG Bytes**"

Our new [HR Policy Global training program](#) *Negotiating with European Social Partners* (see details below) **can help you** to best to prepare for and interact, with employees' representatives through information, consultation and social dialogue negotiations.



*The session will be instructed by [André Declerck](#), and delivered over two, three-hour sessions on June 20 and June 21 from 9AM ET / 15H CET to 12PM ET / 18H CET*

To book click on **this link** (Fee is \$995.00)

## BEERG Members' Annual European Summit

June 14 – 16, Hotel Estela, Sitges, Barcelona

There are just a few remaining places at the upcoming 2023 Summer Network Summit at the Hotel Estela, Sitges, Barcelona. Running from Wed evening, June 14 to Fri lunchtime, June 16. The confirmed meeting agenda will be circulated to all attendees next week. The meeting attendance fee is €250. [Meeting Brochure](#)

[BOOK June Members' Summit](#)

## Training Webinar: Negotiating with European Social Partners

2-days via Zoom June 21+22

Our new "Negotiating with European Social Partners" online training program provides insights and knowledge on dealing with works council and trade union representatives in negotiation situations – at local and European levels.

The instructor is André Declerck. The program is run over two, three-hour sessions on June 20 and June 21 from 9AM ET / 1500 CET to 12PM ET / 1800 CET.

[Book Online Training](#)

## London Lunchtime Network Event

Sept 21, Oracle offices, London, U.K.

HR Policy Global is pleased to announce a Greater-London Area Networking and Lunch event on September 21, 2023. Hosted by Oracle Corporation, at their 1, South Place, London HQ, the event runs from 12PM to 3PM, to include lunch and presentations on UK HR and Labor Law Update. **Seats are limited to 30 people, so sign up soon!**

[London Network Event](#)

\*BEERG/HR Policy Global Members can self-register for these events via the links above. If you get a "No Tickets Available for Purchase" message make sure you are logged in – if the issue persists contact [Derek](#).

## Upcoming BEERG Dates for your Diary:

Date	Event	Booking Links	Venue
June 14 - 16	<b>BEERG Members' Annual European Summit</b>	<a href="#">BOOK June Members' Summit</a>	Hotel Estela, Sitges, Barcelona, Spain
June 20 + 21	<b>BEERG Online Training: Negotiating with European Social Partners</b>	<a href="#">Book Online Training</a>	Webinar on Zoom
Sept 21st	<b>London Networking Event - Lunch + Roundtable Discussion at Oracle London Office</b>	<a href="#">Book London Network Event</a>	Oracle, The Helicon 1 South Place, London EC2M 2RB, GB
Sept 27 & 28	<b>BEERG Members Meeting</b>	<a href="#">Book Sept Meeting</a>	Brussels, Belgium
Oct 10 - 13	<b>BEERG Training: "Managing ER in Europe"</b>		Hotel Estela, Sitges, Barcelona, Spain