

analysis of court cases



objective of the activity

To read and discuss concrete court cases related to the establishment and functioning of a Special Negotiating Body, European Works Council or SE Works Council and to consider what lessons can be learned for the own practice.

introduction

Going to court certainly is not the first and most obvious step in case of a major conflict. It is advisable to always look for an internal solution first. The EWC/SE WC agreement may even include specific rules on mediation prior to court proceedings. But, when all other options have failed, bringing the case before a court of law may be the only way to settle the dispute.

Since the publication of the first EWC directive in 1994, both local tribunals and the European Court of Justice have been asked to rule on several dozens of cases involving European-level worker representation. Over time, extensive jurisprudence has been developed, from which lessons can be drawn for current practice.

task

You will be organised in small groups. Each group will receive a summary of a court case on EWC/SE WC practice. First, read the document individually and then discuss the case in your group. Consider the following questions:

- What was the nature of the conflict?
- Who are the parties involved?
- What judgment was passed? Is it favourable to workers? Why?
- Have you experienced a similar situation in your company?
- How can this ruling help you to resolve any conflicts in your EWC/SE WC?

Among the members of your working group, appoint someone who will lead the discussions and make sure that all opinions can be taken into consideration as well as a spokesperson who will report back to the plenary session. The report should contain a short summary of the case and reflect the lessons that your group has drawn from it.