

Resolution Nr. 3 proposed by the UNI Europa Commerce Steering Committee

European Works Councils, Union Organising and Trade Union Alliances

European retailers are amongst the most internationally active, on average operating in 16.2 countries. For example, German and French retailers generate more than 40% of their turnover in foreign operations. *Deloitte (2015)*

For a large proportion of workers in commerce, employment is very unstable or precarious, with involuntary part-time work, casual and agency labour and temporary employment on the increase, uncertain working time schedules, low remuneration, high staff attrition and low level of opportunities for training and retraining.

The current climate is extremely difficult for commerce sector trade unions. And while the commerce sector is a difficult sector to organise due to high turnover and a large proportion of part-timers, a successful organising strategy can result in greater density thereby increasing workers' bargaining power and creating a better workplace.

Unions must organise all parts of the commerce workforce, including part-time workers and those working at retailers through external contracts and agencies or for a limited period of time, if they want to remain relevant. Assisting retail workers who are often at pains to achieve a healthy work-life-balance because of the very long and flexible working hours and unpredictable scheduling is an excellent way to promote union organising.

It is of particular importance that commerce unions make strong efforts to ensure that the large membership of women and young workers is reflected in the union leadership

In the face of the challenges facing the employees in the European commerce industry and their unions, UNI Europa Commerce and its affiliates must take a leading role to develop, drive and co-ordinate an approach that is aimed at increasing union power at the national and European level.

Social Dialogue is one of the most important tools in all union work. Effective social dialogue is built on mutual trust and respect between the social partners aiming to resolve workplace and other related issues through positive and constructive exchanges. The existence of such relations between company management, workers and their trade unions will contribute significantly to the capacity of companies to survive in the current recessionary and highly competitive commerce

environment. UNI Europa Commerce will thus work to establish and develop constructive and successful labour relations at all levels.

UNI Europa, or in certain cases its affiliates on its behalf, advises existing European Works Councils (EWCs) and supports networking among its unionised members. According to the European directive 2009/38, European works councils are set up to fulfil a role of information and consultation on transnational matters in a given multinational. It is UNI Europa Commerce' policy that the establishment of new EWCs should only be initiated if it can be assured that the majority of its members will be trade union representatives from among UNI Europa affiliates. Because of the potential large number of EWCs that could be established and the increasing demands from affiliates to set up new EWCs throughout the region is it of vital importance that UNI Europa affiliates take on the EWC coordination role, in cooperation with UNI Europa Commerce. For this purpose UNI Europa Commerce adopts a procedure for the establishment and coordination of EWCs which affiliates will follow once it has been adopted by this conference (see enclosed document). In addition and together with UNI Commerce, UNI Europa Commerce has developed Trade Union Alliances or networks for Europe's leading retailers Aldi and Lidl, Auchan, Carrefour, H&M, IKEA, Inditex and Metro. The role of these trade union alliances is to develop a coordinated trade union position towards the company and to build solidarity between the workers and unions of a company. Together we are supporting organising campaigns in those companies by our affiliates.

Over the last 10 years, about 250 European transnational company agreements have been negotiated in multinational companies between Companies and European Works Councils, groups of trade unions or national workers' representatives; with or without the involvement of European trade union federations. These agreements are neither legally binding nor legally enforceable. They are of a voluntary nature and thus have more the character of a "gentlemen's agreement" based at a minimum on a company's willingness to follow them and at a maximum on the power of trade unions.

The European trade union movement under the leadership of the ETUC is pushing for an optional legal framework at EU level for such agreements that can be applied by mutual agreement of the signatory parties.

UNI Europa has set up a working group of affiliates to exchange best practices and experiences between its affiliates with the view to develop a policy on how to deal with transnational company agreements proactively. The aim is to draft such a policy with the close involvement of affiliates over 2015 and then bring it for adoption to the UNI Europa Conference in March 2016.

UNI Europa Commerce and its affiliates will together develop and implement the following actions:

Together with UNI Commerce, UNI Europa Commerce will

- Together with national unions, aim to establish and develop constructive and successful labour relations with multinational companies at all levels;

- facilitate the creation of new trade union alliances in key multinationals and further strengthen existing alliances
- support organising campaigns by UNI Europa affiliates in key multinationals, in particular in Central and Eastern European countries;
- Strengthen its representation in the UNI Europa multinational working group in order to ensure broad reflection of commerce issues and participate in the UNI Europa working group on transnational company agreements

On European Works Council, UNI Europa Commerce will:

- Require its affiliates to follow the procedures on EWCs as adopted by this conference;
- Strongly encourage its affiliates to actively participate in the coordination of EWCs and to appoint coordinators in existing EWCs where there is no UNI Europa coordination in place;
- Ensure that EWC coordinators and national responsible receive adequate training, for instance by providing (information about) training opportunities through recognised training partners such as ETUI and Syndex;
- Facilitate a networks of EWCs coordinator in order to share experiences and good practices;
- Strengthen trade union coordination in EWCs and MNCs with other UNI sectors and with other European union federations in companies with joint membership;
- Support affiliates in the creation and strengthening of EWCs and trade union coordination in key multinationals.

