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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft Council Conclusions on More democracy at work and green collective bargaining for decent work and sustainable and inclusive growth

Delegations will find attached a set of draft Council conclusions on "More democracy at work and green collective bargaining for decent work and sustainable and inclusive growth" prepared by the Presidency.

This document will be presented to the members of the Social Questions Working Party on 28 September 2023.

More democracy at work and green collective bargaining for decent work and sustainable and inclusive growth

Draft Council Conclusions

CONSIDERING THAT:

1. The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights; democracy, in its political, economic and social dimensions, is crucial for our society; and democracy at work is one of the core values and a guarantee of a more just and inclusive Social Europe.
2. Democracy is alive and well-functioning when everyone can participate and make their voices heard effectively in every sphere of their lives, including their workplace.
3. Democracy at work is part of the European social model and is manifested in the Union and its Member States in different forms, such as through the information and consultation of workers, collective bargaining, social dialogue and the participation of workers in the company's administrative, management or supervisory bodies.
4. More democracy at work can contribute to the sustainable development of the Union and, in particular, to a highly competitive social market economy, leading to full employment and social progress, and to sustainable and inclusive growth and decent work.

RECALLING:

5. Articles 12, 27 and 28 of the Charter of Fundamental Rights of the European Union, which guarantee the freedom of union association, the workers' right to information and consultation within the undertaking and the right of collective bargaining and action, respectively.

6. Principle 8 of the European Pillar of Social Rights, which refers to social dialogue and the involvement of workers, and the European Pillar of Social Rights Action Plan, presented by the Commission on 4 March 2021, that acknowledges the importance of social dialogue, information, consultation and participation of workers and their representatives at different levels (including company and sectoral level) play an important role in shaping economic transitions and fostering workplace innovation, in particular with a view to the ongoing twin transitions and the changes in the world of work.

7. The Social Commitment at the 2021 Porto Social Summit, which calls for the promotion of social dialogue as a structuring component of the European social model and its strengthening at the European, national, regional, sectoral and company levels.

8. The United Nations Sustainable Development Goals, which sets, as goal number 8, to promote inclusive and sustainable economic growth, employment and decent work for all.

9. The European Economic and Social Committee exploratory opinion on democracy at work of 26 April 2023¹, which considers that more democracy in the world of work depends not only on having the necessary and appropriate legal bases, but also on the knowledge-based cooperation of all stakeholders, especially in the context of the challenge of the green and digital transitions.

¹ European Economic and Social Committee exploratory opinion on democracy at work of 26 April 2023, SOC/746-EESC-2022: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/democracy-work>

10. The European Economic and Social Committee exploratory opinion on green collective bargaining of 31 May 2023², which considers that issues related to the green transition could be a stronger focus of collective bargaining at the appropriate levels and that promoting green collective bargaining at all levels is an appropriate way of achieving this.
11. The own-initiative non-legislative report on Democracy at Work of the European Parliament of 16 December 2021³, which promotes the involvement of workers at company level as a way to support democracy at work and calls for further action in areas of worker information, consultation and participation, works councils as well as company law and corporate governance.
12. Decision (EU) 2023/936 of the European Parliament and of the Council of 10 May 2023 on a European Year of Skills, which calls for measures such as promoting the design of national, sectoral and company-specific skills strategies and training, including through social dialogue and the involvement of the social partners.
13. The Council Recommendation on ensuring a fair transition towards climate neutrality⁴, which calls on Member States to provide for the full and meaningful involvement, including information and consultation, of workers at all levels and their representatives as regards the anticipation of change and the management of restructuring processes including those linked to the green transition.

² European Economic and Social Committee exploratory opinion on green collective bargaining of 14 June 2023: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/green-collective-bargaining>

³ Texts adopted - European framework for employees' participation rights and the revision of the European Works Council Directive - Thursday, 16 December 2021 (europa.eu)

⁴ [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0627\(04\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0627(04))

14. The Council Recommendation on strengthening social dialogue in the European Union⁵, which provides guidance to the Member States, among other issues, on how to boost social dialogue, including collective bargaining, through ensuring an enabling environment for bipartite and tripartite social dialogue and involving social partners in a systematic, meaningful and timely manner and ensuring that they have access to relevant information.

15. Democracy at work necessitates the existence of well-functioning strategies and effective spaces for the involvement of workers or their representatives in the company, taking into account the different forms of corporate organisation, management and supervision.

16. The different national models for the governance of corporate enterprises are compatible with the participation of workers in said governance and can foster sustainable and inclusive growth and decent work and lead to improvements in company competitiveness and in workers' involvement and commitment to the company goals.

UNDERLINING THAT:

17. Regular, transparent and broad dialogue between representatives of employers and workers generates a higher level of trust and contributes to the development of more successful and balanced adaptation processes to the multiple changes faced by organisations.

18. The twin green and digital transitions, together with the other transformations affecting the world of work, such as demographic changes and migration, make it necessary to take further steps to strengthen democracy at work so as to continue advancing towards sustainable and inclusive growth and decent work.

19. Existing EU law on information and consultation of workers needs to remain fit-for-purpose and take into account the recent changes in the world of work.

⁵ To update reference at later stage: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=consil%3AST_10542_2023_INIT

20. From the outset, strategic decisions should benefit from the involvement of workers in corporate decision-making processes, thus mitigating the risk of future conflicts.

21. Workers or their representatives should have access to companies' administrative, management or supervisory bodies to integrate the workers' perspective into a company's general management system, especially in transnational companies.

