

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive establishing a general framework for informing and consulting employees in the European Community

(1999/C 2/03)

(Text with EEA relevance)

COM(1998) 612 final — 98/0315(SYN)

(Submitted by the Commission on 17 November 1998)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Agreement on Social Policy attached to the Protocol (No 14) on Social Policy annexed to the Treaty establishing the European Community, and in particular Article 2(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure referred to in Article 189c,

Whereas, on the basis of the Protocol on Social Policy annexed to the Treaty establishing the European Community, and with the exception of the United Kingdom of Great Britain and Northern Ireland, the Member States of the European Community, hereinafter referred to as the 'Member States', desirous of implementing the Social Charter of 1989, have adopted an Agreement on Social Policy;

Whereas Article 2(2) of the said Agreement authorises the Council to adopt minimum requirements by means of directives;

Whereas, pursuant to Article 1 of the Agreement, a particular objective of the Community and the Member States is to promote social dialogue between management and labour;

Whereas point 17 of the Community Charter of Fundamental Social Rights of Workers provides, *inter alia*, that 'information, consultation and participation for workers must be developed among appropriate lines, taking account of the practices in force in different Member States';

Whereas the Commission, pursuant to Article 3(2) of the Agreement on Social Policy, has consulted management and labour at Community level on the possible direction of Community action on the information and consultation of workers in undertakings within the European Union;

Whereas the Commission, considering after this consultation that Community action was advisable, has again consulted the social partners on the content of the planned proposal, pursuant to Article 3(3) of the said Agreement, and the social partners have presented their opinions to the Commission;

Whereas, having completed this second stage of consultation, the social partners have not informed the Commission of their wish to initiate the process potentially leading to the conclusion of an agreement, as provided for in Article 4 of the said Agreement;

Whereas the existence of legal frameworks at national and Community level intended to ensure that workers are involved in the affairs of the undertaking employing them and in decisions which affect them has not always prevented serious decisions affecting workers from being taken and made public without adequate procedures having been implemented beforehand to inform and consult them;

Whereas there is a need to strengthen dialogue and promote mutual trust within undertakings in order to improve risk anticipation, make work organisation more flexible and facilitate employee access to training within the undertaking while maintaining security, make employees aware of adaptation needs, increase employees' availability to undertake measures and activities to increase their employability, promote

employee involvement in the operation and future of the undertaking and increase its competitiveness;

Whereas timely information and consultation is a prerequisite for the success of restructuring and adaptation of undertakings to the new conditions created by globalisation of the economy, particularly via the development of new forms of work organisation;

Whereas the European Community has drawn up and implemented an employment strategy based on the concepts of 'anticipation', 'prevention' and 'employability', which are to be incorporated as key elements into all public policies likely to benefit employment, including the policies of individual undertakings, by strengthening the social dialogue with a view to promoting change compatible with preserving the priority objective of employment;

Whereas further development of the Internal Market must be properly balanced, maintaining the essential values on which our societies are based and ensuring that all citizens benefit from economic development;

Whereas the third stage of economic and monetary union will extend and accelerate the competitive pressures at European level; whereas this will mean that more supportive measures are needed at national level;

Whereas the existing legal frameworks for employee information and consultation at Community and national level tend to adopt an excessively *a posteriori* approach to the process of change, neglect the economic aspects of decisions taken and do not contribute to genuine anticipation of employment developments within the undertaking or to risk prevention;

Whereas, as a result of all these political, economic, social and legal developments, action is needed at Community level to make the essential changes to the existing legal framework;

Whereas, in accordance with the principles of subsidiarity and proportionality as set out in Article 3b of the Treaty, the objectives of the proposed action, as outlined above, cannot be adequately achieved by the Member States, in that the object is to establish a framework for employee information and consultation appropriate for

the new European context described above; but whereas, in view of the scale and impact of the proposed action, these objectives can be better achieved at Community level by the introduction of minimum regulations applicable to the entire European Community, and whereas the present Directive constitutes no more than minimum necessary to achieve these objectives;

Whereas the purpose of this general framework is to establish minimum requirements applicable throughout the European Community while avoiding any administrative, financial or legal constraints which would hinder the creation and development of small and medium-sized undertakings; whereas, to this end, the scope of this Directive should be restricted to undertakings with at least 50 employees, without prejudice to any more favourable national or Community provisions; whereas, in order to maintain the appropriate balance between the abovementioned factors, this minimum may be raised to 100 employees in the case of the more innovative measures proposed herein on the information and consultation of employees on developments in the employment situation within the undertaking;

Whereas a Community framework for informing and consulting employees must keep to a minimum the burden on businesses while ensuring the effective exercise by employees of their rights;

Whereas the objectives of this Directive are to be achieved through the establishment of a general framework comprising the definitions and purpose of the information and consultation, which it will be up to the Member States to complete and adapt to their own national situation, ensuring, where appropriate, that the social partners have a leading role by allowing them to define freely the arrangements for informing and consulting employees which they consider to be best suited to their needs and wishes;

Whereas care must be taken to avoid affecting some specific rules in the field of employees' information and consultation existing in some national laws, addressed to undertakings which pursue political, professional organisation, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions;

Whereas undertakings must be protected against public disclosure of certain particularly sensitive information;

Whereas modernisation of work implies both rights and obligations for the two social partners at undertaking level;

Whereas a reinforced and dissuasive sanction, applicable in the case of decisions taken in serious breach of the obligations under this Directive must be established at Community level, without prejudice to the general obligations of Member States in this respect;

Whereas this Directive also applies to the subjects covered by Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies⁽¹⁾ and Council Directive 77/187/EEC of 14 February 1998 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses, amended by the Council Directive 98/50/EC of 29 June 1998⁽²⁾;

Whereas other employee information and consultation rights, including those arising from Council Directive 94/45/EEC 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⁽³⁾, must not be affected by this Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Object and principles

1. The purpose of this Directive is to establish a general framework for informing and consulting employees in undertakings within the European Community.

2. When defining or implementing information and consultation procedures, the employer and the employees' representatives shall work in a spirit of co-operation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the undertaking and of the employees.

⁽¹⁾ OJ L 225, 12.8.1998, p. 16.

⁽²⁾ OJ L 61, 5.3.1977, p. 26.
OJ L 201, 17.7.1998, p. 88.