UNI Europa Commerce procedure for the establishment of an EWC in companies under the remit of UNI Europa

This procedure is without prejudice to the UNI Europa Guidelines on EWC that were adopted by all UNI Europa affiliates at the Executive Committee on 29 March 2011. The aim of this procedure is not to replace UNI Europa Guidelines on EWC that applies to all UNI Europa Sectors. It is rather to facilitate the work of UNI Europa Commerce and clarify the role of national affiliates and that of the Secretariat in the negotiations/re negotiations of EWC agreements in the Commerce sector.

The procedure will be based on the UNI Commerce Action Plan that is discussed and agreed by UNI Commerce at the beginning of each year. The Action Plan identifies a number of targeted companies on which UNI Commerce affiliates and UNI Commerce and UNI Europa Commerce Secretariat will work together more closely.

UNI Europa Commerce Network of national contact points

First of all, UNI Europa Commerce will establish a network of national contact points composed of a responsible trade union official per country. Where countries have more than one trade union organisation, they will agree on a coordination procedure among themselves. He or she will be in charge of EWC matters on behalf of her/his organisation.

In the countries, where the company operates, this network will act according to the following steps:

- Identify those companies that falls under the scope of the EWC directive but that still do not have an EWC;
- Submit the name(s) of the company (ies) to the UNI Europa Commerce Steering Committee and the UNI Europa Commerce Secretariat and discuss requests from affiliates to establish an EWC.
- Facilitate contacts among trade union affiliates and countries organising in the company with the support of the UNI Europa Commerce Secretariat;
- Map the trade union presence in the countries with a view to assess the following:
 - If the trade union presence is low in the majority of the countries then, an organising strategy should be developed in close cooperation with UNI Europa Commerce and with the approval of the UNI Europa Commerce steering committee with a view to increase the trade union density in the company concerned before taking any further steps to establish an EWC
 - If the trade union presence is significant in the majority of the countries, the mapping will be sent to the UNI Europa Commerce Steering Committee for approval to start negotiations with the company.

Companies targeted in the UNI Commerce Global Action Plan

If the company is targeted in the UNI Commerce Action Plan, and after approval by the UNI Europa Steering Committee to start EWC negotiations, the affiliate(s) from the country of the company's headquarters, together with the Secretariat, will coordinate the EWC establishment process as follows:

1. The Secretariat will notify the network of national EWC coordinators of the Steering Committee's decision to start EWC negotiations.
2. A trade union network will be set up for the company and, on a case by case basis, a trade union coordination meeting will be organised according to UNI Europa Guidelines, with a view to preparing negotiations and developing a common approach towards management.
3. The UNI Europa Commerce Steering Committee will appoint a trade union expert* who will prepare and lead the negotiations for the creation of a Special Negotiating Body (SNB) and assist and guide the SNB/EWC during the (re)negotiating phase with a view to ensuring that the agreement is, at least, in line with UNI Europa Commerce Guidelines on EWCs.
4. The network of national contact points will facilitate the identification of those experts which will be part of the UNI Europa EWC database. In order to start the process of setting up the SNB, UNI Europa Commerce affiliates from at least two countries, including the home country, will send a letter to company management requesting the opening of the negotiations by formally demanding the creation of an EWC.
5. When the EWC is established, the UNI Europa Steering Committee will appoint the UNI Europa coordinator who should preferably be the same person who acted as trade union expert in the SNB negotiations.

A regular information exchange between the EWC coordinator, the national contact point and the UNI Europa Secretariat for already existing and future EWCs should be ensured. For this purpose, a common reporting mechanism will be put in place with a view to compile updated information on the state of affairs of all EWCs coordinated by UNI Europa Commerce.

Companies outside the target of the UNI Commerce Action Plan

All companies who are not targeted by the UNI Global Union action plan will be dealt with according to the procedure described above.

If the company is not among those included in the UNI Commerce Action Plan, the leading actor, who will perform the above tasks, will be a trade union affiliate appointed by the UNI Europa Commerce Steering Committee. She/he will be supported by the network of national contact points as well as by the UNI Europa Commerce Secretariat.

*As per the EWC directive, the SNB/EWC shall have access to EWC experts, who are, at least, familiar with the legislation of the country in which the company is headquartered.