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EWCs: Timeline for new Directive uncertain

Summary: The EU Parliament's lead rapporteur advocates reinserting elements from his 2023 resolution and is pushing for changes to the Directive before the end of June.... While the Irish Minister says he will use the revision of the EWC Directive to make changes on EWCs accessing dispute procedures...



While the EU Commission only tabled its suggested amendments to the EWC Directive on January 24th, the EU Parliament's lead rapporteur on this dossier, Denis Radtke MEP, has already circulated his draft changes to the Commission's proposals. Not surprisingly, he wants to re-insert all the elements from the Parliament's resolution of 2023 which the Commission did not take up. The Parliament will vote on the matter on April 2. It seems it is trying to bulldoze the Council of Ministers into agreeing changes to the Directive before the end of June. (See Radtke's [draft report](#)) While practically all of Radtke's draft report is a repeat of the Parliament's 2023 Resolution, one new addition that caught our attention was this proposed wording change to Recital 17:

"...can bring judicial, and where applicable, administrative procedures, in respect of all their rights under this Directive, including the right to form and join trade unions." [Our underlining]

This wording is repeated in a proposed amendment to the relevant paragraph in Article 10 in the main body of the text. This is clearly an attempt to circumvent national laws on this highly sensitive issue. Not surprisingly, Radtke also wants EWCs to be able to ask for injunctions to block management decisions. While Radtke and the unions deny it vehemently, the inclusion of a right to injunctions is tantamount to de facto if not de jure co-determination as EWCs would only ask for injunctions to be lifted if agreements to their satisfaction had been reached.

It is important that Member State governments are made aware that what is being proposed by the Parliament are not minor technical amendments to the 2009 EWC Directive but changes that would have a profound impact on European labour relations dynamics and would hand substantial and unwarranted powers to trade unions. *See our detailed [observations](#) on this new Radtke report.*

MEANWHILE, the Irish Minister for Employment, Neale Richmond, told a Dáil (Irish parliament) committee that he would use the upcoming revision of the EWC Directive to make the necessary amendments on dispute procedures to the Irish legislation. The Minister appeared to be under the impression that changes to the Directive could be agreed quickly. He said he had been told this by the Belgium presidency of the Council of Ministers.



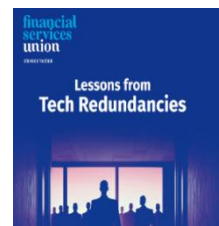
Given the failure of the Belgian presidency to get the Platform Workers and the Corporate Sustainability Due Diligence Directives through the Council, their prediction on the speed of the adoption of changes to the EWC Directive should be taken with a grain of salt. In view of what the Minister had to say, Sinn Féin opposition members of the Dáil committee withdrew their amendments, for now, but reserved the right to reintroduce them as events unfold.

Read transcript of these Dáil committee discussions [HERE](#).

Ireland: Finance union calls for changes to collective redundancies law

Summary: Financial Services Union calls for changes to the Protection of Employment Acts to give employees greater access to union representation and legal advice paid for by the employer.

Following its experience of advising members in tech firms during recent rounds of job cuts in the tech sector, the Financial Services Union is calling for changes to the Protection of Employment Acts to give employees greater access to union representation and legal advice paid for by the employer. The Acts transpose the Collective Redundancies Directives into Irish law. The union said that its experiences in trying to deal with tech firms showed:



- *Poor training provision and the inherent imbalance of resources available to both sides during the process.*
- *Very short timeframes, employer delay tactics and ending processes too quickly.*
- *Poor employer engagement but with very little potential repercussions on the employer.*
- *No dispute resolution procedure where no agreement was reached, and a lack of trade union representation allowed when requested by employees.*

It wants to see changes in the law along the following lines:

- *The law, or a statutory-based WRC Code of Practice, should provide for a simple effective election process for Employee Representatives with independent verification where a union is not recognised.*
- *While the consultation is happening Employee Representatives should be full- time released from their jobs in order to fulfil the important role of Employee Rep.*
- *Legal counsel for Employee Representatives, of their choosing, must be funded by the employer.*
- *Trade union representation and attendance at meetings, if requested by Employee Reps must be mandatory for Employers to facilitate.*
- *The legislation should provide a non-exhaustive but clearer list of mitigations employer must consider first before moving to any form of redundancy.*
- *Where no agreement is reached, and after the 30-day extension, there should be a very clear and mandatory dispute resolution procedure utilising the WRC and/or Labour Court.*

You can access the full report [here](#). See also this from UNI Europa [here](#).

Working from Home: A review of the academic literature

Summary: A review by researchers of 1,930 items of academic literature on post-pandemic workplaces has found that working from home allows people to eat more healthily, feel less stressed and have lower blood pressure... but there are downsides too...



[According to the Observer](#), a review of 1,930 items of academic literature on post-pandemic workplaces has found that working from home allows people to eat more healthily, feel less stressed and have lower blood pressure. Additionally, they are less likely to take time off sick, tend to work longer hours and to work evenings and weekends.

However, remote workers are also more likely to eat snacks, drink more, smoke more and put on weight, researchers at the UK Health Security Agency (UKHSA) and King's College London found. People on higher incomes often enjoyed home working more, but those with more responsibilities at home such as childcare or housework – often women and those living alone – tended to be more stressed. Prof Neil Greenberg, a psychiatrist at King's College London and one of the study's authors, observed:

"There's a great adage in science that at some point, we need to stop admiring the problem and actually think about solutions... We know quite a lot now. So, we need to ask 'what is the best training for an individual who's going to become a partial homemaker?' What we don't need to do is to ask: 'would it be helpful to train someone to homework?' The answer is clearly yes."