⁽³⁾ OJ L 254, 30.9.1994, p. 64.

Article 2

Definitions and scope

1. For the purposes of this Directive:

- (a) 'undertakings' means public or private undertakings carrying out an economic activity, whether or not operating for gain, which are located within the territory of the Member States of the European Community and have at least 50 employees, without prejudice to the provisions of Article 4(3);
- (b) 'employer' means the natural or legal person party to employment contracts or employment relationships with employees;
- (c) 'employees' representatives' means the employees' representatives provided for by national laws and/or practices;
- (d) 'information' means transmission by the employer to the employees' representatives of information containing all relevant facts on the subjects set down in Article 4(1), ensuring that the timing, means of communication and content of the information are such as to ensure its effectiveness, particularly in enabling the employees' representatives to examine the information thoroughly and, where appropriate, prepare consultations;
- (e) 'consultation' means the organisation of a dialogue and exchange of views between the employer and the employees' representatives on the subjects set out in Article 4(1)(b) and (c),
 - ensuring that the timing, method and content are such that this step is effective;
 - at the appropriate level of management and representation, depending on the subject under discussion;
 - on the basis of the relevant information to be supplied by the employer and the opinion which the employees' representatives are entitled to formulate;
 - including the employees' representatives' right to meet with the employer and obtain a response, and the reasons for that response, to any opinion they may formulate;
 - including, in the case of decisions within the scope of the employer's management powers, an attempt to seek prior agreement on the decisions referred to in Article 4(1)(c).

2. In conformity with the principles and objectives of this Directive, Member States may lay down particular provisions applicable to undertakings which pursue directly and essentially political, professional organisation, religious, charitable, education, scientific or artistic aims, as well as aims involving information and the expression of opinions, on condition that, at the date of adoption of this Directive, such particular provisions already exist in national legislation.

Article 3

Information and consultation procedures deriving from an agreement

1. Member States may authorise the social partners at the appropriate level, including at undertaking level, to define freely and at any time through negotiated agreement the procedures for implementing the employee information and consultation requirements referred to in Articles 1, 2 and 4 of this Directive.

2. The agreements referred to in paragraph 1 may establish, while respecting the general objectives laid down by the Directive and subject to conditions and limitations laid down by the Member States, arrangements which are different to those referred to in Article 2(1)(d) and (e) and Article 4 of the present Directive.

Article 4

Content of, and procedures for, information and consultation

1. Without prejudice to any provisions and/or practices more favourable to employees in force in the Member States, employee information and consultation shall, if there is no agreement between the social partners as envisaged in Article 3, cover:

- (a) information on the recent as well as the reasonably foreseeable development of the undertaking's activities and its economic and financial situation;
- (b) information and consultation on the situation, structure and reasonably foreseeable developments of employment within the undertaking and, where the employer's evaluation suggests that employment within the undertaking may be under threat, the anticipatory measures envisaged, in particular for employee training and skill development, with a view to offsetting the potential negative developments or their consequences and increasing the employability of the employees likely to be affected;

- (c) information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations, including those covered by the Community provisions referred to in Article 8(1).

2. The Member States shall ensure that information and consultation are effective and useful within the meaning of Article 1 and Article 2(1)(d) and (e). To this end, they shall determine the information and consultation procedures for the subjects listed in paragraph 1.

3. Member States may exclude from the information and consultation obligations referred to in paragraph 1(b) of this Article undertakings with fewer than 100 employees.

Article 5

Confidential information

1. Member States shall provide that the employees' representatives and any experts who assist them are not authorised to disclose any information which has expressly been provided to them in confidence. This obligation shall continue to apply irrespective of where the said representatives or experts are, even after expiry of their term of office.

2. Member States shall provide, in specific cases and within the conditions and limits laid down by national legislation, that the employer is not obliged to communicate information or undertake consultation when the nature of that information or consultation is such that, according to objective criteria, it would seriously harm the functioning of the undertaking or would be prejudicial to it.

Article 6

Protection of employees' representatives

Employees' representatives shall, when carrying out their functions, enjoy adequate protection and guarantees to enable them to perform properly the duties which have been assigned to them.

Article 7

Protection of rights

1. Member States shall provide for appropriate measures in the event of non-compliance with this Directive by the employer or the employees' representatives; in particular, they shall ensure that adequate

administrative or judicial procedures are available to enable the obligations deriving from this Directive to be enforced, including procedures which may be instituted by the employer or the employees' representatives where either party considers that the other party is in breach of the obligations provided for in Article 5.

2. Member States shall provide for adequate penalties to be applicable in the event of infringement of this Directive by the employer or the employees' representatives. These penalties must be effective, proportionate and dissuasive.

3. Member States shall provide that in case of serious breach by the employer of the information and consultation obligations in respect of the decisions referred to in Article 4(1)(c) of this Directive, where such decisions would have direct and immediate consequences in terms of substantial change or termination of the employment contracts or employment relations, these decisions shall have no legal effect on the employment contracts or employment relationships of the employees affected. The non production of legal effects will continue until such time as the employer has fulfilled his obligations or, if this is no longer possible, adequate redress has been established, in accordance with the arrangements and procedures to be determined by the Member States.

The provision of the previous paragraph also applies to corresponding obligations under the agreements referred to in Article 3.

Within the meaning of the previous paragraphs, serious breaches are:

- (a) the total absence of information and/or consultation of the employees' representatives prior to a decision being taken or the public announcement of that decision; or
- (b) the withholding of important information or provision of false information rendering ineffective the exercise of the right to information and consultation.

Article 8

Link between this Directive and other Community and national provisions

1. This Directive constitutes the general framework for employee information and consultation in under-

takings in the European Community. It is also applicable to the information and consultation procedures set out in Article 2 of Council Directive 98/59/EC and Article 6 of Directive 77/187/EC.

2. This Directive does not prejudice the provisions adopted in accordance with Council Directive 94/45/EC of 24 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.

3. This Directive shall be without prejudice to other rights of employees to information, consultation and participation under national law.

Article 9

Transposition of the Directive

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than ... (two years after adoption) or shall ensure that the social partners introduce the required provisions by way of agreement, the Member States being obliged to take all necessary steps enabling them to guarantee the results imposed by this Directive at all times. They shall forthwith inform the Commission thereof.

