



Eurofound

Employee representation at establishment level in Europe

European Company Survey 2009

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Research project: European Company Survey (ECS)

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Country codes

EU Member States

AT	Austria	LV	Latvia
BE	Belgium	LT	Lithuania
BG	Bulgaria	LU	Luxembourg
CY	Cyprus	MT	Malta
CZ	Czech Republic	NL	Netherlands
DK	Denmark	PL	Poland
EE	Estonia	PT	Portugal
FI	Finland	RO	Romania
FR	France	SK	Slovakia
DE	Germany	SI	Slovenia
EL	Greece	ES	Spain
HU	Hungary	SE	Sweden
IE	Ireland	UK	United Kingdom
IT	Italy		

Non-EU countries

HR	Croatia	MK	Former Yugoslav Republic of Macedonia ¹
TR	Turkey		

¹ (MK being ISO code 3166). This is a provisional code that does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place under the auspices of the United Nations (http://www.iso.org/iso/country_codes/iso_3166_code_lists.htm)

Executive summary

Introduction

In companies across Europe several different channels of employee representation are prevalent; these include works councils, trade unions, special committees, health and safety representatives and workers' delegates. This report explores the main employee representation structures at workplace level in the 27 Member States and three candidate countries (the former Yugoslav Republic of Macedonia, Croatia and Turkey). It is based on two sources of information: The findings of the 2009 European Company Survey (ECS); and country fact sheets produced by the national correspondents of the European Industrial Relations Observatory (EIRO).

The ECS findings are based on telephone interviews with HR managers in over 27,000 establishments as well as more than 6,500 employee representatives. The resulting data offer a unique added value, because the availability of national-level data on employee representation is very variable. On a European level, the findings allow for cross-country comparisons of the situation regarding employee representation and can therefore make an important contribution to the debate about how to implement and regulate information and consultation at the workplace.

Policy context

In many countries, institutionalised interest representation of employees evolved over many decades and is today an established feature of industrial democracy. In some Member States, such as the east European countries, such structures are a comparatively new phenomenon. EU Directive 2002/14/EC on information and consultation has over the past decade played an important role in shaping employee representative structures at the workplace.

Key findings

The variety of representative structures across Europe reflects different traditions in industrial relations as well as the differing capacities of collective actors to initiate some form of consultation with the employer about workers' issues. According to the ECS, countries fall into four categories in terms of the type of representation prevalent at company level:

- Single channel representation, where works councils are the sole eligible employee representative structure: Austria, Germany, Luxembourg and the Netherlands.
- Dual channel representation where both types of representation can be found but works councils have a stronger role: Belgium, France, Italy, and Spain (in the case of Spain, the survey only asked about the presence of works councils, not trade unions). In some Member States, the union-based system together with recent changes in legislation concerning works councils appears to have fostered the set-up of works councils: Estonia, Hungary, Latvia, Poland, Romania, Slovakia, the UK and, to a lesser extent, Ireland.
- Dual channel representation, with trade union shop stewards playing a prominent role: Denmark, Finland, Portugal, Slovenia and Croatia.
- Single channel representation, with the trade unions being the sole employee representative body: Cyprus, Malta, Sweden, FYROM and Turkey.

Incidence and coverage

The highest incidence of workplace-based employee representation can be found in Denmark, Sweden and Finland, followed by Belgium, Spain and Luxembourg. The lowest incidences are recorded in Greece, Portugal, Malta, Turkey, the Czech Republic and Austria. As a general rule, the new Member States record low or medium levels, except for Romania, which has one of the highest levels.

In terms of coverage, the picture is similar, with only a few countries having a high level: these include Luxembourg, France, Croatia, Poland and Austria (where representation structures are more concentrated in larger establishments); and Spain, Slovakia, Cyprus, Latvia and Estonia (more prevalent in small establishments).

Employees who are not covered by a legal form of representation at the establishment level can still be covered either by eligible employee representation at company level or by an ad hoc body. Countries with a relatively high number of ad hoc bodies are generally those in which works councils are single bodies, or at least the predominant form in a dual-channel system (for example, in Luxembourg, Germany, France, the Netherlands, Latvia, Ireland and Austria).

Minimum thresholds

Most countries have fixed minimum thresholds for works councils, but not for trade union representation. In some countries, such as Luxembourg and the Netherlands, the establishment of works councils is mandatory from a certain threshold onwards. In other countries, in line with the requirement of the Information and Consultation Directive, employers have to ensure adequate structures for informing and consulting their employees in establishments with more than 50 employees. Some countries have opted to set lower thresholds (for example, in establishments with more than 30 employees in the case of Estonia). It seems that there is no clear link between the thresholds and the actual degree of representation; countries with lower legal thresholds are not necessarily those with higher degrees of representation.

Where dual forms of representation exist, a certain functional division of fields of representation seems to be in place in many countries; trade unions focus more on collective bargaining while works councils are mostly involved in information and consultation. Both forms of employee representation can be found in all sectors, yet trade unions seem to be concentrated in the public sector, while works councils are more common in the production¹ and private service sectors.

Company size

Smaller establishments, particularly in countries with works council-based systems, are generally more likely to use ad hoc forms of representation. The exceptions to this rule are the Baltic states, Bulgaria, Cyprus, Greece, Malta, Portugal, Spain, Turkey and the UK, where ad hoc committees are not particularly concentrated among smaller sized establishments. Almost all of these countries have low degrees of representation in general, and so larger establishments also often use ad hoc forms of representation.

Equally, trade unions concentrate on setting up representation structures within larger companies, thereby covering larger parts of the workforce, whereas works councils (as single bodies) also tend to be found in smaller establishments. This is interesting, since in most countries the minimum thresholds for setting up trade union-based representation at company level are either low or non-existent, while the minimum thresholds for works councils are generally higher. Exceptions in this regard are Belgium, Denmark and Finland, where trade unions are also concentrated in small establishments.

¹ This refers to manufacturing and construction.

Policy pointers

In many Member States which have a traditional predominance of trade unions, national experts point to a considerable share of works councils mainly operating jointly with trade unions, but also in some countries as single bodies. For example, in some of the new Member States (Hungary, Latvia, Poland, Romania), but also in the United Kingdom, where due to recent changes in legislation works councils are a rather new form, the survey data by and large show much higher incidences and coverage of works councils as single forms of representation than is documented in the national reports.

This could indicate that the survey has picked up on new developments that are not yet showing up in national-level statistics. These new developments could reflect the impact of the transposition of Directive 2002/14/EC in promoting information and consultation. Further analysis is needed to determine whether this is fostering a European trend towards dual channels, combining works councils with a role for trade union actors at workplaces with employee representation.

Introduction

Across Europe, diverse forms of employee representation structures have developed, providing workers with differing opportunities to voice their interests and to be consulted by their employers directly, at their workplaces, on matters such as economic and human resources developments, working conditions and health and safety measures.

Focus of the report

Representation of workers' interests, whether through committees, councils or trade union associations, may take place at different levels of the industrial relations system. Four categories are usually used to distinguish between these levels:

- workplace level;
- company/group level;
- sector level;
- national level.

This report focuses on the workplace dimension of institutionalised representation of employees. At this level, representation involves only workers of a single undertaking or establishment, and the counterpart on the employers' side is one single employer rather than an employers' organisation or group of employers at higher levels of the industrial relations system, such as the sectoral level.

Employee representation at establishment level in Europe

In particular, the report investigates establishment-level employee representation, since the establishment was the focus and unit of enquiry of the European Company Survey 2009. The various types of (possible) bodies of employee representation detailed in the ECS are listed by country in Table A1 in the annex. It is important to keep in mind that where a company consists of more than one branch or establishment, the survey looked at one establishment only and not at the whole company and its employee–management relations. This report only looks at the structures of employee representation in place in the EU27 and the three candidate countries. Board-level representation is not considered.

Different channels of employee representation exist across Europe, including works councils, trade unions, special committees and workers' delegates. The aim of this report is to map and describe the landscape of employee representation structures at workplace level in the 27 Member States and three candidate countries (Croatia, the former Yugoslav Republic of Macedonia, and Turkey). The report is based on the findings of the 2009 European Company Survey (ECS 2009) as well as on country fact sheets produced by the national correspondents of the European Industrial Relations Observatory (EIRO). Legal provisions and national debates on forms of employee representation at the workplace level are based on input through the EIRO network of experts whereas data (for example, incidence, coverage) are drawn from the ECS.

European Company Survey 2009

The European Company Survey 2009 on flexibility practices and social dialogue is the second European-wide establishment survey to be undertaken by Eurofound. The survey documents flexibility strategies in firms and is a unique source of comparative information on social dialogue at the workplace. For this survey, human resources managers in more than 27,000 companies and more than 6,500 employee representatives in public and private establishments were interviewed by telephone. The survey covers all European Member States (EU27), as well as Croatia, the Former Yugoslav Republic of Macedonia, and Turkey. The ECS does not focus solely on social dialogue institutions. It also investigates different flexibility policies on issues such as working time, pay and contractual flexibility. However, the 2009 wave of the survey yields valuable comparative information on the incidence and coverage of employee representatives at workplaces in Europe.

The ECS 2009 covers companies or establishments with at least 10 employees. Workplaces with fewer than 10 employees, often referred to as micro-enterprises, are not covered by the survey and cannot be analysed in this report. When reference is made to ‘all establishments’, this means all establishments with at least 10 employees.

In addition to the employee representation bodies listed in this report, additional forums exist. In most countries, the appointment of a representative for occupational safety and health (OSH) issues is mandatory by law or collective agreement. The report analyses OSH representatives only where their function goes beyond pure health and safety issues as, for example, in Belgium. (For an analysis of the OSH bodies in the ECS 2009, see EU-OSHA, 2011.)

Furthermore, the issue of workers’ representatives serving on supervisory boards of companies is beyond the remit of the survey and is not investigated in this report.

Finally, as the report will show, employee representation in any form is extremely rare in some countries. Hence the number of interviews with employee representatives was also rather low in these countries. However, overall response rates are, at about 50%, quite high and satisfactory.

The ECS data offer a unique added value. Indeed, across Europe, the availability of national-level data on employee representation is very variable. In some countries extensive databases have been set up and national surveys cover the issue of workplace employee representation structures, such as the IAB Betriebspanel in Germany, the French REPONSE (‘Relations professionnelles et négociations d’entreprise’), the NCPP survey (National Centre for Partnership and Performance) in Ireland or the Workplace Employment Relations Survey (WERS) in the UK. However, for many European countries there is a clear lack of information on employee representation bodies at the workplace. For individual countries, the ECS data provide for the first time a comprehensive account of employee representation at the workplace level. On a European basis, the ECS data allow a cross-country comparison of the situation of employee representation in Europe and can therefore make an important contribution to the debate on implementing and regulating information and consultation at the workplace.

Moreover, by providing a comprehensive overview on the incidence of different employee representation structures, this report lays the basis for further analysis of the ECS data as regards social dialogue at the workplace. The underlying assumption of this report is that the institutional set-up of employee representation structures matters, and that the existence of different structures such as works councils and trade unions, as well as the combination and cooperation of parallel representative structures, may yield different results for the extent and effectiveness of the representation of employees’ interests. Extensive knowledge of such structures – representatives of which were interviewed in the ECS 2009 – is indispensable when it comes to further analysing the results of the survey.

A further aspect of this report is to contribute to the improvement of the survey’s coverage and response rates. It can be difficult to contact employee representatives for interview and better knowledge about employee representation institutions – and in particular some emerging forms of ad hoc structures – will be important in gaining access to more representatives of all relevant forms of representation. This may increase response rates to ECS surveys.

This report does not intend to provide a legal analysis of transposition measures (see for instance Schoeman et al, 2006); neither does it intend to assess the impact of the transposition of the directive on information and consultation (see Eurofound, 2007) or information and consultation practices (see Eurofound, 2011). It provides a ‘point in time’ mapping of the incidence and coverage of the different employee representation structures based on a common European-level datasource, complemented by qualitative background material from the national level.

Further related literature has been published by the European Commission (2008).

Methodology

The report draws on two different, but interlinked sources:

- qualitative discussion and background information provided by the national correspondents from the EIRO network,
- quantitative data obtained from the second European Company Survey.

In fact, the two data sources are not independent of each other. In preparing the ECS, an extensive questionnaire-based mapping exercise of the various forms of employee representation throughout Europe was undertaken. This was done to identify the most relevant respondent types to be contacted for the interview required with a formal employee representative at establishment level in each country. An exhaustive list of these employee representative structures by country is given in Table A1 in the annex. However, it also yielded valuable information about the diversity of institutionalised employee representation at European workplaces, taking into account their competences and composition as well as election and appointment procedures.

The first parts of the country descriptions are based on the results of this mapping exercise.

As regards the quantitative aspects of employee representation structures, the report draws on both the management and the employee representative interviews from ECS 2009. The institutional mapping and the suggested typologies (see Part I, summary and analysis) are based entirely on the findings of the ECS data. Table 1 provides an overview of the relevant survey questions from both questionnaires, which have been analysed in this paper.

Table 1: *Relevant survey questions taken from the European Company Survey (ECS 2009)*

Management interview
MM 650 Which of the following forms of formal employee representation currently exist in your establishment? Do you have ... (see Table A1 in the annex for the different forms by country).
MM657 You said that there is no formal employee representation in your establishment. Are there any ad hoc employee spokespersons, committees or round tables set up temporarily if major changes in working conditions or the organisation of work are taking place?
<ul style="list-style-type: none"> • Yes • No • No answer
Employee representative interview
ER106 How many different trade unions are represented at the workplace?
<ul style="list-style-type: none"> • Number of trade unions

Information about the incidence of different forms of employee representation is based on responses from the management interview only. In an effort to ensure that reliable data were reported (and to help the management respondent to define the form of employee representation accurately), the existence of every possible form of employee representation in the given national setting was asked separately (again, compare Table A1 in the annex). On the other hand, details about internal issues of the employee representation body, such as its relationship to other trade unions and the number of different – possibly competing – trade unions within that establishment, are based on the responses of the employee representative, if one was available for interview. It should be noted that employee representation interviews were sought only with the institutionalised forms of representation, such as works councils and trade unions.

Interestingly, but perhaps not surprisingly, a comparison between the qualitative description and assessments of the correspondents and the quantitative data showed considerable divergences in some countries. For example, in some of the new Member States (Hungary, Latvia, Poland, Romania), and in the United Kingdom where works councils are a rather new form of representation due to recent changes in domestic legislation, the data by and large show much higher incidences and coverage of works councils, as single forms of representation, than the national reports would have suggested.

