

### **3rd E- LEAFLET – Montenegro and Republic of Macedonia**

#### **“Basic mechanisms of employee participation in decision making processes”**

##### **1. Purpose of employee participation in decision making processes**

The Directive 2002/14/EC reasons the purpose of employee participation in decision making as means for promotion and enhancement of information and consultation on the situation and likely development of employment within the undertaking and, where the employer's evaluation suggests that employment within the undertaking may be under threat, the possible anticipatory measures envisaged, in particular in terms of employee training and skill development, with a view to offsetting the negative developments or their consequences and increasing the employability and adaptability of the employees likely to be affected. Timely information and consultation is a prerequisite for the success of the restructuring and adaptation of undertakings to the new conditions created by globalization of the economy, particularly through the development of new forms of organization of work.

##### **2. A must for EU member states, an opportunity for companies and employees**

Every member state shall implement legal framework that will enable employees to elect or appoint their representatives and establish legal framework for exchange of information and consultation on issues related to employee possible or actual, present or future employment status.

Unlike for the member states, there is no obligation for employees or employer to establish workers' councils at the company level. Unlike European workers' council, the establishment of workers' council at the company level is exclusively employees right, therefore the employer is obliged to refrain from any actions towards or against establishment of workers' councils.

On one hand, the EU member state is obliged to implement the Directive, and establish the mechanisms for the exercising of the employee right to collectively participate in decision making process.

##### **3. Independent employee representatives are of key importance**

A question on why trade unions are not proper representatives to exercise employee involvement in decision making processes is a valid question. Despite the positive traditional role of trade unions in defending employee rights, it must be emphasized that by the





definition, trade unions are organizations of their members. By being a member organization, trade unions represents and exercises the interests of their members and not necessarily the interests of all employees. The latter is even more important when the declining membership rate in trade unions is brought to the question.

All employees, regardless of the trade union membership, must be given an opportunity to participate in establishing their representative body and influencing company' decisions through employee participation in management.

By WIM 2 project team