2. Where Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

Article 10

Review by the Commission

Not later than ... (five years after adoption), the Commission shall, in consultation with the Member States and the social partners at Community level, review the application of this Directive with a view to proposing to the Council any necessary amendments.

Article 11

This Directive is addressed to the Member States.

ANNEX

TABLE I: STATUS AND AIM OF NATIONAL PROVISIONS ON INFORMATION AND CONSULTATION

	Main legal basis or agreement	Status of information and consultation	Aim
Germany	Act Collective agreements may provide for additional representation or derogations	Obligation + right	Employer and works council must cooperate in a spirit of trust (...) for the well-being of employees and smooth running of the establishment They must address contentious matters with a genuine desire to reach agreement and present proposals intended to settle differences between their points of view
United Kingdom	Code of conduct Act: collective redundancies, transfers, information on negotiations	Voluntary, except information on negotiations and transposition of directives	Information with a view to negotiating with recognised unions
Ireland	Code of conduct Act: collective redundancies, transfers Three-year agreement	Voluntary, except transposition of directives	Information with a view to negotiating In Partnership 2000, agreement: to develop partnership at undertaking level
Belgium	Act, royal decrees and collective labour agreements	Right + obligation	The function of the works council is to involve employees more closely in the running of the undertaking and forward-looking employment policy with a view to creating a better climate between employers and employees by improving organisation of the right to information and consultation enjoyed by employees' representatives, while respecting the head of the undertaking's management responsibilities and rights
Luxembourg	Act (+ undertaking agreements)	Obligation	Workforce delegation: to safeguard and protect employees' rights Joint committee: non-specified general scope, various duties
Netherlands	Act + collective agreements	Obligation	Works council: in the interests of the smooth running of the undertaking in all respects, and to the benefit of consultation with the workforce representation
Denmark	Inter-federation agreement Act: coll. redundancies, transfers	Obligation	Implementation of permanent cooperation. The parties attempt to reach agreement by codetermination within the Cooperation Committee

	Main legal basis or agreement	Status of information and consultation	Aim
Italy	Constitution + Act + inter-federation agreement + sectoral collective agreement	Right Obligation under some collective agreements	Constitution: with a view to the employee's economic and social development and in line with production requirements, the State recognises the right of employees to participate in undertaking management in the manner and within the limits laid down by the law Inter-federation agreement: joint assessment of the situation and development of the undertaking, treatment of the social effects of changes and restructuring, regulations on negotiations
Spain	Act (+ inter-federation agreement)	Right + obligation	Employees are entitled to participate in the management of their undertaking through their representative bodies Inter-federation agreement: through negotiation, improvement of communication and dialogue at all levels
Portugal	Act	Right	To protect employees' interests and play a democratic role in the life of the undertaking
Greece	Act	Right	Participation and consultation role (...) with the aim of improving workers' terms and conditions of employment in connection with the development of the undertaking
France	Act	Obligation	Collective voice of employees, allowing their interests to be considered whenever decisions are being made on the undertaking's economic and financial development, work organisation, vocational training, and production processes
Sweden	Act	Obligation	Union representation of employees
Finland	Act + collective agreements	Obligation	With the aim of developing the undertaking's activities, improving working conditions, and encouraging codetermination between employer and employees and within the workforce, it is necessary to offer employees greater scope for influencing matters relating to work and the workplace
Austria	Act	Obligation	To safeguard and promote employees' economic, social, health and cultural interests, to permit compensation of interests for the good of both employees and undertaking

TABLE II: INFORMATION AND CONSULTATION THRESHOLDS

	Body or arrangement	Base level	Threshold (number of employees)
Germany	Betriebsrat (works council) Economic committee	Establishment Undertaking	5 permanent employees 100 permanent employees
United Kingdom	Recognised union or elected representatives	Establishment	20 employees for information/consultation in the event of collective redundancies
Ireland	Recognised union	Establishment	no threshold
Belgium	Works council Information and consultation through committee on health and safety at work or trade-union delegation	Establishment (or undertaking) Establishment	100 20-100
Luxembourg	Workforce delegation Joint committee	Establishment Undertaking	15 150
Netherlands	Works council Direct information and consultation on economic and social matters	Establishment Establishment	35 10-35
Denmark	Cooperation committees Tillidsmanden (shop steward)	Undertaking Undertaking	35 5-6 depending on collective agreement
Italy	Trade union representation Agriculture	Establishment Establishment	15 5
Spain	Workforce delegates Works council	Establishment Establishment	6-50 50
Portugal	Workers' committee	Undertaking	no threshold
Greece	Trade union organisation Workers' council	Undertaking Establishment	20 50

	Body or arrangement	Base level	Threshold (number of employees)
France	Workforce delegates	Establishment	11
	Works council	Undertaking	50
Sweden	Union delegates	Establishment	no threshold
Finland	Codetermination Act (Union delegates)	Undertaking	30
	Collective redundancy (Union delegates)	Establishment	20
Austria	Betriebsrat (works council)	Establishment	5 permanent employees

TABLE III: LEVELS OF EMPLOYEE REPRESENTATION REGARDING INFORMATION AND CONSULTATION

	Establishment	Inter-establishment or undertaking		National group		European (Directive 94/45/CE)
Germany	Works council	General works council	Statutory	Group works council	Arrangements variable	Transposing Act
United Kingdom	Shop stewards if unions recognised Joint consultative committee voluntary	Single-employer combined committee Higher level joint committee	Irregular Irregular	Delegates' committees	Few	Voluntary until December 1999
Ireland	Shop stewards	Co-ordination	Some cases			Transposing Act
Belgium	Works council	Joint meetings	Possible			Act + transposing collective agreement
Luxembourg	Workforce delegation	Joint works council	Statutory			Act pending
Netherlands	Works council	Central works council	Optional	Group works council	Arrangements variable	Transposing Act
Denmark	Cooperation committee	Central or main committee	Optional			Transposing Act
Italy	Single union representation	Co-ordination	Usual	Co-ordination	In most groups	Transposing interfederation agreement
Spain	Works council	Inter-centre committee	Depending on collective agreement			Transposing Act
Portugal	(Sub-committee)	Workers' committee	Optional			Act pending
Greece	Workers' council	Co-ordination	Possible	Co-ordination	Possible	Transposing decree
France	Establishment committee	Central undertaking council	Statutory	Group council	Statutory	Transposing Act