In most of these countries incidence and coverage are both quite low, and the samples of interviews are quite small, so that we need to question the validity of these findings. On the other hand, given that not only one but several countries with recent changes in legislation are involved, it could be that the survey has indeed picked up new developments.

In order to verify and validate such divergences, Eurofound undertook a further round of consultation with the national centres of the EIRO network, in which the two parts were brought in line, or critically contrasted with each other.

Definitions of terms

Works council-based representation

Works councils in general are legally established representations, elected or appointed by all employees in an establishment, irrespective of their membership of trade unions. There is no general definition of ‘works councils’, but the report seeks to provide national-level definitions. As regulatory frameworks and national industrial relations practices vary across Europe, the term ‘works councils’ as used in this report encompasses employee representation forums with an information and consultation function which does not necessarily reflect the function of the typical ‘works council’ institution found in many western European countries.

Trade union-based representation

Trade union-based representatives represent their members at the workplace. Usually, according to national criteria, they can be appointed by a minimum number of trade union members voting in favour, while in some countries the support of a minimum number of employees may also be required.

Single- and dual-channel representation

The terms ‘single-channel representation’ and ‘dual-channel representation’ will be used throughout the report, with one establishment in mind. That is to say, we report empirically on the existence in the establishment of a single (trade union or works council) or dual (both) channel of representation. We provide data on the incidence of these different forms. However, as we are dealing only with the establishment level, the label may not correspond to the more general description of the system of representation prevailing in a particular country.

- Single-channel representation means that either a works council (at least one type, in countries where more might be present), OR an institutionalised trade union representation are in place as eligible and recognised forms of employee representation.
- Dual-channel forms of representation are those where both a works council AND a trade union are in place at the establishment.

Note that this deviates from some of the industrial relations literature, which sometimes also uses the term ‘dual representation’ when, for instance, only a works council is present at the workplace, but trade unions act at higher levels.

Interlinkages between works councils and trade unions

In some countries, although they are formally distinct bodies, works councils are actually very strongly influenced by trade unions. This may be either through trade unions organising the setting up of works councils, or the fact that a high share of works council delegates are members of or even actively involved in trade unions. The ECS has one potential question on this phenomenon, ER104: 'Roughly what proportion of the employee representatives at this establishment belong to a trade union?', the responses to which had been taken into account in the first stages of assessing the data. However, it emerged that there are strong validity concerns with regard to this question. In many countries, where management indicated the existence of trade union bodies, the employee representatives interviewed then answered that trade union membership of employee representatives was actually quite low. For this reason, the authors refrained from using this indicator further.

Establishment

The unit of enquiry for the survey was establishments with more than 10 employees. In some cases the establishment surveyed is the only establishment within a company, in which case the data will obviously also be company-level data. In the course of data presentation, only establishment-level data are considered. Within the text the terms 'company', 'firm' or 'enterprise' may be interpreted as synonyms for 'establishments'.

Incidence

The term 'incidence' in this report refers to the mere existence (yes or no) of an employee representation at establishment level. It actually gives the percentage of all establishments covered in relation to the total number of establishments in the survey. For calculation, establishment weights were used.

Coverage

The term 'coverage' in this report refers to how many employees are covered by a certain type of employee representation. In particular, it is the number of employees covered in relation to all employees, and it was calculated using employee weights.

Employee representative structures

In many countries, institutionalised interest representation of employees has evolved over many decades and is seen today as an established feature of industrial democracy. On the other hand, in a number of Member States institutionalised representative structures are a rather new phenomenon. This is particularly true for many eastern European Member States, where major political changes in the past two decades have opened the way for freedom of association and free interest representation at the workplace.

Furthermore, a variety of European legislation on information dissemination and consultation of workers has played an important role in shaping – and in some cases creating – employee representative structures at the workplace, although the process of implementation is not yet fully completed. A recent EIRO report (EIRO, 2011) provided an overview of information and consultation practices in the EU Member States in the light of Directive 2002/14/EC. The report shows that countries with a higher coverage of information and consultation bodies tend to be those with mature and embedded systems, and where the setting up of those bodies is mandatory. In those countries where legislation sets out specific thresholds to initiate such bodies for information and consultation, the uptake is lower.

The variety of representative structures across European countries reflects different industrial relations traditions as well as the differing capacities of collective actors to initiate some form of consultation about workers' issues with the employer. At the same time, variation does not only occur between single Member States but also between different sectors of the same economy, depending for example on whether the workforce is dominated by blue- or white-collar workers and whether the workplace is in the private or the public sector.

The questions of information and consultation of workers and their representatives have been addressed by EU legislation. As the European Industrial Relations Dictionary states:

A requirement for the provision of information in the enterprise and consultation in the enterprise with employee representatives was introduced by Council Directive 2002/14 establishing a framework for informing employees and consulting with them in the European Community. It applies to all undertakings employing at least 50 employees or EU establishments employing at least 20 employees. The directive is estimated to cover fewer than 3% of all companies, yet these represent about half of all employees in the EU. Member States were obliged to implement the directive into national law by 23 March 2005.

Previous EC law has provided for the information and consultation of employees in specific circumstances, such as collective redundancy or transfer of an undertaking, or over issues like health and safety. The 1994 Directive on European Works Councils provided for information and consultation on transnational matters in multinational companies and groups. Directive 2002/14 is highly significant since it is the first EC law stipulating a general obligation to inform and consult employees. Arguably, it establishes a European social model of mandatory employee representation and mandatory provision of information and consultation of employee representatives.

Forms of employee representation in Europe

This report provides an overview of the institutional arrangements at establishment or sometimes company level, if particularly indicated. While the institutions of the national systems of industrial relations are widely known and researched, the picture is evolving to some extent, in part under the influence of the above-mentioned EU regulation. The purpose of this exercise is to map the relevant institutions.³

This report identifies four categories to describe which form of employee representation institution is more widespread at the establishment level in a particular country:

1. Single channel of representation, where **works councils are the sole representational structure** for employees. This includes countries such as Austria, Germany, Luxembourg and the Netherlands. In the latter case, trade unions can also operate at the establishment level but this is a rare occurrence. A link with trade unions is, however, possible where some works council members also play a role within trade union structures.
2. Dual channel of representation, **where both types of employee representation can be found, but the works councils have a stronger role**. This is clearly the case in Belgium, France and Italy. In Spain, the survey only asked about the presence of works councils, not about trade unions and so, for the purposes of this report, fall into this category. In Belgium, OSH committees have a strong role in informing and consulting employees about a number of issues beyond health and safety. In a particular group of Member States, the 'traditional' trade union-based system together with recent changes in legislation concerning works councils appears – according to ECS data – to have fostered the establishment of works councils. So, in Estonia, Hungary, Latvia, Poland, Romania, Slovakia and the UK, and perhaps also to a lesser extent in Ireland, the survey detected more single-channel works council-based establishments and dual-channel forms of representation than would have been expected. Bearing in mind data limitations, a tentative conclusion is that the single-channel trade union representation previously dominant in Latvia, Poland and the UK is eroding.

³ Another report is currently under preparation by Eurofound, looking into workplace representation schemes and the way they operate, taking into consideration the role of the industrial relations system.

3. Dual channel of representation, **but with trade union shop stewards playing a prominent role**. Within this category fall countries such as Croatia, Denmark, Finland, Portugal and Slovenia.
4. Single channel of representation, **with the trade unions being the sole employee representation body**; this is the case in Cyprus, Malta, Sweden, the former Yugoslav Republic of Macedonia and Turkey.

Table 2: *Classification of different forms of establishment-level employee representation, based on employee coverage*

	Establishment level: Single-channel, works council	Establishment level: Dual-channel, works council	Establishment level: Dual-channel, trade union	Establishment level: Single-channel, trade union
AT	x			
BE		x		
BG		(x)	(x)	
CY				x
CZ			x	
DK			x	
EE		x		
FI			x	
FR		x		
DE	x			
EL			x	
HR			x	
HU		x		
IE			x	
IT		(x)		(x)
LU	x			
LT		(x)	(x)	
LV		x	(x)	
MK				x
MT				x
NL	(x)	(x)		
PL			x	
PT			x	
RO		x	(x)	
SK		x	(x)	
SL			x	
TR				x
ES		(x)	(x)	
SE				x
UK		x	(x)	

Source: *European Company Survey, supplemented by national reports.*

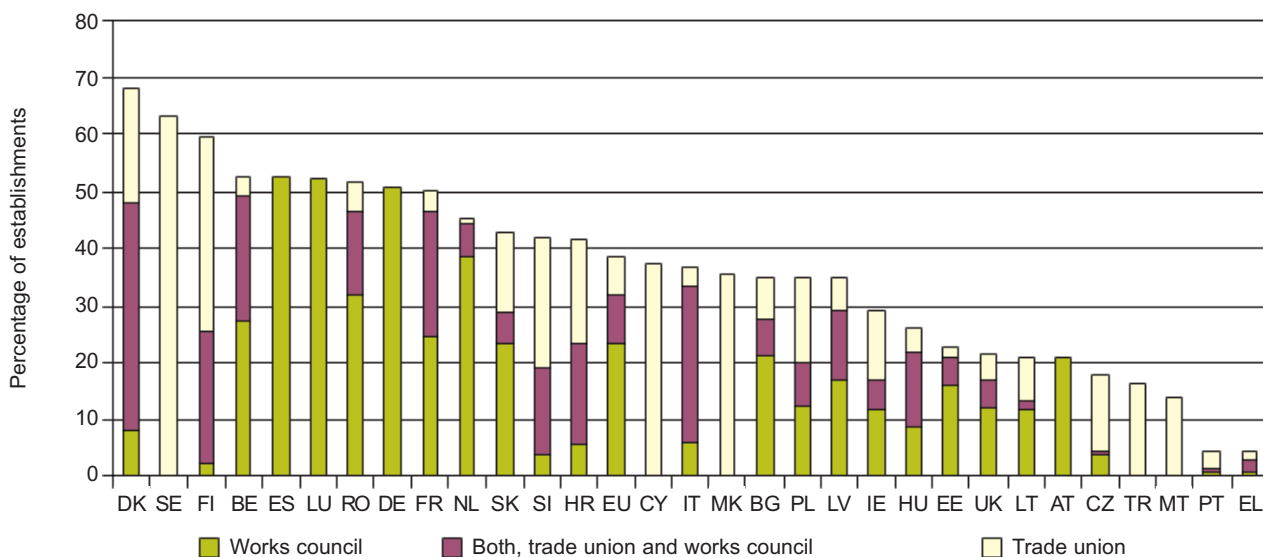
(x) refers to cases in which classification is not straightforward

Note: Typology results from the coverage rates as detected using ECS (2009) data. ‘Single-channel’ means having only one form of employee representation at establishment level. ‘Dual-channel’ refers to cases with both forms of employee representation (trade union and works council) at establishment level. Additional country-level information can be found in Chapter 2 of this report.

Incidence and coverage of employee representation

Figure 1 gives an overview of the main findings of the European Company Survey about the incidence and coverage of European establishments, by different forms of employee representation. The highest incidence of workplace-based employee representation can be found in the Nordic countries: Denmark, Sweden and Finland, followed by Belgium, Spain and Luxembourg. The lowest incidences are recorded in Greece, Portugal, Malta, Turkey, the Czech Republic and Austria. As a general rule, the new Member States record low or medium levels of representation – with the exception of Romania, which has one of the highest degrees of representation.

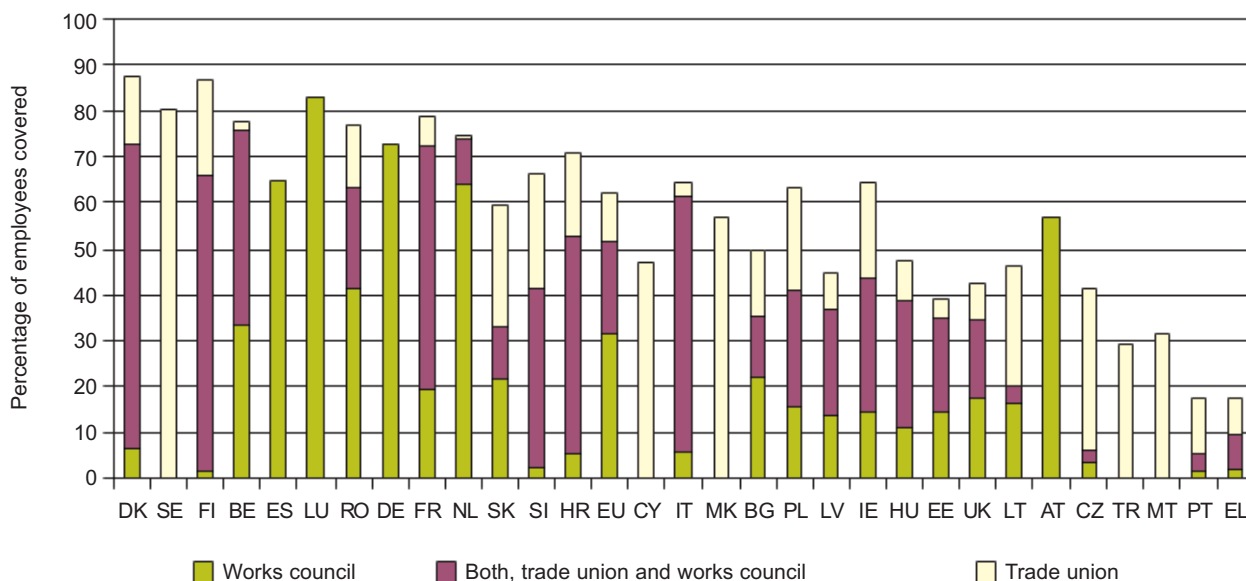
Figure 1: Incidence of different forms of employee representation at the workplace



Source: ECS (2009)

In terms of coverage the picture is relatively similar, with only a few countries moving significantly in the ranking. Among those countries that rank higher in terms of employees covered than incidence of representation are Austria, Croatia, France, Luxembourg and Poland. Countries for which the converse is true are Cyprus, Estonia, Latvia, Slovakia and Spain.