Gig Economy: No deal on Directive

Summary: Council of Ministers unable to get sufficient consensus to agree a Directive on the Status of Platform Workers Mark II. Agreement is unlikely before EU Parliament elections in June, and discussions may be further delayed by the appointment of a new Commission.



The planned platform workers Directive has fallen at the last hurdle. The Belgian presidency of the Council of Ministers was unable to get sufficient support to get the Directive on the Status of Platform Workers Mark II agreed by member governments. It seems that lack of support from France, Germany, Greece, and Estonia was enough to see the Directive, which had been watered down considerably from the Commission's original proposals, blocked.

It is unlikely that agreement can now be found this side of the European Parliament elections in June. Once the political arithmetic of the new parliament is known, it will take time for new committees formed etc., so it is likely to be the last quarter of this year before discussion resumes on the issue. Talks could be further delayed by the appointment of a new Commission and how a new Employment and Social Affairs Commissioner sees the issue.

Despite the fact that the draft Directive Mark II had pushed the issue of the presumption of employment back to the Member States this was still not enough to get the four dissenting Member States on board. In the absence of a common European set of rules on the employment status of platform workers, it seems that the issue will be decided on a country-by-country basis, either through legislation or through court decisions. As things stand, the courts have tended to rule in favour of platform workers being categorised as employees rather than self-employed. It would be surprising if this did continue to be the case.

See this take on platform workers from Tony Dobbins, Professor of Work and Employment Relations, University of Birmingham [HERE](#)

Unions: New general secretary at IndustriAll Europe

Summary: Former UK Labour MEP Judith Kirton-Darling has been appointed as General Secretary of industriAll Europe until May 2025. Isabelle Barthès continues as Deputy General Secretary.



The industriAll Europe Executive Committee has appointed Judith Kirton-Darling (right) as General Secretary to lead the organisation until the end of the current mandate period in May 2025. Isabelle Barthès continues as Deputy General Secretary. The two have jointly led the organisation since May 2023, when Luc Triangle, former industriAll Europe Gen Sec, took over the role of ITUC Acting General Secretary, as a temporary solution. Following his formal election as ITUC General Secretary in October 2023, industriAll Europe launched a call for candidates for the post of General Secretary.

Judith Kirton-Darling and Isabelle Barthès were first elected as Deputy General Secretaries at the 3rd Congress of industriAll Europe in 2021. Kirton-Darling was formerly a Labour Member of the European Parliament for the Northeast of England (2014-20). Before entering parliament, she was active for 15 years within the Labour and trade union movement. She was elected Confederal Secretary at the European Trade Union Confederation in 2011.

Belgium: Delhaize franchise transfer completed

Summary: Despite a union organised campaign of strikes and blockades opposing the decision of Ahold Delhaize to move its remaining stores in Belgium to a franchise model, the last 21 shops will be transferred to independent owners by the end of the year.



In March 2023, the Dutch supermarket group, Ahold Delhaize announced that the remaining 128 stores in Belgium which it ran directly were to be franchised, impacting some 9,200 workers. The company already had about 800 franchised shops in the country. Unions representing the 9,200 workers opposed the transfer and demanded that Ahold keep the shops in direct ownership and retain workers as employees. The position of the unions raised the question: Who decides on how a business should be organised? Management or the unions/employees?

The unions staged strikes, blockades, and demanded the intervention of the political authorities to block the move. But... to no avail. This week Ahold announced that the last 21 shops will be transferred to independent owners between now and the end of the year. Clearly, there is a limit to what unions can do and in Europe's social market economy it is ultimately management which decides how a business is to be organised and run.

*There will be no Europe newsletter next week (we have our Brussels meeting then)
Issue #09 will be sent to you on Thursday March 7th*



For your diary...

Note that events are 'in person' unless listed as a webinar

HR Policy Global: Winter Members Meeting

Feb 28/29, Pullman Hotel, Brussels

The next HR Policy Global, Network Meeting is on Wednesday afternoon/Thursday morning, Febr 28 & 29 at the Pullman Hotel, Gare Midi. [Draft agenda](#) (updated - PDF). Members can self-register via the link >>>>

[Book Feb meeting](#)

HR Policy Global: Irish networking lunch

March 6th 12 noon, in Dublin

We are holding a networking lunch in Dublin on March 6th, kindly hosted by our colleagues in Mathesons LLP at their Dublin city centre offices. You can register your Dublin and Irish based colleagues via this link >>>>

[Book Dublin Meeting](#)

European Academy Training Program

April 16 - 19, Hotel Estela, Sitges, Barcelona

We will shortly circulate a detailed programme for our upcoming April training programme in Sitges, outside Barcelona, Spain. Use link to book >>>>

[BOOK April Training](#)

*BEERG/HR Policy Global Members can self-register for these events via the links above. If you get a "No Tickets Available for Purchase" message make sure you are logged in – if the issue persists contact [Derek](#).

Upcoming Events Across Europe:

Date	Event	Booking Links	Venue
Feb 28 & 29	<i>Europe Members Meeting in Brussels</i>	Book Brussels meeting	Pullman Midi Hotel, Brussels, Belgium
March 6	<i>Members' networking and information lunch</i>	Book Dublin Meeting	Matheson LLP, 70 Sir John Rogerson's Quay, Dublin, D02 R296
April 16 - 19	<i>Europe Academy Training</i>	Book April Training	Hotel Estela, Sitges, Barcelona, Spain
June 19 - 21	<i>Europe Members Annual Summit</i>	Book Barcelona 2024 Summit	Hotel Estela, Sitges, Barcelona, Spain
Sept 18 & 19	<i>Europe Members Meeting</i>		Brussels, Belgium
Oct 10 - 13	<i>Europe Academy Training</i>		Hotel Estela, Sitges, Barcelona, Spain