	Establishment	Inter-establishment or undertaking		National group		European (Directive 94/45/CE)
Sweden	Union delegates	Negotiating body	Usual	Negotiating body	Usual	Transposing Act
Finland	Union delegation	Union delegation	Codetermination rights at undertaking level	Form of cooperation	According to agreement + subsidiary requirements	Transposing Act
Austria	Works council	Central works council	Statutory	Group representation	Enlarged option since 1993	Transposing Act

TABLE IV: OBJECT AND MANNER OF INFORMATION AND CONSULTATION

	Information	Consultation
Germany	The works council, in performing its tasks (...), must be informed fully and in good time by the employer. Documents essential to the performance of its tasks must be placed at its disposal on request at any time	Consultation prior to decisions Right to be consulted, usually after a period of thinking time with a view to expressing an opinion in full knowledge of the facts Favourable opinion or agreement needed in some cases
United Kingdom	Information and consultation compulsory in the event of collective redundancies and transfers. Voluntary in other cases	
	Provision of information to unions with a view to collective bargaining	Voluntary in other cases
Ireland	Information and consultation compulsory in the event of collective redundancies and transfers. Voluntary in other cases	
Belgium	Information prior to decisions, coherent and comparable in time, is the subject of comments and exchanges of views. The members of the works council may ask for additional information, put questions, and express criticism, suggestions and opinions; the head of the undertaking must say how he intends to follow these up Economic and financial information must be supplemented, where appropriate, by similar information on the legal entity and information on the economic and financial entity which the undertaking forms part of A written report is required in certain cases	Consultation prior to decisions In the event of major changes: information in good time and before dissemination, proper consultation in advance, especially on the repercussions on employment If collective redundancies are planned: a series of meetings with the representative bodies, possibility of presenting arguments to avoid or limit the effects, possibility of proposing alternative solutions. The employer must consider and reply to questions, arguments and proposals
Luxembourg	Transmission of information to representatives on the running and status of the undertaking + annual general report	Regular consultation, also in writing Reasoned replies to Joint Committee opinions + consultation prior to decisions likely to have a decisive influence
Netherlands	The head of the undertaking is required, on request, to provide (...) full information and details which the central works council needs in order to perform its functions On request: in writing + specific information	The head of the undertaking must request an opinion, in time for it to influence the decision to be taken, by transmitting details of the reasons for decisions and the consequences. A consultation meeting must take place before the works council expresses its opinion. When the works council has expressed an opinion, it must be notified of the decision in writing by the head of the undertaking, together with the reasons why it is not consistent with the opinion where this is the case

	Information	Consultation
Denmark	Information must be presented in accessible form, early enough for an opinion to be expressed and proposals made	The parties attempt to reach an agreement
Italy	Information/consultation: according to sectoral collective agreement + compulsory in the event of redundancies and transfers	
	+ assessment of the situation by the parties to obtain common information needed to define the objectives of undertaking negotiations	+ contacts prior to negotiations
Spain	Information/consultation: different procedures depending on subject	
	+ information for employees on subjects likely to have direct or indirect repercussions on industrial relations	Prior consultation in the event of changes likely to affect employees
Portugal	Right to receive all information they need in order to perform their functions	Opinion prior to decisions
Greece	Regular information + before implementation of decisions	Deliberation with the employer
France	Regular information + on certain occasions + right to carry out studies and research needed for performance of functions Different procedures depending on subject	The works council must, in order to draw up a reasoned opinion, be provided with precise information in writing, sufficient time to consider the matter, and the employer's reasoned response to its observations. Consultation must precede the taking and implementing of decisions
Sweden	The employer must keep the trade union organisations (...) regularly informed of production and financial developments, as well as the main points of staff policy. If possible without excessive cost or inconvenience, the employer must, at the request of the trade union organisations, provide them with copies of documents and help them to examine the various matters (accounts, economic aspects)	Before deciding on a major change in activity, the employer must, on his own initiative, negotiate with the trade union organisation (...). The employer must suspend his decision during negotiations
Finland	Information must be presented in a way that permits discussion on the subject	Before any major decision, the employer must negotiate with the employees concerned or their representatives (...) to discuss the reasons for the planned decision, its effects and the possible alternatives. Proposals must be tabled in writing five days before the start of negotiations

	Information	Consultation
Austria	The works council may request copies of available documents	Consultation on current matters at least once every three months, or once a month at the works council's request
	<p>Information and consultation: the employer is required to keep the works council informed and consult it at its request</p> <p>Procedures depending on subject</p> <p>If changes are planned, the plans must be transmitted as soon as possible, and in any event early enough to permit consultation</p> <p>The works council may make proposals</p>	

TABLE Va: SUBJECTS AND PROCEDURES FOR INFORMATION AND CONSULTATION — ECONOMIC MATTERS

Information and consultation of specific workforce representation; does not take account of any possible participation of representatives in the undertaking's social bodies

e = establishment/u = undertaking/n = threshold/— = no threshold

	Structure	Economic and financial situation	Development of activities	Production and sales	Investment projects
Germany	Immediate information and prior consultation in the event of structural changes e20	Information: once a year (assembly) e5 Information: 4 times a year e20 (orally) e1000 (in writing) Meeting to discuss annual balance sheet u100 Economic committee to be provided with full and immediate information u100	Information: once a year (assembly) e5 Information: 4 times a year in writing Economic committee to meet once a month u100	Full and immediate information u100	Full and immediate information u100
United Kingdom	Information and consultation voluntary				
Ireland	Information and consultation voluntary				
Belgium	Basic dossier every 4 years Articles, organisation, financial structure e50	Basic dossier every 4 years: competition position, productivity, cost prices, personnel costs Information once a year: balance over 3 years. Profit and loss accounts: report in writing + auditor + meeting Information 4 times a year: anticipated development of costs, cost prices, budget management, possibly by objective Written summary 15 days before meeting e50	Information once a year: written report + auditor + meeting Information 4 times a year on situation as regards achievement of production and productivity objectives Written summary 15 days before meeting e50	Basic dossier every 4 years Production, productivity Information once a year: state of the market, order book Information 4 times a year: anticipated sales trends, orders, market, stocks: Meeting + written report 15 days before meeting e50	Information once a year: development programmes e50