Figure 2: Coverage of different forms of employee representation at the workplace



Source: ECS (2009)

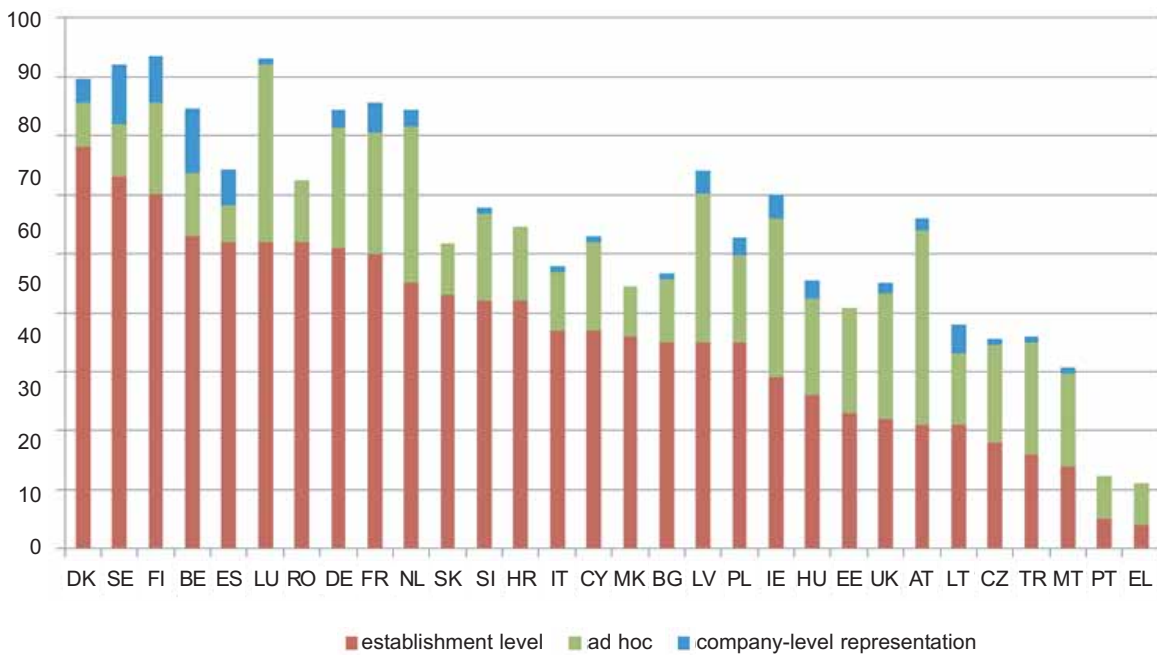
Formal employee representation at establishment and company level

Employees who are not covered by a legal form of representation at the establishment level can still be covered either by eligible employee representation at company level or by an ad hoc body. Taking ad hoc bodies into account shows that, while overall the picture regarding incidence would not change substantially, some countries do indeed gain more in the distribution. Countries with a relatively high number of ad hoc bodies are generally those in which works councils provide a single channel of representation, or are at least the predominant form in a dual-channel system. In this regard, Austria, France, Germany, Ireland, Latvia, Luxembourg and the Netherlands move higher in the distribution, when considering the incidence of representative structures at the establishment level. A possible explanation for this could be that, as shown in Table 3, the setting up of works councils is often more ‘costly’ in terms of meeting the legal requirements than the setting up of trade union-based representational bodies. A comparison of Figure 3 and Figure 4 furthermore reveals that ad hoc bodies tend to be set up mainly in smaller establishments, as their share of employees covered is much lower than their actual incidence. In this sense, smaller establishments in countries with works council-based systems might be more prone to adhere to ad hoc forms of representation, when they are required to fulfil their obligations with regard to information and consultation.

Figure 3 also shows that where no employee representative was in place, there are no major differences in most countries in the incidence of representative structures at company level. Only in Belgium, Finland, Ireland, Lithuania, Spain and Sweden would the reported incidence have been a little higher if company-level data had been reported instead of establishment-level data.

In this sense, the establishment-level data seem to reflect quite well the actual degree of employee representation, particularly in terms of coverage.

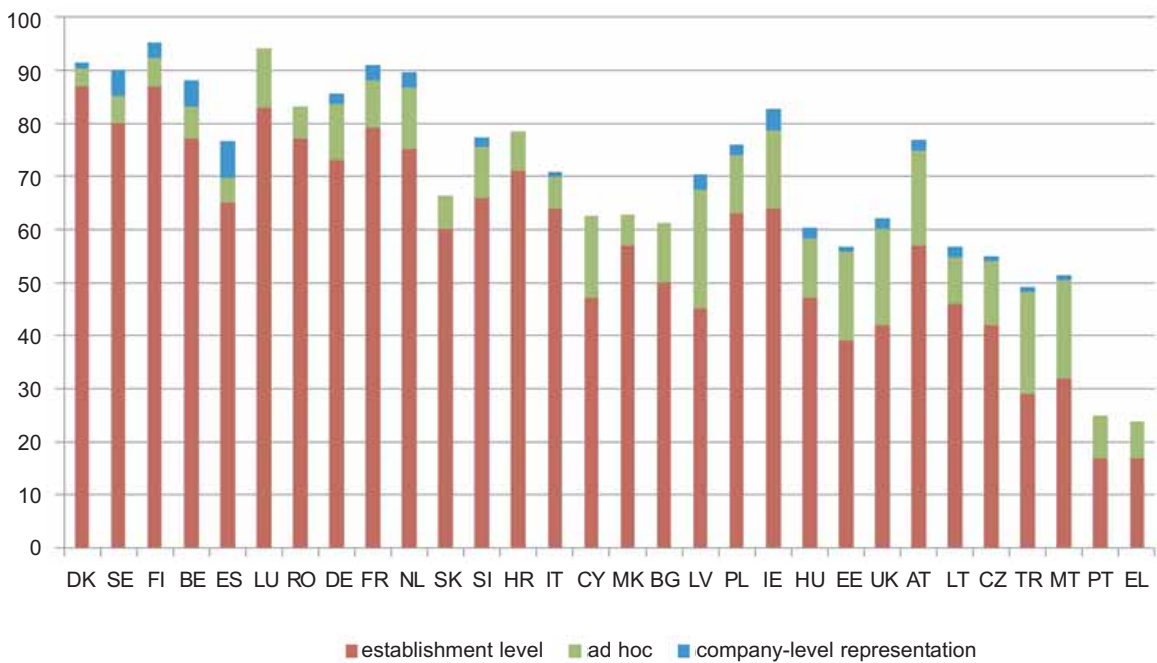
Figure 3: Incidence of employee representation at the workplace and at company level



Source: ECS (2009)

Note: For Germany some forms of ad hoc representation are included here in the establishment-level formal representative structures.

Figure 4: Coverage of employee representation at the workplace and at company level



Source: ECS (2009)

Links between different forms of employee representation

Table 3 gives an overview of the various minimum thresholds required to set up works councils or trade union-based representation. Most countries have set up minimum thresholds for works councils, but not for trade unions. In some countries, such as Luxembourg or the Netherlands, the establishment of works councils is mandatory from a certain threshold onwards. In others, in line with the requirement of the EU Information and Consultation directive, employers have to ensure adequate structures for informing and consulting their employees in establishments with more than 50 employees. Some countries have opted to set lower thresholds for information and consultation (for example, in establishments with more than 30 employees in the case of Estonia). Thresholds for setting up trade union representative bodies are based on either trade union members or a certain number or percentage of employees requesting it.

Table 3: *Minimum legal thresholds for the establishment of different forms of employee representation by country*

Country	Works councils	Trade unions
Austria	> 5 employees	-
Belgium	WC: >100 employees; OSH >50 <100 employees	TU (threshold depends on collective agreement, in workplaces <50 where neither OSHC then TU delegation)
Bulgaria	> 50 employees	no size thresholds
Cyprus	-	min. of 21 employees
Czech Republic	> 3 employees	min. of 3 members
Denmark	> 35 employees	min. of 5 employees
Estonia	No threshold (employee trustee)	min. of 5 employees
Finland	> 20 employees	no thresholds
France	staff delegates >10 employees: should be elected comite d'entreprise > 50 employees: should be set up	no thresholds
Germany	WC > 5 employees	-
Greece	>50 employees; but >20 employees if no trade union is present	TU >21 members
Hungary	> 50 employees: private sector 15-50: employees private sector (works representative)	no thresholds
Ireland	10% of employees, min. of 15 employees requesting	no thresholds
Italy	RSU >15 employees	no thresholds
Latvia	>5 employees (authorised employee representative)	TU >50
Lithuania	>20 employees	TU >30 members or no less than 3 employees
Luxembourg	Employee delegation: >15 employees and public sector with >15 blue collar workers: compulsory; Employee delegation: >14 employees: in municipalities; Comite mixte: >150 employees (private sector) – compulsory.	
Malta		TU>5 members; in undertakings with >50 employees, structures for I&C must be set up.
Netherlands	Ondernemingsraad: mandatory in establishments > 50 employees Personeelvertegenwoordiging (Mini WC): in establishments <50 employees: obligatory when there are more than 10 employees and the majority asks for a mini works council	no thresholds

Country	Works councils	Trade unions
Poland	WC >50 employees	TU > 10 members
Portugal	no thresholds	no thresholds
Romania	WC >20 employees (elected employee representative)	TU >15 members
Slovakia	WC >50 employees (with request of 10%) WC 5-50 employees (employee trustees)	no thresholds
Slovenia	WC >20 employees (Works council) WC <20 employees (workers' delegate)	TU, Shop steward; no threshold. TU must have >15% of workers in the company in order for them to be representative at company level
Spain	WC >50 employees (works committee) WC 6-50 employees (delegates); WC <6 employees (delegates) (with collective agreement)	no thresholds
Sweden	-	no thresholds
United Kingdom	WC >50 employees	>20 employees

Note: Categories are defined based on a subjective assessment of the information given in Table 2. WC = Works council (type), TU = trade union, OSH = Health and Safety; the table does not include board representation and public sector, and sometimes refers to the establishment, sometimes to the company level.

Classifying countries into 'high', 'medium' and 'low' levels of thresholds for the two forms of employee representation, and then contrasting this classification with incidence and coverage of the different forms, as derived from the survey, shows that there is no clear-cut connection between the level of minimum requirements and the presence of formal structures at the workplace.

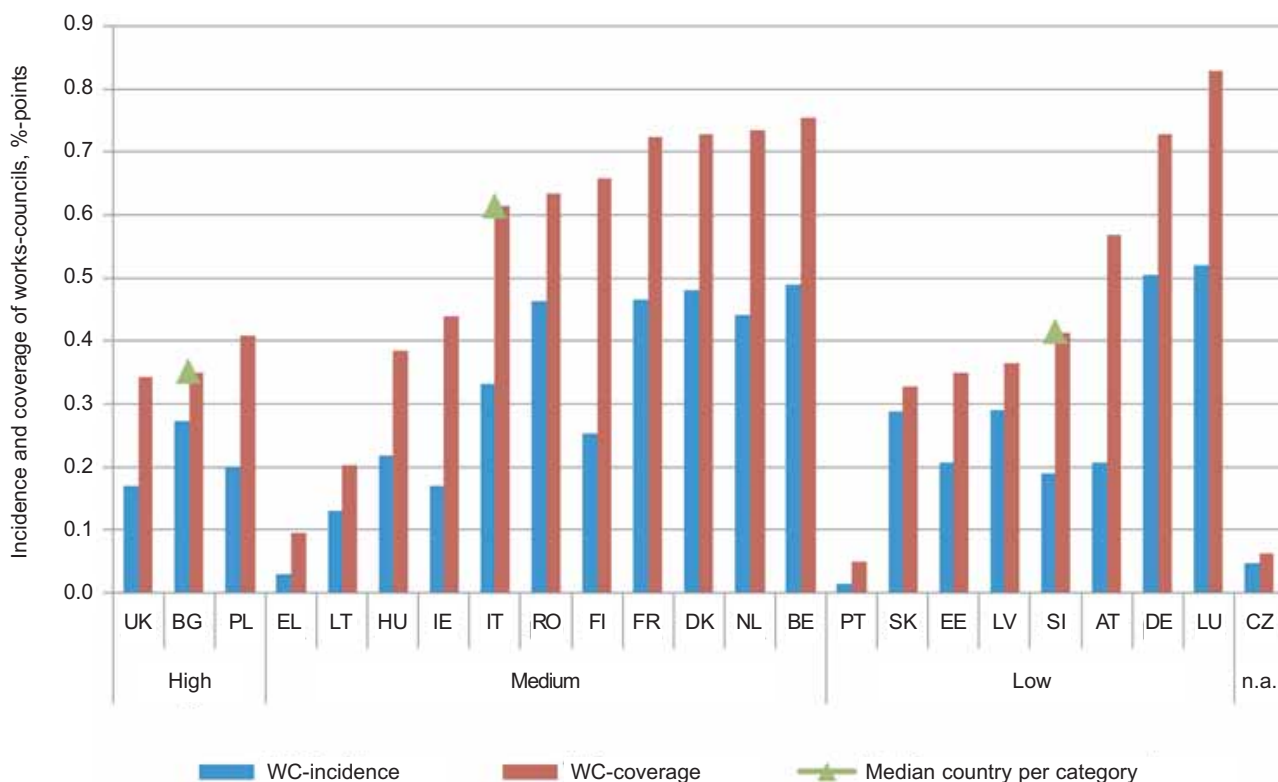
Table 4: Relationship between threshold level and formal representation structure

	Criteria for works council	Countries within WC threshold	Criteria for trade union representation	Countries within trade union threshold category
Low	Smallest type of works council: at least >6; (with the exception of Luxembourg – >15 because works council establishment is compulsory)	AT, EE, DE, LV, LU, PT, SK, SI, ES	No thresholds (exception: Czech Republic: 3 members)	BG, CZ, EE, FI, FR, HU, IE, IT, NL, PT, SK, ES, SE;
Medium	Smallest type of works council (>10), with election	BE, DK, FI, FR, EL, HU, IE, IT, LT, NL, RO	>5 employees or members	DK, MT, PL, RO, SI
High	>50	BG, PL, UK	>20 employees	>20 employees

Note: Categories are defined based on a subjective assessment of the information given in Table 2.

While countries with higher thresholds for works councils can be found among those with rather low rates of incidence and coverage (Bulgaria, Poland, United Kingdom), there are still a number of other countries that have low or medium minimum thresholds but far lower coverage rates (Lithuania, Greece, Portugal). And some countries with very low thresholds are among those with the highest degrees of representation. In fact, many countries with high rates of coverage by works councils also have 'medium' thresholds, from which works councils may be established.