22. The digitalisation of companies entails new challenges to the effectiveness of the rights to information and consultation, because it affects the physical spaces where work takes place and, by extension, the concept of establishment. Both information and consultation processes and collective bargaining play a crucial role in the development of and respect for workers' rights resulting from digitalisation processes and the use of artificial intelligence and algorithms in work organisation and labour relations.

23. Green collective bargaining, at all levels, including at interprofessional and sectoral level, as well as at company, local, regional, national and European level, defined as the collective bargaining referred to issues related to the green transition, is fundamental to executing the European Green Deal and transitioning towards a climate-neutral economy without exacerbating inequalities. It is also essential to the design and implementation of balanced solutions that facilitate a fair transition towards a decarbonized economy and favour a green and social Europe.

24. Social dialogue, including collective bargaining, at all levels, are ideal instruments for promoting the training and reskilling of workers, given that companies and workers' representatives have first-hand knowledge of the present and future skills that the job market requires, especially in relation to the twin green and digital transitions.

25. Social dialogue and collective bargaining, at all levels, are also crucial for ensuring adequate job-to-job transitions, the creation of quality jobs for the transition, as well as guaranteeing the effective implementation of adequate wages and working conditions, including health and safety at work, also for green jobs.

26. This set of Conclusions builds on previous work and political commitments voiced by the Council, the European Parliament, the Commission and relevant stakeholders in this area, including in the documents listed in the Annex.

THE COUNCIL INVITES THE MEMBER STATES, in accordance with national competences and taking into account national practices, TO:

27. Promote the development of different forms of democracy at work in national legislation and practices.

28. Take steps to continue supporting the effective application of the European framework on workers' rights to information and consultation, for instance, continue strengthening the existing systems of effective and dissuasive penalties and of protection of workers' representatives.

29. Continue strengthening social dialogue in the European Union, in line with the Council Recommendation of 12 June 2023 and encourage, while respecting the autonomy of social partners, the introduction into collective agreements of issues such as lifelong learning for workers and corporate sustainability due diligence.

30. Share experiences and good practices of national and European mechanisms for workers' participation in companies' administrative, management or supervisory bodies.

31. Favour the development of green collective bargaining at interprofessional, sectoral and company level that is respectful of rights throughout the value chain, while respecting the autonomy of social partners.

THE COUNCIL INVITES THE COMMISSION, while respecting the role and autonomy of European and national social partners, TO:

32. Develop initiatives designed to raise more awareness of national and EU rules on workers involvement, stress the evidence-based positive effects of workers involvement and promote the exchange of best practices between Member States.

33. Support, in consultation with European social partners and Member States, possible improvements of the existing EU law for information and consultation of workers, considering, inter alia, changes brought by the digital transition, such as the use of artificial intelligence and algorithmic management in work organisation or work relations or new forms of business organisation, as well as challenges regarding the effective enforcement of information and consultation rights in the Member States.

34. Assess, in consultation with European social partners and Member States, the need and relevance of EU law developments regarding worker participation in companies, notably transnational ones, considering, inter alia, the need to ensure that the creation of European Companies and European Cooperative Societies as well as cross-border operations are not undertaken with the aim to circumvent national rules relating to workers' rights to participation or undermine pre-existing participation rights.

35. Strengthen social dialogue on the digital transformation of companies and its impact on working conditions and promote the human-centred approach to the use of artificial intelligence and algorithms and digitalisation, respecting workers' individual and collective rights.

36. Support the development of green collective bargaining at European, interprofessional, sectoral, and company level in the implementation of the green transition that fully respects the characteristics of domestic collective bargaining systems in a balanced and inclusive manner and addresses issues such as the new employment opportunities and the creation of green jobs, the impact of green transition on territorial and social cohesion, the transitions between different sectors of activity and the training and reskilling of workers to acquire the necessary skills, the measures for the groups of workers and territories most vulnerable to the changes brought by the green transition, the occupational health and safety at work, the mobility in cities to travel to the workplace and the promotion of workers' representatives with adequate training and specialization.

References

1. EU interinstitutional

- Charter of Fundamental Rights of the European Union.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT>

- European Pillar of Social Rights proclaimed by the European Parliament, the Council and the Commission on 17 November 2017.

https://commission.europa.eu/publications/european-pillar-social-rights-booklet_en

2. EU legislation

- Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0086>

- Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0014>

- Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003L0072>

- 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.

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:122:0028:0044:EN:PDF>

- Directive (EU) 2019/2121 of the European Parliament and of the Council of 27 November 2019 amending Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L2121>

- Council Recommendation of 16 June 2022 on ensuring a fair transition towards climate neutrality.

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0627\(04\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H0627(04))

- Council Recommendation of 12 June 2023 on strengthening social dialogue in the European Union.

3. European Parliament

- European Parliament report of 16 December 2021 on “Democracy at work: a European framework for employees’ participation rights and the revision of the European Works Council Directive”.

https://www.europarl.europa.eu/doceo/document/A-9-2021-0331_EN.html

- European Parliament resolution of 2 February 2023 with recommendations to the Commission on the Revision of European Works Councils Directive.

https://www.europarl.europa.eu/doceo/document/TA-9-2023-0028_EN.html

- European Parliament resolution of 1 June 2023 on strengthening social dialogue.

[Texts adopted - Strengthening social dialogue - Thursday, 1 June 2023 \(europa.eu\)](#)

4. European Commission

- Communication from the Commission on strengthening social dialogue in the European Union: harnessing its full potential for managing fair transitions

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0040>

5. United Nations

<https://sdgs.un.org/goals>