	Structure	Economic and financial situation	Development of activities	Production and sales	Investment projects
Luxembourg	Annual report Written report and consultation twice a year on developments Prior information and consultation on decisive changes e15	Annual report e15 Information and consultation once a year: accounts u150 Written report, consultation twice a year developments u150	Annual report e15 Written report and consultation twice a year u150 Information on running of undertaking once a month u150	Annual report e15 Written report and consultation twice a year on developments u150	Annual report on investments made e15 + written report and consultation twice a year u150 Prior information and consultation on investment policy repercussions u150
Netherlands	Basic information in writing every 2 years e35 Consultation on transfer of authority e35 explanation of reasons and consequences, consultation meeting, opinion with 1-month staying effect	Annual report on accounts + chartered accountant Information on forecast documents Information twice a year on undertaking results and forecasts e10 (direct) e35	Information twice a year on the undertaking's operation, activities and forecasts e10 (direct) e35	Information twice a year on activities and forecasts e10 (direct) e35	Information twice a year on investments in the Netherlands and abroad Explanation of reasons and consequences, consultation meeting, opinion with 1-month staying effect e35
Denmark	Information 6 times a year on situation and forecasts u35				
Italy	Procedures depend on branch and undertaking agreements e15 (5 agricultural sector)				
Spain	Prior information and consultation on changes in articles Opinion within 15 days e6	Examination of accounts Regular information on the economic situation in the sector e6	Information 4 times a year e6	Information 4 times a year on the situation + production programme e6	e6

	Structure	Economic and financial situation	Development of activities	Production and sales	Investment projects
Portugal	Information on plans for changes u—	Information on the situation regarding accounts, budget and financing procedures Opinion on budget and financial plans u—	Information on general activity plan — Plans for changes u—	Information on production organisation; rates of use of personnel and equipment Information on forecasts, sales volume and administration, supplies u—	Information and opinions on plans and budgets u—
Greece	Prior information and consultation on reasons for and effects of changes u20	Possibility of requesting any information on the economic situation and policy Annual information e50 Negotiations u20 General operation u20 e50	Annual information e50 Negotiations, general operation u20 e50	Annual information Proposals on means of improving productivity of all production factors e50	Prior information e50
France	Basic document every 2 years u50 Annual report on transfers of capital Information to group committee u50	Annual report containing turnover and profit figures, distribution, etc. u50 Annual accounting documents + analysis by chartered accountant u50	Basic document every 2 years u50 Annual report u50 Consultation on the general running of the undertaking u50	Annual report: 4 times a year trends in orders and development of production programme — oral u300	Annual report on investments u50
Sweden	Information in the event of changes e— Obligation to negotiate, with staying effect in the event of major change	Regular information Possibility of examining accounts e—	Regular information Obligation to negotiate, with staying effect in the event of major change e—	Regular information e—	Obligation to negotiate, with staying effect in the event of major change e—

	Structure	Economic and financial situation	Development of activities	Production and sales	Investment projects
Finland	Immediate information in the event of important changes u30	Information on accounts Report twice a year on the economic situation and outlook + at group level where appropriate u30	Report twice a year on the economic situation Immediate information in the event of important changes in economic and financial trends Obligation to negotiate, on the basis of written proposals, before any change in activities affecting the situation of the workforce: 6-week staying effect if the workforce is to be cut u30	Report twice a year on the situation, indicating the outlook in terms of production, markets and cost structure + at group level where appropriate u30	Obligation to negotiate, on the basis of written proposals, before any major investment: 6-week staying effect if the workforce is to be cut u30
Austria	Information and consultation in the event of changes e5	Transmission annual balance sheet + necessary explanations Information and consultation on the economic and financial situation Access to available documents e5	Information and consultation on the situation and outlook, with access to available documents Consultation 4 times a year (once a month on request) on current matters The works council may request documentation e5	Information and consultation on the order situation and the nature and volume of production Access to available documents e5	Information and consultation on investment projects Access to available documents e5

TABLE Vb: SUBJECTS AND PROCEDURES FOR INFORMATION AND CONSULTATION — EMPLOYMENT

	Situation	Structure	Anticipated developments	Anticipatory measures Employability	Training plan
Germany	Information once a year (assembly) Regular information e5	Regular information Codetermination on assessment and remuneration rules Agreement on selection rules and individual measures e5	Full and prompt information, prior consultation The works council may present proposals e5	Full and prompt information, prior consultation e5 Codetermination on application measures: agreement between works council and employer, conciliation committee if no agreement reached e20	
United Kingdom	Information and consultation voluntary				
Ireland	Information and consultation voluntary				
Belgium	Annual information in writing, by subject Consultation on personnel policy e50		Annual information in writing, by subject Information 4 times a year on anticipated employment developments — written summary 15 days before meeting Information in writing 4 times a year on achievement of forecasts, discrepancies between objectives and achievements, changes to forecasts e50	Annual information in writing, by subject Consultation on employment policy Consultation on vocational training and retraining measures e50	Consultation on vocational training and retraining measures e50

	Situation	Structure	Anticipated developments	Anticipatory measures Employability	Training plan
Luxembourg	Workforce delegation: opinion and proposal on improvement of terms and conditions of employment e15		Information and consultation once a year on current and expected labour force needs and training/further training/retraining measures which might result Information and consultation on decisions with a decisive impact on planned social measures u150		Information and consultation once a year Prior information and consultation on training measures before decisions u150
			Consultation before transmission of application for overtime or part-time working u150	Workforce delegation: opinion and proposal on improvement of terms and conditions of employment u150	
Netherlands	Annual social report e35	Annual social report Compulsory agreement on rules for recruitment, redundancy, promotion and assessment e35	Annual social report Consultation on recruitment, opinion with 1-month staying effect e35	Annual social report Compulsory agreement on rules for recruitment, redundancy, promotion, assessment and training e35	Obligation to draw up a training plan Compulsory agreement on training rules e35
Denmark	Information and consultation 6 times a year u150				
Italy	Procedures depend on branch and undertaking agreements				
Spain	Information on all employment contracts e6		Information 4 times a year on probable development of employment, expected new contracts e6	Information on mobility decisions Information and consultation on assessments regarding jobs and restructuring Opinion within 15 days e6	Information and consultation Opinion within 15 days e6
Portugal	Information on personnel management Consultation on the social balance sheet u—		Information on personnel management Prior opinion on changes to classifications, promotions u—		Recommendations on apprenticeships, retraining, further training u—