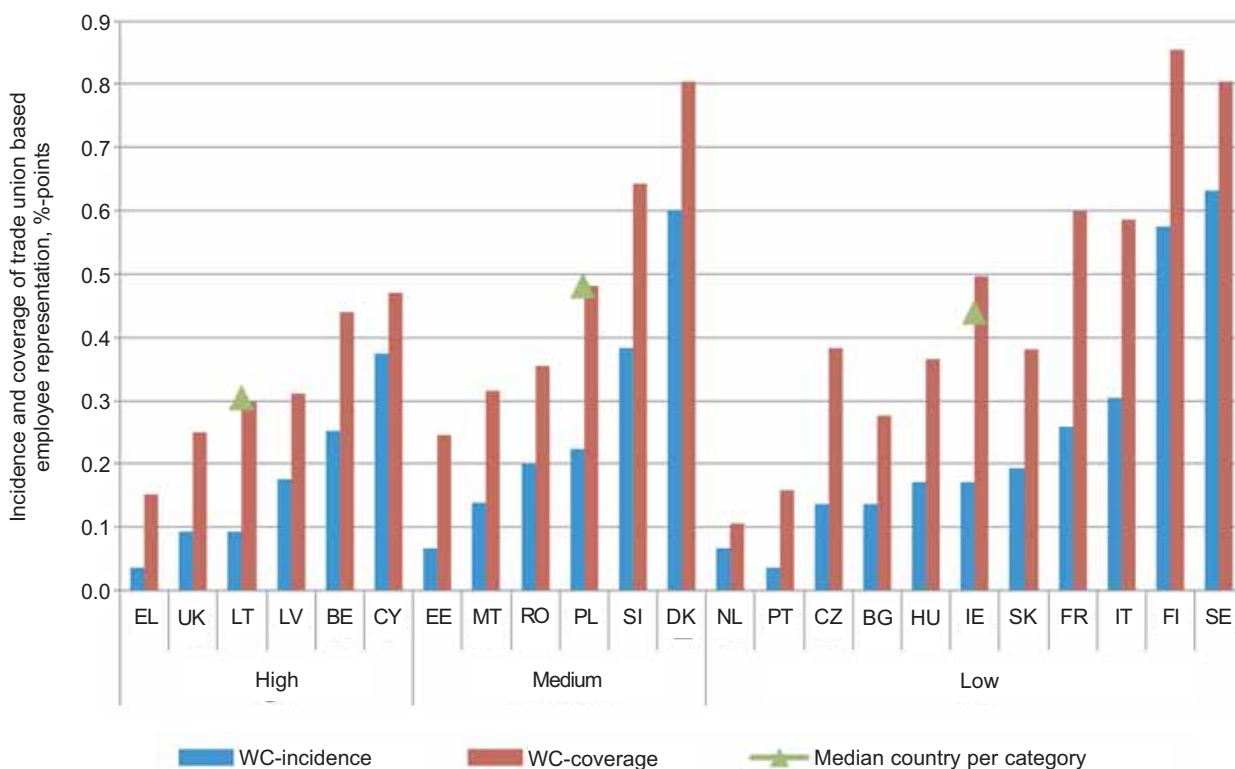
Figure 5: Thresholds, incidence and coverage of works councils



Source: ECS 2009 (coverage and incidence), own classification of thresholds, based on Table 2. Ordered by level of coverage within categories.

The picture is quite similar in the case of trade union-based representation. While it seems to be the case that within countries with comparatively high legal thresholds for setting up the representation, the level of trade union representation is generally lower, there are also countries with lower levels which also have lower legal thresholds. Indeed, on average there is little difference in the degree of of trade union-based employee representation between countries with medium and low thresholds.

Figure 6: Thresholds, incidence and coverage of trade unions



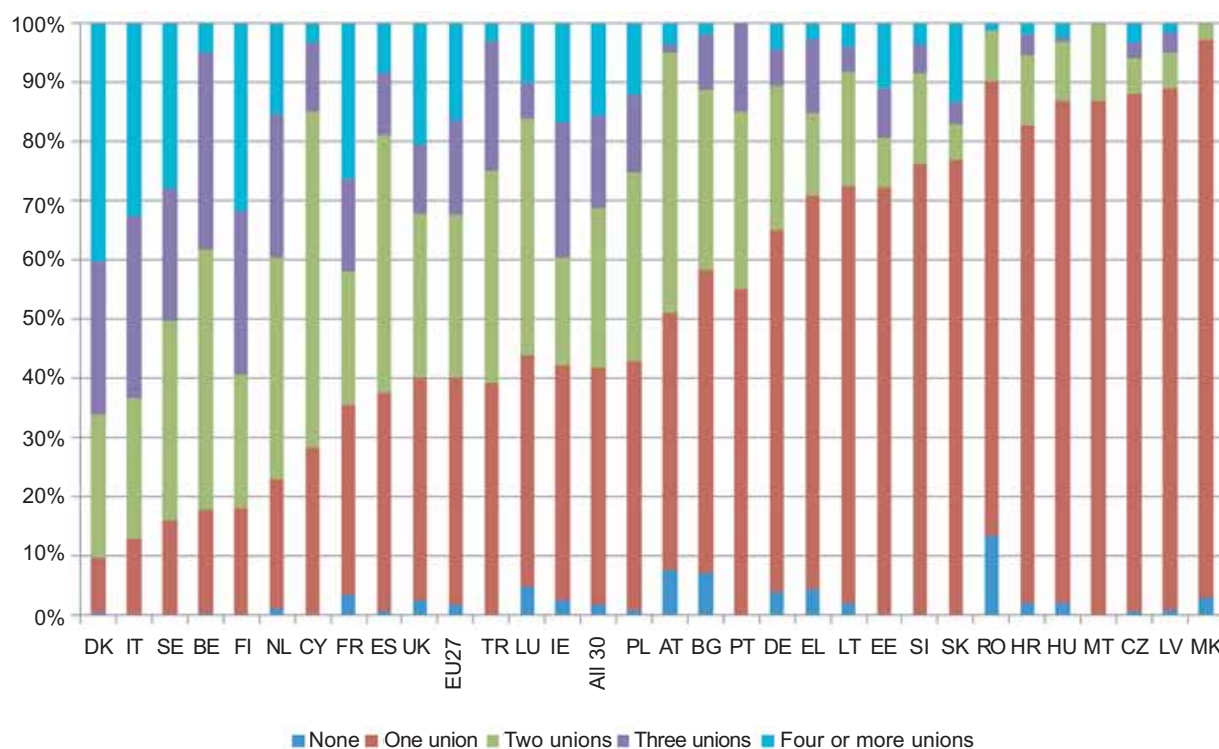
Source: ECS 2009 (coverage and incidence), own classification of thresholds, based on Table 2xx. Ordered by level of coverage within categories.

Trade union pluralism and coverage at establishment level

As Figure 7, together with Table A6 in the annex, demonstrates, there is quite a high degree of heterogeneity in trade union pluralism in the workplace across Europe. Across the EU27, only one union is present in about 38% of establishments, while a further 27% of establishments have employees who are members of two unions. Three unions are present in 16% of establishments and four or more in a further 16%.

Countries with a higher than average pluralism of trade unions are mostly those with a predominance of trade union-based representation at the workplace: Cyprus, Denmark, Finland, Italy, Sweden and the United Kingdom. The exceptions are Belgium, France, the Netherlands and Spain.

Figure 7: Number of unions present at the workplace



Source: ECS (2009)

Summary of the main findings

In many Member States where national experts have reported a ‘traditional predominance’ of trade unions, a significant number of works councils have been detected, some working jointly with trade unions, but also in some instances operating as single channels of representation. This raises the question of whether the survey has indeed picked up new developments that are not yet showing up in national-level statistics.

These new developments could reflect the impact of the transposition of Directive 2002/14/EC promoting information and consultation. Further analysis is needed to determine whether this is fostering a European trend towards dual-channel representation, combining works councils with a role for trade unions.

Where dual forms of representation exist, a certain functional division of fields of representation seems to be in place in many countries. Trade unions focus more on collective bargaining while works councils are mostly involved in informing and consultation. Both forms of employee representation can be found in all sectors, yet trade unions seem to be concentrated in the public sector, while works councils are more widely found in the production⁴ and private service sectors.

⁴ ‘production sector’ in the report refers to manufacturing and construction.

Smaller establishments, particularly in countries with works council-based systems, are generally more likely to use ad hoc forms of representation. The exceptions to this rule are the Baltic states, Bulgaria, Cyprus, Greece, Malta, Portugal, Spain, Turkey and the United Kingdom.

Almost all of these countries have low degrees of representation in general, and so larger establishments also often use ad hoc forms of representation.

Equally, trade unions concentrate on setting up representation structures within larger companies, thereby covering larger numbers of employees, whereas works councils (as single bodies) tend to be found in the smaller establishments. This is despite the fact that in most countries, minimum thresholds for setting up trade union-based representation at company level are either low or non-existent, while the minimum thresholds for works councils are generally higher. Exceptions are Belgium, Denmark and Finland, where there is a high incidence of trade union-based representation in small establishments.

When classifying the countries into three groups based on the legal thresholds (high, medium, low) required for the setting up of works councils or trade unions, it could be shown that there is no clear-cut connection between these thresholds and the actual degree of representation.

Correlation (at country level) between trade union pluralism and coverage is weakly positive: countries with a higher number of trade unions present at the workplace also tend to have, on average, higher rates of coverage of employee representation structures.

Employee representation across countries 2

This chapter provides a country-by-country analysis of employee representation. It describes the core functions, set-up and governing rules of the main bodies of employee representation, and also presents data on incidence and coverage of these bodies as measured by the ECS 2009. Incidence refers to the share of establishments, while coverage refers to the percentage of workers in a country that have an employee representation body in their establishment. Only establishments with at least 10 employees took part in the survey and this should be kept in mind when interpreting the results.

EU countries

Austria

Employee representation in Austria is organised through works council-type bodies representing the entire workforce of an establishment, with different structures for the private sector and the public sector.

The core functions of the private sector works council (*Betriebsrat*) include:

- the monitoring of the employer's compliance with labour and social law;
- the monitoring of pay, ensuring that workers are paid at the correct grade and level, and paid on time;
- the regular monitoring of the company's economic and financial situation;
- consultation with management about the recruitment, promotion, transfer and dismissal of employees.

The works council has codetermination rights in social matters such as the distribution of working hours and disciplinary procedures and may also conclude works agreements (*Betriebsvereinbarungen*) with the employer.

In the public sector, the staff representation (*Personalvertretung*) mainly deals with monitoring all matters related to service regulations, including working time, working conditions, leave and consultation on staff matters.

Rules on the functioning of the private sector works council are laid down in the Labour Constitution Act (*Arbeitsverfassungsgesetz*, ArbVG). It stipulates that works councils can be elected in establishments consistently employing at least five employees and that the size of the works council is contingent on the size of the workforce of an establishment. Members of the works council are directly elected by the establishment's workforce for a four-year term of office.

In the public sector, employee representation is governed by staff representation laws at each level of government (i.e. federal level, state and local administration). Regulations state that staff representation must be put in place for each public-sector employment unit. As in the private sector, the members of staff representation bodies are directly elected, using a system of proportional representation, by the employees of the public service employment unit whose interests they represent for a four-year term of office.

Due to the differentiation between blue-collar and white-collar workers in the private sector, the law provides for the election of separate works councils for each category of workers in establishments meeting the minimum criteria for each group. These bodies are known as category-based works councils (*'gruppenbetriebsrat'*). Matters of concern to all workers are dealt with by a joint committee, *'Betriebsausschuss'*, consisting of members of both blue-collar and white-collar works councils. The election of a joint works council is also possible.

Works councils are elected at the establishment level. However, where a company consists of more than one establishment with a works council, a general works council (*Zentralbetriebsrat*) has to be established, and this has consultation and codetermination rights at undertaking level. Similarly, in a group of companies, a group works council (*Konzernvertretung*) may be established.

The Austrian works constitution establishes a formal separation of works council and trade union. Nevertheless, a very high proportion of works council representatives are trade union members and works councils often function as the local unit of the trade union. Formally, however, trade unions at company level are quite rare. Exceptions exist in certain state-owned companies, and in the formerly state-owned postal and telecommunications companies Post AG and Telecom Austria, single employer agreements are concluded on behalf of the private sector employees. This practice diverges from the general principle of industry-wide agreements.

The ECS 2009 only covered works council-based representations, and found that, overall, 21% of establishments in Austria are covered either by a works council or by a staff representation at establishment level. This is rather low compared to other works council-based European countries, yet a relatively high number of Austrian employees – 57% – are represented by a works council. Compared to other European countries, Austria has a comparatively high share of works councils based in larger establishments, while the small and medium sector of the economy is relatively sparsely covered by formal representational bodies. For instance, in establishments with fewer than 20 employees the coverage rate is only 10%, while in establishments with more than 250 employees this rate increases to more than 90% (compare Table A2 in the annex).

In addition, however, managers of 33% of establishments without formal employee representation state that temporary or ad hoc bodies can be set up to deal with changes taking place at the workplace. These ad hoc bodies cover 18% of employees, and are predominantly set up in smaller sized establishments.

Different sectors have different coverage rates. The coverage rate of employee representation bodies is slightly higher in the industry sector, where 61% of employees have some form of formal representation, than in private services at 54%. The public services have a 59% coverage rate.

Trade union pluralism is not an issue in Austria. The majority of workplaces have either one or two trade unions (more than 40% in each case).

Belgium

Employee representation in Belgium is mainly based on works council-type bodies composed of employee representatives and management representatives, but trade union delegations and joint bodies also exist. In smaller establishments works council roles are assumed by the health and safety committee. Trade unions play an important part in collective bargaining in the workplace and they can act as the statutory body when information and consultation processes are required if no other statutory body exists. Slightly differing arrangements exist in the public and private sector.

In private sector companies with more than 100 employees a works council (*conseil d'entreprise/Ondernemingsraad*) has to be set up. It has extensive information and consultation rights with respect to the company's financial situation, its productivity, future developments in terms of employment and future objectives. The works council also has the right to be consulted by the employer in the case of substantial modifications to staff organisation, such as restructuring, a plant closure or merger, and training measures.

The election of the works council is mandatory and the relevant legislation is enforced through regular checks by the labour inspectorate. The works council is a joint body, comprising both employee and employer representatives and is chaired by a member of the management, although there can never be more employer representatives than employee representatives. The number of employee representatives is determined by the size of the workforce and can number between six and 25 members. Trade unions play an important role in the election of employee representatives, held every four years, and only the three representative unions can nominate candidates: Confederation of Catholic Labour Unions (CSC/ACV), the Belgian Socialist Confederation of Labour (FGTB/ABVV), and the Confederation of Liberal Labour Unions (CGSLB/ACLVB).

In the public sector, a staff representative committee, the so-called Special Negotiation Committee or Basic Negotiation Committee (*comité de négociation particulier ou de base/Bijzonder Onderhandelingscomité of Basisonderhandelingscomité*) is the mandatory forum for negotiations with trade unions about the statutes governing public sector employees and other matters of employment regulation. The committee is made up of equal numbers of employee and employer representatives. Only recognised public service unions have the right to elect or assign employee representatives to the committee.

