

Social Affairs

EUROPEAN WORKS COUNCIL

Directive [2009/38/EC](#) of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale group of undertakings for the purposes of informing and consulting employees (recast).

Objective

To improve the right to information and to consultation of employees in Community-scale undertakings and Community-scale groups of undertakings.

Relevance for the hospitality industry

The national rules implementing the Directive will apply to hotel and restaurant chains established in more than one Member State. According to the www.ewcdb.eu database some 18 chains in the hospitality sector have set up Works Councils.

State of progress

This Directive, adopted on 6 May 2009, is a recast of Directive [94/45/EC](#) on European Works Council.

The Directive entered into force on 5 June 2009. Member States must transpose its provisions into national law by 5 June 2011.

Content

In order to guarantee that the employees of undertakings or groups of undertakings operating in two or more Member States are properly informed and consulted about decisions affecting them, it is necessary to set up European Works Councils or to create the suitable procedures for the transnational information and consultation of employees.

An undertaking or a group of undertakings is of community dimension when it employs at least 1000 workers within the Member States and at least 150 employees in each of at least two Member States.

The competence of European Works Councils and the scope of the information and consultation procedure for employees under this Directive is limited to transnational matters. According to the Directive a “transnational matter” is any decision taken in one Member State that might affect the workers in another Member State.

More precise definitions of the terms “consultation” and “information” are introduced in the recast of the Directive.

Another novelty is that the recognised European Social Partners have to be informed of the commencement of negotiations to set up European Works Councils.

HOTREC position

HOTREC welcomed the introduction in the new Directive of the suggestions put forward by the European cross-industry social partners in relation to more precise definitions of the terms “consultation” and “information”. HOTREC wonders how it will be informed of the commencement of negotiations to set up a Works Councils.

Official references

Directive [2009/38/EC](#) of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast). O.J. L 122/28 of 16.05.09.

See also

Council Directive [94/45/EC](#) of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees, O.J. L 254, 30.9.1994.

Council Directive [97/74/EC](#) of 15 December 1997 extending to the United Kingdom Directive [94/45/EC](#) (...), O.J. L 10 of 16.1.1998.

Council Directive [2006/109/EC](#) of 20 November 2006 adapting Directive [94/45/EC](#) (...) by reason of the accession of Bulgaria and Romania, O.J. L 363, of 20.12.2006.