	Situation	Structure	Anticipated developments	Anticipatory measures Employability	Training plan
Greece	Possibility of requesting any information on personnel management policy u20				
		Prior information on changes u20 e50	Information u20 e50	Agreement on training u20 e50	Agreement on training u20 e50
France	Social balance sheet, annual summary of main statistics: information and consultation u50				Meetings of training committee u50
	Consultation on employment, working and training conditions u50				
	Annual report u50 Productivity u300 Monthly analysis of employment situation: oral u50	Annual report including wage trends u50	Annual consultation on developments in employment, skills, annual/multiannual forecasts, explanations of discrepancies Written report 15 days beforehand u50	Annual consultation especially on planned and implemented health & safety and training measures Written report 15 days beforehand u50	Information and consultation on training results and plans, broken down by category, duration and type u50
Sweden	Regular information on personnel policy e—				
			Prior consultation before concluding or terminating employment contracts Obligation to negotiate on management planning e—	Obligation to negotiate on management planning e—	

	Situation	Structure	Anticipated developments	Anticipatory measures Employability	Training plan
Finland	Regular information on wage statistics by category u30		Group-level assessment of changes envisaged in the number and categories of employees u30	Information on training results and plans, broken down by category, in conjunction with employment forecasts u30	
		Obligation to negotiate on recruitment criteria u30	Obligation to negotiate on plans concerning employment and training and corresponding employment and training plans associated with cuts in the workforce or changes to contracts. Discussion of reasons for decisions, effects and possible alternatives. Written proposals to be submitted five days before the start of negotiations u30		Obligation to negotiate on the vocational training budget u30
Austria	Consultation 4 times a year, on request Once a month on topical matters The works council may ask for documents e5		Information on recruitment needs and associated personnel measures e5	Cooperation procedure on training and retraining: Agreement between works council and employer. Conciliation committee if no agreement reached e5	

TABLE Vc: SUBJECTS AND PROCEDURES FOR INFORMATION AND CONSULTATION — CHANGES

	Work organisation	New technologies	Production transfers	Merger	Cutback/closure	Relocation
Germany	Full and immediate information (e—) + consultation (e5) + codetermination (agreement between works council and employer; conciliation committee if no agreement reached) (e20)					
United Kingdom	Information and consultation voluntary		Information and consultation in accordance with transfer and redundancy directives e20			
Ireland	Information and consultation voluntary		Information and consultation in accordance with transfer and redundancy directives e20			
Belgium	Information + comments + written summary of figures — if possible before implementation Consultation e50	Consultation 3 months before implementation e50	Information + comments + written summary of figures — if possible before implementation e50	Immediate information to works council and employees e20	Information + comments + written summary of figures — if possible before implementation e50	
			Effective prior consultation on repercussions, employment prospects, work organisation and employment policy If collective redundancies are envisaged: Written report, series of meetings, replies to questions, arguments and alternative proposals e20			
Luxembourg	Prior to major decisions, information and consultation on employment repercussions u150					
	Prior information and consultation e15		Information and consultation in the event of redundancies (e15) and transfers (u150)			

	Work organisation	New technologies	Production transfers	Merger	Cutback/closure	Relocation
Netherlands	Compulsory agreement on conditions of employment e35 Information and consultation e10 (direct) e35		Consultation: description of reasons and consequences, consultation meeting, with one-month staying effect e35			
Denmark	Information and consultation 6 times a year u35		Information and consultation well in advance u35 (u20 for collective redundancies)			
Italy	Consultation e—	Consultation e—	Procedures depending on collective agreement + information & consultation on collective redundancies e20			
Spain	Information, consultation and negotiation prior to changes likely to affect employees. Opinion within 15 days e6					
Portugal	Opinion prior to changes in classifications and working hours Recommendations on improvements to terms and conditions of employment u—	u—	Consultation: opinion prior to all measures leading to a significant cut in the workforce size or a substantial worsening of terms and conditions of employment u—			
Greece	Prior information e50 Consultation on changes to working hours Proposals on improvements to terms and conditions of employment	Prior information e50	Prior information e50	Prior information on reasons and effects e50	Prior information e50	
			Prior consultation where collective redundancies are planned u20			

	Work organisation	New technologies	Production transfers	Merger	Cutback/closure	Relocation
France	Information on production method changes and effects on work and employment: 4 times a year u50		Information and consultation prior to changes in financial or legal organisation u20			
			Collective redundancies e10			
	Consultation u50	Prior consultation Possibility of consulting experts u50	u50	Prior information in the event of takeover bids u50		
Sweden	Information and right of participation in the event of changes in work organisation or terms and conditions of employment e—		Obligation to negotiate prior to decisions on major changes in activities; decisions must be suspended during negotiations. If no agreement can be reached at local level, negotiations are transferred to the national-level social partner organisations e—			
Finland	Reorganisation: obligation to negotiate: discussion of reasons for decision, effects and possible alternatives Written proposals submitted 5 days before start of negotiations u30		Immediate information on all major changes in the economic and financial situation of the undertaking Group employees to be informed when a decision is planned which will involve a significant change in the activities of the group or a group undertaking and affect the personnel situation Obligation to negotiate: discussion of reasons for the decision, effects and possible alternatives. Written proposals to be submitted 5 days before start of negotiations In the event of workforce cuts: 6-week negotiating period, unless otherwise agreed e20			
			Obligation to negotiate Use of subcontracting u30	Obligation to negotiate sufficiently in advance, stating reasons, financial and economic consequences + measures Obligation to negotiate on employment changes and changes to contracts following a transfer or merger u30		