In private sector establishments with 50–100 employees, the tasks of the works council are taken on by the health and safety committee (*comité pour la Prévention et la Protection au Travail/Comité voor Preventie en Bescherming op het Werk*). Committee members must be elected in all establishments with more than 50 employees. Like the works council, the health and safety committee comprises elected employee representatives and members of the company management who are responsible for health and safety in the workplace. In general, the committee is in charge of any issue relating to workers' health, the working environment and working conditions. In the absence of a committee, its functions are performed by the trade union delegation.

In the public sector, so-called Special or Basic Consultation Committees (*comité de concertation particulier ou de base/Bijzonder Overlegcomité of Basisoverlegcomité*) have information and consultation rights in areas of health and safety similar to those of the health and safety committee in the private sector. Its members are elected or assigned by recognised public service unions.

The trade union delegation (*délégation syndicale/Syndicale Delegatie*) is the key body representing employees in negotiations with the employer. It has the right to be present in any company that employs the minimum number of workers defined by sectoral collective agreements. The members of the delegation are nominated by their trade unions or elected by the staff. The trade union delegation, in contrast with the other two bodies, represents only unionised workers of the company and not the entire staff. The trade union delegation can negotiate collective agreements in the company and intervene in any conflict the staff might have with the employer. It also has the right to be informed about any changes in working conditions.

When neither a works council nor a health and safety committee are present in the company, the trade union delegation is able to fulfil the role of these two bodies. This is particularly relevant in companies with fewer than 50 employees, where there is no legal requirement to set up a health and safety committee or works council.

According to the ECS 2009, more than half (53%) of surveyed establishments have some institutionalised form of employee representation (either a works council, a trade union or both, Table A1 in annex), amounting to coverage of 77% of employees. In addition, a further 11% of establishments without institutionalised representation resort to ad hoc representation. The coverage is generally high in all sectors, amounting to 71% in private services and 81% in public services and industry. It is worth mentioning that the differences in coverage between sectors are smaller than those in most other EU Member States. Even in the smallest enterprises (below 20 workers), 41% of employees are covered by

some form of representation. This can be explained by the fact that health and safety committees enjoy special rights with regard to employee representation in Belgium (see above). This is also the case in some other European countries.

Bulgaria

Since the reform of its Labour Code in 2001, Bulgaria has established two channels of employee representation at the workplace, the more traditional channel of trade union representation and the newly introduced elected employee representatives.

The local trade union organisation (*Синдикална организация/секция*) is the key body representing employees in Bulgarian workplaces.

Trade unions deal with all employment relationship issues, including pay, working time and leave, working conditions, training, social benefits, discrimination, labour dispute resolution, organisation of industrial action, collective bargaining, participation in bipartite cooperation, pursuant to the Labour Code. Trade unions must also be involved in the information and consultation procedures when there are mass redundancies and transfer of undertakings (Labour code, Article 130a and 130b).

The principle of freedom of association is established in the Constitution (Article 49) and in the Labour Code (Article 4), the civil servants' law (Article 44) and other laws determining special regimes for trade union affiliation or prohibition of union membership, for example, for those employed by the armed forces, the police and certain employees in the judicial system.

Internal rules and procedures of trade union organisations, such as those governing the election of trade union representatives and chairpersons, are governed by the statutes of sectoral and inter-sectoral trade union federations.

Trade unions can exist in all establishments and institutions irrespective of size, though a minimum of three members is required to establish a trade union organisation in Bulgaria.

In enterprises with more than one trade union organisation, the unions concerned may decide to establish a joint committee.

A second channel of employee representation has been created in the form of the 'Employee representatives for information and consultation' (*Представители за информиране и консултиране на работниците и служителите*). These representatives deal with information and consultation issues in three main areas: recent and probable developments of the undertaking's activities and economic situation; the situation, structure and probable development of employment within the undertaking, particularly if threats to employment exist; and possible substantial changes in work organisation.

While the main areas of interest of this body are set out in the Labour Code (Article 130c), further details on timing and content for information and consultation are established by collective agreement between the employer and the employee representatives.

Employee representatives can be elected in all enterprises with at least 50 employees as well as in subdivisions with more than 20 employees. According to the Labour Code (Article 7c), a General Assembly (comprising all employees) elects employee representatives from among its members with a simple majority vote to take part in information and consultation procedures. The number of representatives, between three and nine, depends on the size of the establishment.

Alternatively, the General Assembly can decide to delegate these functions in the area of information and consultation to an existing union body.

In Bulgaria there has been considerable discussion about what type of representative body should deal with information and consultation in the workplace. Trade unions were concerned that works councils would undermine the long-standing tradition of 'single-channel' representation through trade unions, and were initially strongly opposed to their establishment. Nevertheless trade unions participated in the elaboration of the Labour Code amendments and a compromise was reached. The new structure does not exhibit all features of a typical works council, but it does perform an information and consultation function.

According to the ECS 2009 data, this type of employee representation, dealing primarily with information and consultation in a works council-like form, constitutes an important institution for workplace-level representation. The data show that 35% of establishments have created either (or both) of the above-mentioned forms of employee representation, covering 50% of employees. Interestingly, the ECS finds that the newer non-trade union representation has a wider coverage than the traditional union single channel.

The 'Employee representatives for information and consultation' bodies have been elected as sole employee representatives in 21% of establishments (covering 22% of employees), and are playing a joint role with trade unions in 6% of establishments (13% of employees covered), while local trade unions have been established as sole representative bodies in only 7% of establishments (covering 15% of employees). An additional 11% of establishments are setting up ad hoc bodies as needed.

From these figures, it is clear that the 'traditional' trade union representation is concentrated among the larger companies, while the works councils as single bodies are present within smaller establishments. With a rate of 27% of employees who work in small establishments (with between 10 and 19 employees) covered by some form of employee representation, Bulgaria's small establishments are reasonably well represented and approximately in line with the European average (see Table A5 in the annex).

Following the general trend in Europe, the incidence and coverage rate of employee representation increases with the size of the establishment, but is relatively stable within medium-sized establishments (45%–49% in establishments with 20–249 employees, increasing to more than 80% in the bigger establishments).

There are marked variations between sectors. In the public sector 75% of workers are represented, while the figures for the production sector (48%) and private services (32%) indicate that representation here is rather weak. In line with many other European countries with dual-channel systems of workplace representation, the trade union bodies in Bulgaria are concentrated in the public services, whereas works councils are more common in the private sector.

Trade union pluralism does not seem to be an issue in Bulgarian workplaces. Just over half (51%) of workplaces with an employee representation have a single trade union at the workplace and 30% have two trade unions (see Table A6 in the annex).

Cyprus

Employee representation in Cyprus is organised through one single channel of trade union representation at the workplace.

All core functions of employee representation such as information and consultation as well as collective bargaining on the basic terms and conditions of employment are carried out by the trade union representation (*Συνδικαλιστική*

Εκπροσώπηση). In collective bargaining, the agenda of negotiations include mainly economic issues (such as wages and benefits) and traditional bargaining issues of working conditions, working hours and annual leave.

According to the Industrial Relations Code (1977), both sides of industry recognise the right of employers and employees to organise freely and to belong to organisations of their own choice without any interference or victimisation from either side.

The Trade Union Law (Law 71/1965) as amended in 1996 provides the legal basis for setting up a trade union organisation within an establishment. For example, a minimum of 21 employees are required and trade unions should be registered with the Trade Union Registrar. Trade union representation applies to all sectors of the economy, including the private sector, the semi-public sector and the public sector.

According to ECS data, trade unions as the sole employee representation body at the workplace level have been established in 37% of establishments in Cyprus, covering almost half of all employees. In 15% of establishments without formal representation, temporary employee representation is set up when required.

Trade unions in Cyprus have a particularly strong base in the public services, where they cover 71% of employees. The coverage rate is 50% in industry and somewhat lower in private services (34%).

Looking at the coverage broken down by establishment size, above average rates compared to the EU27 can be found for establishments with up to 50 employees. In this group, which is particularly important for the Cypriot economy, 32–48% of employees are represented by a local trade union. Coverage then only increases slightly, although it rises to 72% in larger establishments. The Cypriot representation is rather pluralistic: if trade unions have been established, in almost two-thirds of cases two or more local trade unions are active at the same workplace. In 28% of cases, one sole trade union represents employees (see Table A6 in the annex).

Czech Republic

Employee representation has emerged as a dual-channel system consisting of trade unions and works council-type bodies in the workplace. Following a decision of the Constitutional Court of 12 March 2008 (CZ0804039I), an amendment to the Labour Code has made possible the parallel existence of both trade union (*odborovou organizaci*) and non-union representatives (*radu zaměstnanců*) in a single workplace. Previously, a works council had to be dissolved once a company trade union came into existence, indicating a strong hierarchy between these two channels of employee representation. In practice, however, this seldom happens.

Despite this change, the authority to conclude a collective agreement remains exclusively within the trade unions' power. Given that more than one trade union can operate at a single workplace, union plurality is possible. The above-mentioned reform abolished the obligation of the employer to negotiate or conclude a collective agreement with the strongest or largest trade union where there was disagreement between a number of trade unions operating in one company

Both works councils and trade unions have rights to information and consultation, as established in the Labour Code (Article 279/280). However, the scope of rights and opportunities in the area of information and consultation is somewhat wider for trade union organisations than for alternative forms of representation. Hence, the law continues to give priority to employee representation through the trade union channel.

Rules on the establishment of trade unions are laid down in Act no. 83/1990 on civil associations. Accordingly, a minimum of three members are required to establish a trade union and newly established organisations must register with the Minister of Interior.

Rules on the election of the works council are established by the Labour Code. According to Article 281, the works council shall have between three and 15 members elected in a secret ballot by all employees of the establishment. The elected works council shall have a term of office of three years and shall elect a chairperson from among its members.

Unlike the trade union, the works council does not have legal authority and only acts as a mediator between the employers and their employees.

The predominance of the trade unions over works councils in issues concerning employee representation is reflected in the ECS data. Overall, both incidence and coverage are quite low, with less than 20% of establishments having any form of representation, which means that just over 40% of employees are covered. Among these, works councils remain the exception in quantitative terms, since they cover only 4% of establishments as a single body, and in 1% of Czech establishments they can be found together with a trade union.

Trade unions, as the more important channel of employee representation, are in place in 13% of establishments as sole bodies, thereby covering 35% of the Czech workforce. Ad hoc bodies are set up in a further 17% of Czech establishments, covering 12% of employees, and are more concentrated in the smaller establishments. The figures remain low for all sectors of the economy and only increase slightly with company size.

Comparing different economic sectors, coverage is highest in the public service where more than half of employees have representation. In the production sector, 43% of employees are covered by an employee representative and in private services only 30%. Among those establishments where no formal representation is in place, a fifth (20%) set up ad hoc committees where necessary. Broken down according to establishment size, the data show that coverage rises with the size of companies. While coverage stands at 9% in small establishments with fewer than 50 employees, it rises to almost a half in establishments with 50–250 employees and almost reaches the EU average in very large establishments with more than 500 employees (84%, compared to the EU average of 90%) (compare Table A2 in the annex).

In companies without a formal representative body, one out of five managers states that ad hoc bodies are set up to deal with changes at the workplace.

Trade union pluralism is not an issue for the Czech Republic. In 88% of establishments, employee representatives reported that only one union is in place.

Denmark

A two-tier system of employee representation has emerged in Denmark. It consists of the local trade union representative – the shop steward – and cooperation committees. The shop steward (*tillidsrepræsentant*) forms the core of the representation system and is also a member of the cooperation committee. Cooperation committees, a type of works council, can be found in the private sector (*Samarbejdsudvalg*) and in the municipalities and regions (*MED-udvalg*).

Both the shop steward and the cooperation committee are involved in information and consultation procedures. Since the shop steward is a member of the cooperation committee, information and consultation usually take place within the committee. The information supplied to it relates to the economic and financial situation of the establishment, the employment situation, plans for major industrial changes or restructuring, the introduction of new technologies and the operation of performance-related pay schemes.

During collective bargaining at establishment or company level, the shop steward negotiates pay and working conditions. The shop steward also enforces the collective agreement at company level. The cooperation committees are not involved in collective bargaining.

Rules on the operation of shop stewards and cooperation committees are laid down in separate collective agreements in the private and public sector.

The shop steward is elected by all employees, regardless of trade union membership, of establishments in the public and the private sector with five or more employees. Candidates for shop stewards should be members of the local union since they also represent the union in the workplace. Hence the role of the shop steward is twofold, including both representation of the union and of the interests of all employees.

The cooperation committee consists of an equal number of employee and employer representatives, and whoever holds the office of shop steward has automatic membership. Cooperation committees can be elected at the request of either the employer or a majority of workers in establishments with 35 employees, and the committee may have between four and 12 members.

Employee representation in Denmark is the highest in Europe, with 68% of establishments having some form of representation. This incidence increases to 90% when ad hoc bodies are taken into consideration. Data from the ECS 2009 show that the predominant form of formal representation in Denmark is the dual form: 40% of establishments have both a works council and a trade union. In 20% of establishments, a trade union is the single formal representative and only 8% of establishments have a single-channel works council. It is interesting to note that in Denmark trade unions, as a single form of representation within an establishment, cover only a small share of employees and this form is predominant in smaller establishments. Elsewhere, this pattern is only observed in Finland and Belgium. In the rest of Europe, trade unions as single eligible bodies are found predominantly in the bigger establishments covering a substantially larger share of employees (compare Figure 1 and Figure 2).

This may be partly explained by the predominance of dual-channel representation at the workplace, and the fact that the unions also maintain a significant presence even where works councils are the single-channel representative body.

Around 8% of smaller establishments in Denmark have ad hoc bodies covering 3% of employees.

The overall coverage of employees in Denmark is also very high, ranging from 78% in private services to 99% in public services, and it stands at 57% even in enterprises with fewer than 20 employees. A factor contributing to this high coverage could be the plurality of trade unions in the workplace. More than two-thirds of enterprises report the presence of more than three unions on the shop floor, and 40% of establishments have four or more unions.

Estonia

In Estonia, two different forms of employee representation have been established by law; the traditional representation of the local trade union (*Ametiühing/ Профсоюз*) and the employee trustee (*Töötajate usaldusisik/ Доверенное лицо работников*) elected by all employees.

The trade union representatives' function is to participate in information and consultation procedures, negotiation and supervision of collective agreements and the representation of the trade union at the establishment level. The issues that are dealt with by the trade union representatives are not limited to specifics and include general employment and social issues relevant at the establishment level.

The trade union representative is elected by all members of the trade union in the establishment, in accordance with internal statutes of the unions. More than one trade union representative may also be elected in an establishment. Where this happens, the number of employee representatives must be agreed with the employer, and representatives may form a joint committee to coordinate their tasks.

The employee trustee, a new institution created by the Employee Representative Act in 2007, participates in information and consultation procedures and in the monitoring of working conditions and work organisation in the establishment. The competencies of the employee trustee may be extended to collective bargaining and the conclusion of collective agreements only in cases where no trade union or trade union members are present in the establishment.

The election of the employee trustee may be initiated by a minimum of 10% of the employees or the majority of trade union members in the establishment. The employee trustee must be a person employed in the establishment concerned and is elected by a general assembly of all employees, usually for a term of three years unless otherwise decided by the assembly.

Trade union representatives and employee trustees may be elected in all sectors of the economy, independent of the size of the establishment. In cases where trade union representatives and employee trustees are present in the same establishment, the tasks are divided so that trade unions deal with negotiation and collective bargaining and employee trustees represent employees in information and consultation procedures.

More than one employee trustee may be elected by the employees' general assembly, in agreement with the employer, to form a works council-type body. The trustees may elect a general trustee from among themselves to coordinate the actions of all employee trustees.

Overall, 23% of workplaces in Estonia, covering 39% of employees, have established one or both forms of the above forms of representation. In addition, managers in establishments without such an official forum state that almost one in four establishments have set up an ad hoc body.

Looking at the two bodies separately, the data show that employee trustees have become the more important employee representation in quantitative terms. Trade union representatives have been elected in just 7% of establishments, covering about 25% of employees. In 5% of Estonian establishments, they share their representation with a works council – only in 2% of establishments trade unions are the single representative body. The rather wide difference between incidence and coverage rates is a result of the fact that trade unions seem to be common only in establishments with 50 employees or more and are rarely found in smaller establishments. Where employee representations have been established, usually just one trade union is active in the workplace, while less than a third of Estonian workplaces have more than one union.

Employee trustees exist in 21% of establishments, covering 34% of employees. In 16% of Estonian establishments, employee trustees are the single body of employee representation.

A further 18% of Estonian establishments have set up ad hoc bodies. In contrast to many other countries, these are not predominantly concentrated among the smaller establishments.

The overall coverage rate is highest in the public sector, where 44% of employees are represented by an employee representative. Rates are lower in the private service sector at just 30%. The coverage of employee representation increases with the establishment size, from about 33% in workplaces with 20–249 employees to more than 69% in workplaces with at least 250 employees.

Finland

Employee representation in Finland is essentially characterised by single-channel representation based on trade union delegations (*Ammattiosasto ja/tai luottamusmies*). However, this system has been extended and the law now also provides for a works council-type representation (*YT-toimikunta*) elected by all employees.

Union representatives (shop stewards) are the leading partners for information and consultation procedures as well as for collective bargaining at establishment level. Collective agreements provide for shop stewards to be present at workplaces in all branches of the economy. The election of the shop steward and the terms of office are regulated by internal statutes of the unions.

YT-toimikunta, the Finnish counterpart of a works council, is a body for information and consultation elected by the employees of the establishment. Works councils are based on the Act on Co-operation in Undertakings (*yhteistoiminta*) which applies to undertakings with at least 20 employees. The revised Act on Co-operation in Undertakings came into force in July 2007 and covers the private and municipal sector. The central government sector has similar arrangements.

The act defines subjects for information and consultation of employee representatives, including issues such as the economic situation of the company and the outlook for production and employment, statistics on pay for different categories of employees, and consultation on changes in the organisation of work and cases of restructuring.

Along with other Scandinavian countries, Finland has a high incidence and coverage of elected employee representation, in 60% of establishments and covering 87% of employees. Where no employee forums have been created, about half may set up an ad hoc form of representation, such as employee spokespersons or round tables, to deal with changes of organisation and working conditions. Again, at 51%, the incidence of these ad hoc bodies is comparatively high and most of these establishments have fewer than 50 employees.

The ECS 2009 data confirm the importance of the shop steward as the most relevant channel of employee representation in Finland. In 34% of establishments, covering 21% of employees, a shop steward has been elected as a single representative suggesting that the traditional single-channel shop steward-based representation is predominant in smaller companies. On the other hand, mainly in larger companies a higher share of employees are covered (64%) by a dual-channel representation, present in 23% of establishments.

Works councils as single-channel representative bodies are virtually non-existent, suggesting that the Finnish system of representation is very similar to the Danish one, except for its somewhat higher share of single-channel trade union-based representation. Smaller establishments (16% in total) use ad hoc forms of representation.

The coverage rates of all forms of representation, shop stewards and works councils, increases with company size. Coverage rates for all establishments are particularly high in the public services (95%), followed by the production sector (90%), but are also well above the European average in the service sector (79%). However, in almost 60% of workplaces with an employee representative, three or more trade unions are represented at workplace level.

France

Regulation in France establishes a dual system of employee representation through works council-type bodies and trade union delegations at establishment level.

Works council-type bodies are the main channel for employee representation and information and consultation procedures, and are the only bodies that fall under the scope of Directive 2002/14/EC. Depending on the size of the establishment, two different mandatory forms of representation are prescribed by law, the staff delegates (*délégué du*

personnel) and the works council (*comité d'entreprise*). According to the Labour Code, staff delegates should be elected by the workforce in all establishments with more than 10 employees. The law gives representative trade unions in the company a monopoly on the presentation of candidates in the first round of such elections.

The 'Comité d'entreprise', the second form of works council-type employee representation, should be set up in private companies and public sector establishments with at least 50 employees. They are made up of both the chief executive – who is chair of the works council – and employee representatives, who are elected for a four-year term by the whole workforce. A spokesperson designated by each representative trade union in the company may also be a member of the works council. The number of elected works council members depends on the size of the establishment and ranges from three to 15 members. If employers have fewer than 200 workers they can decide to establish, after consultation with staff representatives, a *Délégation unique du personnel* (DUP). This does not replace the works council but assimilates both the CE and DP under one body, which performs the tasks of both by those elected.

In the last REPOSE survey (2004–2005), 72% of undertakings with more than 20 employees had at least one delegate from the workplace representatives ('*délégués du personnel*') or a single body ('*Délégation unique du personnel*', which amalgamates both workplace representatives and works councils in undertakings with fewer than 200 employees) and 46% had a works council ('*comité d'entreprise*', '*comité d'établissement*' or a '*délégation unique du personnel*').

In general, staff delegates and works council members are responsible for presenting individual and collective grievances to management and ensuring the implementation of legislation and agreements. Representatives receive information from the employer in areas such as the economic and social situation of the undertaking and the introduction of new technologies. They respond to formal consultation requests by the employer in areas such as redundancies and vocational training. They are also responsible for managing social and cultural activities, for which they have a budget at their disposal.

In a multi-establishment company or in a group of companies, works councils also form a central works council (*comité central d'entreprise*) or a group-level works council (*comité de groupe*), which enjoy similar rights to those of ordinary works councils.

The second pillar of employee representation in French workplaces is the trade union delegate (*délégué syndicale*). The trade union delegate receives information provided to the works council and is empowered to negotiate and enter into collective bargaining agreements in the company. Since 1966 unions have had an assumption of 'irrefutable representativeness', making it possible for five trade union confederations – namely CFDT, the French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff (*Confédération française de l'encadrement – confédération générale des cadres*, CFE-CGC), the French Christian Workers' Confederation (*Confédération française des travailleurs chrétiens*, CFTC), CGT and the General Confederation of Labour – Force ouvrière (*Confédération générale du travail – Force ouvrière*, CGT-FO) – to be present in companies and to negotiate.

An amendment to this rule was established by the Act of May 2004 (**FR0404105F**) on social dialogue, making it possible for elected employees' representatives or any employee mandated by a representative trade union to negotiate and sign a collective agreement on any matter. This effectively established an alternative system of local-level collective bargaining that did not have to go directly through a trade union delegate.

On 23 July 2008, parliament adopted a law on 'social democracy and working time reform' (**FR0808039I**), which ended the assumption of irrefutable representativeness. By 2012, the majority rule (which states that a trade union affiliated to a representative confederation at national level is presumed to be representative at local level) will be abolished, and, in

order to be representative and participate in company-level bargaining, a trade union must now obtain at least 10% of the votes in workplace elections.

Any trade union that has been in existence for at least two years can create a trade union branch in a company with more than 50 employees. However, it will not be able to bargain or conclude a collective agreement without obtaining at least 10% of the votes. Thus, collective agreements will be valid only if they have been concluded by one or more trade unions that have obtained at least 30% of the votes in workplace elections, and if no trade union that has obtained a majority of the vote has objected to the agreement.

In companies with fewer than 200 employees and no trade union representative, employers will be able to negotiate with non-union employee representatives.

The ECS finds that half of the establishments in France have elected one of the above forms of employee representation, giving 79% of employees some form of collective representation at workplace level. In addition, the data shows a comparatively high share of ad hoc employee representation bodies in a further 21% of establishments that have no institutionalised channels.

The French type of works council (either Délégué du personnel or Comité d'entreprise, depending on the size of the establishment) is more likely to be present as a sole body within smaller establishments. Single-channel works councils are present in 25% of establishments, covering 19% of employees. The form covering the highest percentage of employees is, however, dual channel, in 22% of French establishments and covering more than half of French employees. Single channel trade union representation (*délégué syndicale*) is rather limited, seen in only 4% of French enterprises, covering 6% of employees.

Although sectors in France are rather evenly and highly covered by some form of employee representation (81% in public services or the production sector, 76% of private services employees), there is a sectoral division between two types of representation. Works councils, either alone or with trade unions, are very common in the private sector but less so in public services. Trade unions, on the other hand, either alone or with works councils, have the highest coverage in the public sector. This pattern is also found in many other countries.

Trade unions have rather strong and above-average representation in medium and large establishments (50 employees plus), while representation is weaker in establishments with fewer than 50 employees. When trade unions are represented at workplace level, the picture is often one of pluralism. On average, more than 40% of establishments have three or more trade unions present. Even so, union membership and density is often rather low in France.

Works councils, however, are well above the European average, in all sizes and classes of establishment.

Germany

Employee representation at establishment level in Germany is organised through elected works councils, and higher-level representation beyond the company is organised by trade union organisations. According to the legal system, works councils and trade unions are formally independent, but in practice relations between the two are often very close.

At establishment level, the main employee representation bodies are the works council (*Betriebsrat*) in the private sector and the staff council (*Personalrat*) in the public sector. In addition, in the private sector a number of so-called alternative representation bodies have emerged, such as round tables, joint committees and workers' delegates (*Runder Tisch*, *Betriebsausschuss*, *Belegschafts- oder Mitarbeitersprecher*).

Employee representation in the private sector is regulated by the Works Constitution Act (*Betriebsverfassungsgesetz*). This gives works councils responsibility for information and consultation, and for the monitoring of compliance with laws and collective agreements in the workplace. The main subjects for works councils include staff policy, work organisation and working time arrangements, and health and safety concerns where the works council has extensive codetermination rights (*Mitbestimmung*). Issues that are usually dealt with in collective agreements, such as wages and working hours, are not within the remit of works councils unless an agreement is in place permitting its involvement. Works councils may, however, conclude works agreements (*Betriebsvereinbarungen*) with the management.

Election procedures, the composition of works councils and their working rules are regulated in detail by law. Works councils can be elected at establishments with five or more employees. All employees (excluding executive staff) are eligible to vote and stand for election. Temporary agency workers are also entitled to vote if they have been working at the establishment for longer than three months. They cannot, however, stand for election.

In the public sector, a staff council must be formed in every public sector establishment with at least five employees. The legal basis of the staff council is the Federal Staff Representation Act (*Bundespersönalvertretungsgesetz*) and the staff representation laws of the individual states (Länder).

A staff council's participation rights are structured along similar lines to those laid down by the Works Constitution Act for the private sector and the staff councils deal with the same subjects as works councils. However, a staff council's codetermination rights are not as strong as those of the works council. This is illustrated by the fact that the employer (the parliament or city council) has prerogative powers in matters of overriding importance for the public or the state.

All employees of the establishment, including career public servants (*Beamte*), white-collar workers and manual workers, are eligible to vote and stand as candidates.

A number of alternative bodies of interest representation have emerged in the private sector (often in SMEs), some of whose members are elected by the employees and some selected by other procedures, such as appointment by the management. Here no size threshold applies. These voluntary forms of interest representation serve as alternatives to works councils as the main mode of interest representation. They can therefore be involved in information, consultation and decision-making in the same way as works councils.

Given the legal requirement for the election of a works council in enterprises with a minimum of five employees, the incidence rate found by ECS 2009 is somewhat surprising. Only 51% of all surveyed enterprises reported the existence of a formal representative body. However, in addition to this, 20% of establishments without formal employee representation elect an ad hoc representative body if the need arises.

Coverage, on the other hand, is quite high, with 73% of employees in the surveyed establishments being covered by some form of employee representation, but there is a gap between the public services (89%) and private services (61%) and, to a lesser extent, the production sector (76%).

The coverage in smaller establishments is around 39% and therefore above the European average, but rises to more than 73% in establishments with more than 50 employees (for enterprises with 250 or more employees the coverage is well above 80%).

Even though the unions and works councils maintain close relations in representing employees' interests, there is a clear formal separation which is also reflected in the composition of employee representation bodies.

Greece

Employee representation in Greece can be organised via local trade unions (*Επιχειρησιακό σωματείο*) or works councils (*Συμβούλιο εργαζομένων*). However, as shown below, the incidence of both bodies is extremely limited. Labour legislation gives precedence to trade unions over works councils in rights and competencies.

Enterprise-level trade unions were first given recognition by Law 1264/1982, which also establishes their basic rights and functions, such as to organise workers within an enterprise, and to safeguard and promote workers' labour, economic and social interests. The rights of trade unions include the provision of office space, the right to display notices on notice boards and to hold meetings in the workplace. In terms of information and consultation, the Presidential Decree 240/2006 on information and consultation of employees transposed Directive 2002/14/EC into Greek law and refers in principle to enterprise-level union organisations as relevant bodies.

Trade unions are the only body permitted to sign collective agreements and to call strikes. The law requires a minimum of 21 members in order to set up a trade union. Collective bargaining at company level is only possible if there are at least 50 employees, a stipulation that severely limits the scope of action at many small workplaces.

The second channel of employee representation in Greece is the works council. Law 1767/1988 recognises the competences of works councils, such as taking part in decisions on certain matters (for example, health and safety rules and arrangements for annual leave), as long as no trade union organisation is operating in the enterprise and that these matters are not regulated by a collective agreement. The law also obliges the employer to inform the works council of certain matters (for example, a change in the enterprise's legal status, transfer, expansion or downsizing of its production, a decrease or increase in the number of employees), before the relevant decisions are implemented. Where there is no trade union presence, it also stipulates that the works council has the authority to consult with the employer in cases of collective dismissal and to ask for discussion of any issue about labour law and the implementation of collective agreements.