	Work organisation	New technologies	Production transfers	Merger	Cutback/closure	Relocation
Austria	Consultation e5	Consultation e5	Prior consultation e5			
			<p>In groups: information and right to consultation on current measures or measures planned by the dominant undertaking concerning changes to establishments or other cases with major implications for employees e5</p> <p>Cooperation procedure in the event of changes: information as soon as possible, and well enough in advance to permit consultation on the policy adopted. The works council can make proposals. In the event of major disadvantages for employees, there must be an agreement between the works council and the employer. Conciliation committee in the event of failure to reach agreement e20</p>			

TABLE VI: PROVISIONS ON THE CONFIDENTIALITY OF INFORMATION

(national provisions relating to national representations or European works councils)

	Provisions on confidentiality	Information excluded from information rights and obligations
Germany	The members and alternate members of the works council must not reveal or exploit business secrets which they learn as a result of their works council activities and which the employer has specifically designated as confidential	Where the undertaking's business secrets are implicated
United Kingdom	Strict definition of confidentiality	(Precise financial or economic data are rarely revealed)
Ireland	Respect for information provided in confidence (94/45/EC)	Information considered commercially sensitive by the management, if it can show that the release of such information would be detrimental to the group's economic and financial interests or if the information corresponds to the rules on non-release of information as agreed between management and workforce representatives. In the event on failure to agree on the provision of information: referral to 'independent arbiter' (94/45/EC)
Belgium	The head of the undertaking may inform the works council that certain information is confidential and its dissemination is likely to seriously harm the undertaking's interests	The head of the undertaking may be allowed exemptions from the principle of compulsory information, in respect of specific points (e.g. distribution margins), following a reasoned request to an official of the Ministry of Economic Affairs. Such requests are rare
Luxembourg	Respect for the confidentiality of business secrets or information expressly provided by the undertaking in confidence	
Netherlands	Respect for the confidentiality of business secrets or information provided by the undertaking in confidence or information which workforce representatives must treat as confidential. The management may not claim confidentiality without reasonable grounds and must specify the extent, duration and persons concerned	If the head of the undertaking refuses to provide information requested by the works council, the 'industrial commission' must give a ruling Where it is conceivable that the functioning of the group will be seriously harmed (94/45/EC)

	Provisions on confidentiality	Information excluded from information rights and obligations
Denmark	Obligation to treat confidential matters as such, specific cases justified by the undertaking's interests (94/45/EC)	Specific cases justified by the undertaking's interests, where the information would inconvenience or harm the undertaking (94/45/EC)
Italy	Respect for the confidentiality of information expressly provided by the undertaking in confidence and likely to seriously harm the functioning or activities of the undertaking Respect for the confidentiality of industrial secrets or financial transactions (94/45/EC)	Information likely to disturb the market; disagreements on provision of information are dealt with by a tripartite conciliation committee (94/45/EC)
Spain	Observance of business secrets, especially on financial matters and those covered by a requirement to the effect that no document entrusted to the works council by the undertaking may be used outside the immediate scope of the works council or for purposes other than those for which it was made available	Information on industrial, commercial or business secrets, manufacturing techniques or processes, strategic commercial data on markets, clients or suppliers (94/45/EC) Financial information, where dissemination or use thereof might seriously affect the operation of the undertaking or cause irreparable damage to its economic or financial competitiveness on the market or to public confidence in its solvency, functioning or product quality (94/45/EC)
Portugal	Members of workforce committees are bound to respect the confidentiality of information received in that capacity. The employer must justify the confidential nature of information	
Greece	Obligation to treat information of particular importance to the undertaking with discretion, and possibility of agreement on the provision of information to third parties	The subjects covered by confidentiality (bank and legal transactions, subjects of national importance, patents, etc.) are excluded from the right to information
France	Members of the works council and trade union representatives are obliged to observe confidentiality as regards manufacturing processes and to treat with discretion information of a confidential nature specified as such by the employer Chartered accountants who assist works councils are required to observe professional secrecy	
Sweden	A party required to provide information may negotiate on its confidentiality; if negotiations fail, and there is a serious risk of substantial damage to one of the parties or to a third party, confidentiality may be imposed by court order	

	Provisions on confidentiality	Information excluded from information rights and obligations
Finland	A confidentiality obligation on employees, persons providing assistance to them, and their representatives applies to individual data on the undertaking's financial situation and state of health in the absence of an agreement on the part of the party concerned, and to commercial information presented as confidential by the employer, the publicising of which would be likely to harm the undertaking or one of its partners	
Austria	Members of the works council and external persons are required to observe discretion with regard to personal data and business or manufacturing secrets which come to their knowledge, especially those concerning installations, processes and technical matters which are presented as confidential	

TABLE VII: PROTECTION OF EMPLOYEES' REPRESENTATIVES

	General provisions	Special protection
Germany	The members of the works council may not be hindered in or prevented from performing their duties. They must not be favoured or placed at a disadvantage. Representatives are entitled to the same pay rises as would be normal for their original job	Members of the works council may not be dismissed without the prior agreement of the works council or, failing that, the labour tribunal Candidates also enjoy special protection for six months. A period of protection of one or two years, including training courses, follows the term of office of members
United Kingdom	The exercising of union rights at the workplace is protected by legislation, which makes interference by the employer illegal	Protection as individuals against redundancy in the event of discrimination on grounds of membership (or non-membership) of a union and against unfair dismissal after two years' service
Ireland	Exercise of union rights	Redundancy on account of union activities is illegal, regardless of whether such activities take place outside working time or are authorised under the terms of the person's employment contract
Belgium	Representatives must not be favoured or placed at a disadvantage, which means they are entitled to promotion etc. in line with what is normal for their job category	Workforce representatives and candidates enjoy special protection during their term of office; restrictions apply as regards redundancy and career development
Luxembourg	General protection	Protection against redundancy for representatives, candidates (3 months) and former members (6 months)
Netherlands	General protection	Protection against redundancy for representatives, candidates and former members (for two years)
Denmark	General protection	Protection against redundancy and discrimination
Italy	General protection	Protection against redundancy. Union agreement needed for transfer outside the establishment
Spain	General protection	Protection against penalties, discrimination and redundancy for the duration of the term of office and the following year

	General provisions	Special protection
Portugal	General protection	Legal protection against redundancy for the duration of the term of office and the following five years
Greece	General protection	Legal protection against transfer or redundancy for the duration of the term of office and the following year
France	General protection Impeding union activity, i.e. interfering or attempting to interfere with the freedom of appointment, the proper exercising of workforce representatives' functions or the exercising of trade union rights in the undertaking, is a punishable offence	Protection against discrimination and disciplinary procedures Protection against redundancy for representatives, candidates (6 months) and former members (6 months). Protected employees cannot be dismissed without a prior opinion from the works council and the authorisation of the labour inspector
Sweden	Delegates may not be subjected to disadvantageous employment or working conditions because of their position and must, at the end of their term of office, be given a position which is identical or similar, in terms of employment or working conditions, to the one they would have been in if they had not held office	Change of job: prior consultation with the union and discussions where appropriate A delegate may not be dismissed for holding office In the event of redundancies owing to a decline in business, the representative must be given priority for being retained, if this is particularly important for trade union activity at the workplace. If the representative can only be retained through a transfer, priority applies as long as he/she has the required skills. The union's interpretation with regard to application of these provisions takes priority
Finland	General protection	Protection against redundancy: Delegates may be dismissed for negligence only with the consent of the majority of employees represented. Delegates may not be made redundant on economic grounds unless their job is completely discontinued and it is not possible to assign them to another job commensurate with their occupational skills
Austria	The members of the works council must not be hindered in the performance of their duties or placed at a disadvantage with regard to pay or promotion	The members and alternate members of the works council may not be dismissed during their term of office or the following three months, except on the basis of a court decision. The same applies to candidates during the election process

TABLE VIII: RESOURCES AVAILABLE TO EMPLOYEE REPRESENTATIVES

	Time	Training	Material resources	Experts
Germany	Release from work activity	Release applies also for training Each elected representative: 3 weeks during term of office (4 if newly elected) Training costs covered by employer	Costs of works council's activities covered by employer, who must also provide the necessary premises, physical resources and clerical staff	The works council may call upon experts where necessary to allow it to perform its functions properly, following a specific agreement with the employer
United Kingdom	Where trade unions are recognised, free time must be granted, within reason, to union officials to allow them to carry out their duties and obtain training	Free time for training	By agreement	By unions
Ireland	By agreement	By unions	By agreement	By unions
Belgium	Meetings and the time needed to carry out duties are regarded as working time and paid as such. Minimum of 16 hours to examine basic information and annual information	Time and facilities needed, with no loss of pay, for training Training costs: compensation fund	Premises and materials needed for meetings provided by head of undertaking Facilities needed to carry out duties to be provided under the best possible circumstances	The works council may call on the assistance of experts at the employer's expense The auditor reports to the works council on the annual accounts and management report
Luxembourg	Meetings during working hours Time credit	Possibility of attending training during working time	Operating costs covered by the employer	Advisers to either side may attend meetings

	Time	Training	Material resources	Experts
Netherlands	Meetings during working hours Time credit	Minimum of 5 days training a year (paid) Training costs covered by a tax	Costs covered by the employer: possibility of agreement on annual budget Facilities which the works council reasonably needs to perform its functions	The works council may invite one or more experts. Consultation costs borne by employer if he is informed in advance of the costs to be incurred Disagreements referred to Industrial Commission
Denmark	Meetings regarded as working time Amount of time by agreement	By unions	Costs covered by the parties	By unions
Italy	Time credit	By unions	Premises provided	By unions
Spain	Time credit	By unions	Premises provided	By unions
Portugal	Time credit	By unions	The employer must provide the necessary resources	Permitted, especially relating to safety and hygiene Experts paid by unions
Greece	Time credit	By unions	Provision of premises	By unions
France	Time credit	Training on economic matters for 5 days per term of office. Regarded and paid as working time	Provision of properly equipped premises and necessary equipment Operating subsidy: 0,2 % of wage bill	The works council may ask a chartered accountant, paid by the management, to examine the annual accounts, forecasts, assistance for the economic committee, right of warning, collective redundancies The works council may consult an expert, paid by the management, concerning the introduction of new technologies

	Time	Training	Material resources	Experts
Sweden	Time spent carrying out duties is paid	Possibility of attending union training without loss of pay	Provision of meeting room as needed	Possibility of appointing consultants before major changes. The undertaking must pay, as long as the costs remain reasonable
Finland	Time spent on codetermination procedure is paid	By unions	Meeting room	By unions
Austria	Dispensation from work activity	Training time 3 or 5 weeks per term of office, not paid by employer	Possibility of setting up a works council fund, financed by employees' contributions of 0,5 % of gross pay	Possibility of consulting qualified persons and calling in experts when changes are planned

TABLE IX: PENALTIES

	Consequences of failing to comply with information and consultation obligations in the case of collective redundancies
Germany	Redundancies invalid, may lead to reinstatement of employee or increased compensation Penalties for hindering or disrupting works council's activities
United Kingdom	'Protective award'
Ireland	'Protective award'
Belgium	Suspension of period of notice if in progress. If the employee has been dismissed, he or she will be entitled to request reinstatement and payment of lost wages. If the employee is not reinstated, he or she is entitled to extra compensation on top of normal redundancy pay Penalties for impeding activities Possible loss of federal government aids
Luxembourg	Civil compensation Penalties for impeding activities
Netherlands	Employees entitled to request reinstatement (not compulsory). If the employer does not agree to reinstatement, he must pay additional compensation plus lost wages After mediation by the Industrial Commission, the works council may take legal action to enforce compliance with the law
Denmark	Fines
Italy	The employer's notice placing employees under the 'mobility scheme' is invalid Immediate proceedings to enforce suspension of 'anti-union attitude': penalties for failure to comply
Spain	Redundancies invalid, with possibility of reinstatement or compensation/financial penalties Penalties (serious infringements)

	Consequences of failing to comply with information and consultation obligations in the case of collective redundancies
Portugal	Redundancies invalid Fine
Greece	Redundancies invalid Penalties for impeding activities
France	Redundancy procedure and its effects invalid. Possibility of reinstatement or compensation Administrative decision suspends procedure (obligation to restart the procedure) Penalties for impeding activities
Sweden	Priority given to union interpretations during proceedings for failure to comply with negotiated or statutory provisions Damages payable to unions Fine
Finland	Additional compensation for employees Fine for failure to cooperate
Austria	The failure must be taken into account by the arbitration committee fixing compensation for employees Fine