Law 1767/1988 stipulates that works councils may be set up in enterprises/undertakings and operations with more than 50 employees in both the private and the public sector. Where there is no trade union organisation in the enterprise, the threshold falls to 20 employees.

Of the countries covered by the survey, Greece is among those with the lowest incidence and coverage of employee representation bodies. A mere 4% of establishments have created any of the above forms of representation, covering just 17% of employees. Adding ad hoc types of employee representation to the analysis of the data does not make much difference, since these are also rather rare, present in only 7% of establishments without formal representation, covering 7% of employees.

Works councils and trade unions as single representative bodies are present in 1% of Greek workplaces, and as dual-channel representatives in 2% of the establishments. Coverage is higher where trade unions are present, 7% of employees in the case of dual representation and 8% of employees in the case of single-channel union representation. Works councils can also be found in the public services (singly or together with trade unions).

The (very low) coverage rates for both forms of employee representation are mainly due to the almost complete absence of representation structures in small and medium-sized establishments. Formal structures are found almost exclusively in larger establishments. However, even there, coverage remains comparatively low, standing at about 36% for establishments with 250–500 employees.

Hungary

In Hungary a dual-channel system of employee representation predominates. Along with trade union organisations at workplace level, the Labour Code of 1992 introduced a system of statutory works councils to be established in companies as a second channel of worker representation – particularly for information and consultation matters.

The rights of local trade unions (*szakszervezet*), which remain the key actors at establishment level, are regulated by the Labour Code. Trade unions are represented by shop stewards (*bizalmi*), and no threshold applies to their existence.

The role of the trade unions in collective bargaining was retained, while works councils were created as institutions for workplace participation. The unclear division of targets and responsibilities, and the overlapping of information and consultation rights, has created a system in which employers are able to choose which body to cooperate with. However, reformed and new grassroots trade unions have also accepted the new institution as way of testing support and extending trade union representation through their participation in works council elections.

Recent legislation about company-level representativeness and collective bargaining have also created an incentive for trade unions to become involved with the works councils, since the right to negotiate collective agreements now belongs to the union which gets the highest number of votes in works council elections.

Works council-type representative bodies participate in information and consultation and have limited codetermination rights. While core functions and areas of activities are similar, their organisational structure differs between the public and the private sector and between smaller and larger establishments. In both private and publicly owned companies with more than 50 employees a works council (*Üzemi tanács*) may be elected. In smaller establishments with 15 to 50 employees, a workers representative (*Üzemi megbízott*) fulfils the same function as the works council. The situation in the public sector is similar: establishments with more than 14 employees elect a staff council (*Közalkalmazotti Tanács*) and those with fewer than 14 employees a staff representative (*Közalkalmazotti képviselő*). All employee representatives are elected by direct secret ballot.

The incidence of institutionalised employee representative bodies is relatively low across the board, at 26%, covering almost half of Hungarian employees. Ad hoc bodies are set up in 16% of establishments. Trade unions act as single-channel representatives in only 4% of establishments, while single channel works councils are present in 9% of establishments. The predominant form, both in terms of incidence and coverage, is dual representation, present in 13% of establishments, covering 28% of Hungarian employees.

The difference between the public and private sector is substantial, with the coverage in public services (73%) around twice as high as in production and private services (40% and 35%, respectively). The coverage is especially low in small enterprises (16% in establishments with fewer than 20 employees), but exceeds 70% in large enterprises (250 employees or more). Most establishments report that they have only one trade union in place.

Ireland

The two main channels of employee representation at workplace level are trade unions and works council-type bodies. Workplace trade unions, which remain the primary channel of workplace representation, are based on voluntarism, although certain rules regulating union activities are codified by law. Regulation of statutory works councils (employee representative forum) is codified by law.

Trade union representation is the most common channel of employee representation at workplace level (in terms of coverage) – either through collective bargaining or joint consultation. Workplace collective bargaining may encompass negotiations with management over issues such as pay, working hours, terms and conditions of employment, pensions,

sick pay and work organisation. The workplace trade union representatives – shop stewards – engaged in collective bargaining are elected by union members. No size thresholds apply and the institution may exist in all sectors of the Irish economy.

As a result of transposition of Directive 2002/14/EC, statutory employee representative forums – the second channel of employee representation in Ireland – have been created by law, covering establishments with more than 50 employees. The Employees (Provision of Information and Consultation) Act 2006 gives employees the right to request that an employer enter into negotiations on an information and consultation structure (a ‘negotiated agreement’ which must meet certain minimum requirements), provided that 10% of employees in an undertaking make such a request (subject to a minimum of 15 employees and a maximum of 100).

Alternatively, or following failure to conclude a ‘negotiated agreement’, Standard Rules provide for a ‘fall-back’ option for elected representative Information and Consultation Employee Forums (along the lines of continental-style employee representative works councils).

Under the standard rules in the Employees (Provision of Information and Consultation) Act 2006, employers are obliged to provide information and consultation on issues such as the probable development of the undertaking’s activities and economic situation; the structure and probable development of employment within the undertaking and any anticipatory measures envisaged; and any decisions likely to lead to substantial changes in work organisation or contractual relations.

The legislation arguably provides statutory ‘institutional architecture’ with the potential to promote workplace partnership and cooperation. As the legislation was enacted in 2006, few information and consultation agreements have been concluded; a number of ‘pre-existing’ agreements would claim to have information and consultation arrangements in place but they are not common. A national survey of employers and employees by the National Centre for Partnership and Performance (the NCPP 2009 National Employee Workplace Survey and National Employer Survey) examined a range of employment relations issues, including the extent of formal workplace partnership committees (equivalent to employee information and consultation bodies). In the NCPP employer survey, 16% of private sector employer respondents in 2009 reported the presence of ‘formal partnership committees’ (equivalent to information and consultation bodies), with 34% of employers reporting they have some ‘informal’ partnership arrangement. This is broadly equivalent to the figure reported in an earlier survey in 2003.

According to the European Company Survey, the Irish structure of employee representation is polarised, but balanced. Works council-type bodies as a single channel form of representation are present within 12% of Irish establishments, and the same figure applies to trade unions (although in terms of coverage, trade unions are still predominant). Putting the figures into perspective, the high incidence may be attributed to a possible understanding among the respondents (management representatives) that any existing employee committee at the workplace falls under the category ‘statutory employee representative forum’. Within a further 5% of establishments only, dual bodies have been set up, with a higher coverage of 29% of employees. In this regard, the relatively high threshold of 50 employees, where a works council-type body can be set up, has resulted in this form of employee representation body being present in medium sized and larger companies. Smaller establishments very often refer to ad hoc forms of representation, and these are present in 27% of all establishments, covering 15% of employees. This figure is fairly high, not only in relation to the overall incidence of representation, but also in comparison to other European countries.

As in other countries, public services have a substantially higher coverage rate, around 90%, whereas in the private sector it is 54% to 56%. In line with other European countries, trade unions are more prominent in the public sector than in the private sector.

Italy

Italy has traditionally been regarded as having a typical single-channel system of workplace representation, as both collective bargaining and information and consultation rights are held by the unitary trade union structure (RSU) or separately by single-workplace trade union structures (RSA).⁶ However, since the July 1993 tripartite agreement, the joint entitlement of workplace representatives and territorial union delegates to participate in company-level negotiations has added some elements of a dual representation system. Still, at workplace level, a single representative body remains the norm.

The so-called Unitary Workplace Union Structure (*Rappresentanza sindacale unitaria*, RSU) was introduced by the inter-confederal agreement of 20 December 1993. The agreement established that RSU representatives are elected by the workforce (both union and non-union members), with a one-third quota reserved for the lists presented by the trade unions that are signatories to the sectoral national collective agreement (CCNL) applied in the workplace. This quota can be either directly elected or appointed in proportion to the votes received in the poll. Only candidates on electoral lists submitted by the relevant trade unions are allowed to stand for election to the RSU. The election is valid if the majority of the workers (blue-collar workers, white-collar workers, middle managers not on probation) participate, but if this threshold is not reached the electoral committee and the union organisations can decide the validity of the election, taking into consideration the specific workplace situation. Electoral lists may be presented by the organisations that were signatories of the December 1993 agreement, as well as those that have signed the national industry-wide agreement applied in the workplace. Moreover, formally established trade union organisations that expressly and formally accept the December 1993 agreement can present lists for the RSU elections if they get the support of at least 5% of the workers in the relevant workplace.

An RSU can be constituted in private sector establishments with more than 15 employees and public sector units with the same threshold. Members are elected for a three-year term. RSUs can negotiate at plant level on issues that are delegated from the industry-wide level and have information and consultation rights provided by national collective agreements and by the law. Legislative Decree 25/2007 implemented Directive 2002/14/EC and grants information and consultation rights to the RSU.

The RSU has acquired the trade union rights previously exercised by the Plant-level Union Representation (*Rappresentanza sindacale aziendale*, RSA) which they have largely replaced.

The RSAs were instituted by law 300/1970 (the Workers' Statute) and could be constituted at the request of workers in production units where the relevant union had signed the collective agreement applied there. Within firms with several production units, the union structures may also create coordination bodies.

In addition to these formalised representative structures, local trade union organisations (*Organizzazione sindacale*) can negotiate with employers, having an entitlement to conduct company-level bargaining jointly with the RSU-RSA, and can assist workplace representatives in talks with management about the collective agreement and monitoring of working conditions.

The overall incidence of employee representative bodies found by the ECS 2009 survey in Italy is relatively low at 37%, but increases substantially – by a further 10% – if ad hoc bodies are taken into account. The overall coverage is around 64%, with a large difference between the production sector and private services (62% and 50%, respectively) and public

⁶ Note that for the purpose of this report, concerning the analysis of ECS data results, these bodies were classified as 'works councils', as they are endowed with similar rights as works councils elsewhere.

services at 83%. There is also a very visible effect of the legal threshold for establishment of RSAs, which is set at 15 employees. Whereas in companies with fewer than 20 employees, less than 20% of the workers are covered by employee representative structures, in companies with more than 50 employees the rate rapidly increases to 79%.

There is an apparent predominance of dual representation in Italy (27% of Italian establishments, covering 56% of employees according to the ECS data). Single channel representation is rather exceptional, covering 6% of establishments and employees in the case of works councils and 3% in the case of trade unions. However, this may reflect a failure of the survey to specify sufficiently accurately the hybrid nature of the institutional structure – a ‘works council’-type body based on trade unions.

The union presence also reflects the pattern of trade union pluralism in Italy, with more than 63% of establishments reporting three or more unions on the shop floor.

Latvia

In Latvia, employee representation can be offered by a trade union or authorised employee representatives elected by the workforce.

According to labour law, a trade union (*Arodbiedrība/ профсоюз*) may be established and registered by a minimum of 50 employees, or if at least a quarter of the workforce in an undertaking or organisation joins the union. Trade unions and elected representatives typically deal with all issues usually covered by company-level collective agreements, such as collective bargaining on pay systems, working time, working conditions, leave, training and the establishment of social guarantee funds.

Trade unions are the most widespread form of employee representation in terms of coverage. They may be set up in all establishments except some parts of the civil service. Since 2006, members of the police have also been permitted to join a trade union.

Authorised employee representatives (*Darbinieku pilnvarotais pārstāvis / Уполномоченные представители рабочих*) are a rather new institution in Latvia. They may be elected by the workforce in establishments with at least five employees, although the number of representatives and rules regarding their internal working procedures are not specified by law.

Employee representatives, whether trade union representatives or alternative bodies, have rights to information and consultation in the undertaking. They have, for example, the right to request and receive information from the employer regarding the economic and social situation of the undertaking, as well as probable future developments. Consultation with the employer must take place before the employer takes decisions that may affect the interests of employees, in particular decisions which may substantially affect pay, working conditions and employment.

The law provides trade unions with certain advantages over authorised employee representatives. In establishments where there is both a trade union and an authorised employee representative, the right to conclude a collective agreement remains with the trade union. The Law on Trade Unions also gives special employment contract protection for trade union officials.

In cases where there is more than one trade union per enterprise, they may form a joint committee for negotiation with the employer. Any elected authorised employee representatives may become members of such joint committees.

The survey found that the overall incidence of employee representative structures is 35%, covering about 45% of the total number of employees. A further 25% of establishments allow employees to elect ad hoc representatives when needed.

Given the relative novelty of works councils and the regulatory advantages granted to unions, it is remarkable that works council-type bodies are somewhat better represented than unions in the surveyed establishments. Works councils as a single channel of representation can be found in 17% of the establishments (covering 14% of employees), and are found jointly with trade unions in 12% of establishments (covering 23% of employees). Trade unions, however, are only present in 6% of companies, covering 8% of employees. Works councils as single bodies are more likely to be found in small establishments than trade unions, while unions are more likely to be found in medium to large companies. Joint dual-channel representation is therefore more common in larger establishments.

The proportion of employees covered by employee representation bodies in the Latvian public service sector is remarkably high, and at 77% it is more than double the coverage rate in private services (31%) and the production sector (28%). Although the difference is fairly small, Latvia is the only EU country where the coverage rate in the production sector is lower than that of private services.

Lithuania

The reform of employee representation in 2003 further developed the existing system of single-channel representation, adding a second channel of representation through an elected works council for non-unionised workplaces. While, in principle, trade unions and works councils have similar rights and competencies, the law gives precedence to trade unions in the establishment and parallel existence of such bodies and their involvement in collective bargaining.

All employee representatives are entitled to all the rights of collective representation: the right to enter into negotiation, the right to conclude collective agreements, the right to organise strikes and rights to information and consultation.

According to the Law on Trade Unions, a trade union (*Profesinė sąjunga*) may be established if it has at least 30 members, or when a minimum of one-fifth of all the employees at an undertaking or organisation are members provided that this number is no fewer than three employees. More than one trade union may operate in the company. If several trade unions are acting in an enterprise, the enterprise's collective agreement must be concluded jointly between them and the employer.

The 2003 legislation created works councils (*Darbo taryba*) as a second channel of employee representation. The Labour Code states that works councils shall possess all rights of other collective representation bodies if there is no functioning trade union in the enterprise or organisation, and if the general assembly of employees has not transferred the function of representation to a sectoral trade union organisation.

The Law on Works Councils establishes that a works council may be set up in an undertaking with at least 20 employees, and its members should be elected by all company employees for a term of three years. The councils can have a minimum of three members and maximum of 15, depending on the number of employees in the enterprise. The election has to be requested by at least one-fifth of employees of the undertaking. In undertakings employing fewer than 20 employees, the functions and rights of a works council shall be implemented by single employee representative elected at a staff meeting.

If a trade union becomes active in a company where a works council is already functioning, collective agreements have to be concluded jointly and all other employee representative functions have to be shared. However, once all works council members have served their three-year term of office, a new council may not be elected.

If there is a failure to form a joint body, it becomes almost impossible for a works council to function as a representative body.

The incidence of any kind of employee representative structure in Lithuania is fairly low, at 21%, and the situation does not improve much when the use of ad hoc bodies is considered, which are reported in a further 12% of establishments.

Coverage is also relatively low, less than half of the surveyed workforce, and even the 62% coverage in the public sector appears very low in comparison with other European countries. In contrast to Latvia, where a dual form of representation has emerged, the Lithuanian law on works councils seems to foster the predominance of single types of representation.

Works councils as single channels of representation (12% of establishments, covering 16% of employees) are somewhat more common than single channel unions (8%, covering 26% of employees), and the figures suggest that trade unions are concentrated in the larger establishments.

The two types are clearly alternatives, with only 1% of establishments, covering 4% of employees, having dual-channel representation. There seems to be very little union fragmentation, with 74% of establishments where unions were present reporting that there was only one trade union in the workplace.

Luxembourg

Two main forms of employee representation exist in Luxembourg, the employee delegation and the joint committee, both of which are classified here as works council types of representation. In 2008 Luxembourg adopted a law on the status of employees, which modified some structures of workers' representation. Among other changes, the previous distinction between employee delegations for blue-collar and white-collar workers was abolished.

The role of the delegation (*Délégation du personnel*) is to represent employee interests in the arena of working conditions, job security and social status, where these issues are not addressed by the joint committee of the company, if there is one. The general remit of the delegation includes giving advice and making proposals on any issue relating to improving working conditions and overseeing their implementation, presenting any individual or collective complaints, participating in the area of health and safety at work, managing welfare activities at the establishment and giving advice on supplementary pension schemes.

Every employer is obliged to have elected employee delegates in establishments that regularly employ at least 15 workers, and public sector employers have to organise the election of personnel delegations when they employ at least 15 workers under a 'private employee' contract.

The number of representatives is determined by the number of employees, ranging from one full member for companies with 15 to 25 workers, to 25 members for companies employing 5,000 or more workers. Lists of candidates are presented either by the most representative trade union at national level, or by a minimum of 100 employees or 5% of the workforce. Delegates are elected for a five-year term.

In larger enterprises in the private sector with at least 150 employees, joint committees (*Comité mixte d'entreprise*) are the main representative bodies with rights to information, consultation and joint decision-making.

These committees are composed of equal numbers of employer and employee representatives, with a minimum of six members if the company has fewer than 500 workers and a maximum of 16 for large enterprises with 5,000 or more employees. The joint committee is presided over by the general manager, and the secretary is chosen from among the employee representatives. Members of the joint committee are elected for a five-year term.

The body has decision-making powers in areas such as staff policy, recruitment and dismissal, the introduction or change of health and safety measures or the use of technical equipment to supervise the behaviour and performance of the workers. Information and consultation rights include details of current and future labour requirements, measures relating to training and any decision of an economic or financial nature that may have an impact on the structure of the company or on the level of employment.

Since representative delegations are required by law in companies with at least 15 employees, and that companies with more than 250 employees must have joint committees, the high incidence of such representation measured by the ECS 2009 is not surprising. Formal representation is found in 52% of establishments, covering 83% of the workforce – among the highest coverage in Europe. When ad hoc bodies are taken into account, an additional 30% of establishments (covering 11% of employees) have formal representation at the workplace.

This high coverage is reflected in all sectors of the economy, and the difference between public services and industry – 85% coverage in each – and 81% coverage in the private services sector are relatively minor. Coverage is very low for enterprises with fewer than 20 workers (16%) but rises to 73% and above for larger establishments.

Malta

Employee representation in Malta is organised through single-channel shop stewards acting on behalf of their trade unions.

Trade unions have to draw up a statute governing their operation in accordance with the provisions of the Employment and Industrial Relations Act (EIRA) and have to register with the Registrar of Trade Unions. A minimum number of five employees is required to form a trade union. Since there are rather limited legal provisions for the representation of workers' interests at enterprise level, the shop steward plays a leading role in all aspects of employee relations and particularly in company-level collective bargaining. Article 2 of the EIRA defines recognised trade union representatives as employee representatives. The law protects shop stewards from unfair treatment.

Following the transposition of Directive 2002/14/EC, since March 2008 employers in undertakings with 50 or more employees have had to make the practical arrangements necessary to allow employees to exercise effectively their information and consultation rights as laid down in the directive. Information and consultation is conducted through trade union representatives where all employees are covered by one or more recognised union. Where some employees are not represented by a union, they can appoint or elect a representative to act jointly with union officials.

Pre-existing agreements are protected, if they meet certain requirements and are more favourable to employees than the statutory provisions. Furthermore, employers and employees may negotiate agreements on the practical arrangements for information and consultation, provided that these respect the minimum requirements set out in the legislation.

Malta belongs to the group of EU countries with the lowest incidence and coverage of employee representation bodies at establishment level, with only 14% of the enterprises surveyed in 2009 reporting the existence of some form of institutional representation, covering 32% of workers. Ad hoc forms of representation are higher, found in 16% of establishments covering 18% of employees. Most unusual, in comparison with other EU countries, is the fact that coverage is highest in industry (51%), followed by public services (32%) and private services (19%).

In smaller companies with fewer than 50 employees, coverage is exceptionally low at between 3%–12%, but it increases to 64% for companies with 250 and more employees. The survey also found very little union fragmentation: in most companies (87%) only one union is present on the shop floor.

Netherlands

Employee representation in the Netherlands follows a pattern which allocates workplace issues to various forms of works councils, while higher-level issues such as pay are dealt with by trade union organisations. At workplace level, the particular form of works council is dependent on the number of employees in an establishment.

The legal basis for all types of works council is the Dutch Works Councils Act, which dates from 1950 but has been changed and extended several times. It sets out three types of representation.

- The most common type of works council (*Ondernemingsraad*) is the main forum for employee representation with extensive information and consultation rights which, by law, must be set up in establishments with more than 50 employees. Council members must be elected employees, and the size of the council (between three and 25 members) is dependant on the size of the establishment.
- In establishments with fewer than 50 employees, a mini works council (*Personeelvertegenwoordiging*) must be set up where there are more than 10 workers and fewer than 50. This body has a more limited set of powers than the works council, and consists of at least three employees elected by the workforce.
- In establishments with fewer than 50 employees, when there is neither a works council nor a mini works council, the employer is obliged to hold a general meeting (*Personeelvergadering*) twice a year with all employees. More frequent meetings must be held when decisions with far-reaching consequences for employees are being made.

These three institutions of employee representation are mutually exclusive.

It is possible for a trade union delegation (*Bedrijfsledengroep*) to exist at establishment level. The role of such an organised union presence includes observing compliance with collective agreements and assisting union officials during negotiations. While there is no legal basis for trade union representation at establishment level, most collective agreements contain provision for workplace union activities.

Unsurprisingly, therefore, the ECS 2009 found a predominance of single-channel works council-based representation at the workplace level, with 39% of establishments covering 64% of employees, while only 1% of establishments covering just 1% of employees had single trade union representation. Dual-channel representation was also found, however, although more often in larger companies and they are less important overall, both in terms of the proportion of establishments (5%) and coverage (9%).

Legal provisions which support employee representation structures even in smaller companies result in relatively high overall coverage rates: for establishments with fewer than 20 employees the coverage was 26% (although still below the European average), but it is nearly twice as high in companies with 20 to 49 employees (52%) and nearly three times as high in establishments with 50 employees or more (82%–99%).

Ad hoc bodies are more concentrated among smaller establishments, with 26% covering 12% of employees reporting the use of such bodies.

The public sector has almost complete coverage (92%), but the proportion of workers represented in industry and private services is somewhat lower (69% and 61% respectively). Once again, the coverage rates of trade union bodies are much lower and are similar across the sectors, standing at around 1%. In addition to their weak presence, trade unions suffer from an appreciable degree of fragmentation, with 40% of establishments with formal employee representation reporting three or more unions active in the establishment.

Poland

Since the reform of the employee representation system in Poland in 2008, representation is possible through company trade union organisations as well as works councils. However, since trade unions have a strong institutionalised influence on the composition of the works council, observers often describe the works council as an ‘extension of the trade unions’.

Company-level trade unions (*zakładowa organizacja związkowa*) remain the most important body representing the interests of workers. These may be established by a minimum of 10 members, and more than one union may exist in parallel at a workplace.

The Act on employee information and consultation, implementing Directive 2002/14/EC, gives trade unions a right to information and consultation, similar to that held by works councils. Under the act, the employer is obliged to inform the union about matters such as the company’s economic situation, structure and any envisaged changes that might affect work organisation or employment.

Trade unions play a key role in establishing works councils (*rady pracowników*). In establishments where they are established and there are 50 or more employees, they can demand the setting up of a council. If no trade union is present, at least 10% of the workforce can initiate the election of the works council instead.

A works council is composed of between three and seven members, depending on the size of the workforce. Where trade unions are present, they jointly appoint the members of the council or, if agreement is not reached, they nominate candidates for election by the workforce.

On 1 July 2008, the Constitutional Tribunal ruled that the regulations of the Information and Consultation Act dealing with elections in unionised workplaces were unconstitutional, effectively denying non-union members any say in the make-up of works councils. For that reason, the Act had to be amended in May 2009 by revoking the articles that infringed the Constitution. From 2010, new legislation reduced the minimum number of employees needed for a motion to establish a council and placed the obligation to finance workplace elections on the employer. It is also now possible for a group of at least 10 employees (20 employees in larger companies) to propose candidates, regardless of union membership, and representatives are to be elected in general ballots in companies employing less than 100 employees.

Where no trade union is present, the employer must organise an election of employee representatives. If a union then starts operating in the enterprise, the existing council is dissolved and the trade union establishes a new one in accordance with the legislation. If there is a pre-existing agreement about information and consultation arrangements that meets the minimum statutory requirements, there is no obligation to establish a works council.

The term of office of members of the works council is four years. A number of trade unions operating in one company may reach agreement between themselves on how many representatives from each union may sit on a works council, and may also create their own rules for the council’s work provided that statutory requirements are met. In addition, members of works councils are protected against dismissal in the same way as trade union activists. These safeguards helped trade unions overcome their initial reservations about works councils.

The 1996 legislation on privatisation and commercialisation of state-owned enterprises prescribes employee representation on supervisory boards of these companies. Two fifths of the supervisory board shall be composed of employee delegates (*przedstawiciele załóg w radach nadzorczych*) selected by the employees, for as long as the state remains the sole shareholder. Reduced representation on the board begins after the state has sold more than 50% of its share.

Despite the relatively recent implementation of the regulations on establishment of works councils, and the overall low incidence of employee representative bodies in Polish establishments (35%), the ECS 2009 finds a relatively high presence of these bodies as the only form of representation, in around 12% of companies, covering approximately 15% of workers. Trade unions as single representative bodies are still the predominant form of employee representation, present in 15% of establishments, covering almost 25% of employees. A further 25% of employees are covered by a dual-channel representation, working in 8% of establishments. Hence, in line with most other countries, dual forms of employee representation in Poland are more concentrated in larger establishments. Ad hoc bodies were found in a further 15% of establishments, covering 11% of employees.

Poland follows the general European pattern where works councils are more likely to be found in the production sector, with trade unions concentrated in the public services. Coverage by size classes is relatively close to the European average across all establishment sizes.

Portugal

Portuguese legislation has established a dual-channel system of employee representation, consisting of a local trade union presence and elected works councils. However, in practice, the incidence of these bodies is very limited and among the lowest in Europe, as the ECS data show.

The principal form of employee representation at the workplace is the trade union. Under the Labour Code, companies with fewer than 50 employees may elect one shop steward (*delegado sindical*) and those with more than 500 employees may elect up to six.

Shop stewards participate in collective bargaining and control the implementation of collective agreements at workplace level. They may call and organise industrial action at workplace level. In companies with more than 50 employees or establishments with more than 20 employees, trade union representatives have information and consultation rights as established in Directive 2002/14/EC.

A group of shop stewards may form a workplace union committee (*Comissão Sindical*). In most cases, a committee would be formed by delegates from different unions that belong to the same trade union confederation (CGTP-IN or UGT). It is usually led by the most representative trade union of that confederation in the company.

The second form of employee representation is the works council (*Comissão de Trabalhadores*, CT). Its core function lies essentially in the area of information and consultation on subjects such as working time and working conditions, employment contracts, disciplinary procedures and redundancies. Works councils may not sign collective agreements. They may be elected in all establishments, including the public sector, irrespective of size. Council members are directly elected by the employees of the company. The size of the body may vary between two members in SMEs up to 11 members in large enterprises.

Portugal has the lowest incidence of employee representative bodies at establishment level in the whole of the EU – 5%. A further 7% of establishments without institutionalised forms of employee representation may establish ad hoc representative bodies, but even taking these establishments into account, the total resulting coverage rate of 13% of all employees is still by far the lowest in all countries under survey.

Coverage is similarly low in private services and industry – 11% and 13%, respectively – and it peaks at 30% in public services and at 51% for companies with more than 500 employees. In companies with fewer than 50 employees, coverage is between 1% and 8%.

Trade union delegates are the more common form of employee representation, and are found in approximately 3% of establishments, covering 12% of employees. Only 1% of establishments have a works council. The level of trade union fragmentation is low, with 85% of establishments having only one or two unions in the workplace.

Romania

Employee representation in Romania is traditionally based on local trade union organisations. The reformed labour code also allows for the election of employee representatives, but only in the absence of trade unions at the workplace.

As a result of transposition of Directive 2002/14/EC, the employer must provide information and consultation to employee representatives in undertakings with 20 or more employees. Representatives can be trade unions, where these are present in the enterprise, or elected employee representatives. The practical arrangements for information and consultation may be defined by collective agreements.

According to trade union legislation, a trade union organisation (*Sindicat*) may be established with a minimum of 15 members from the same trade or profession who may be employed in different undertakings. Trade unions are involved in information and consultation as well as the negotiation of collective agreements. Participation in collective bargaining is subject to certain criteria of representativeness. It may, for example, be limited to trade unions with a membership of at least one-third of the employees of the relevant unit. Trade union representatives (*delegați sindicali*) are appointed in accordance with the internal rules within each trade union.

In companies with more than 20 employees where no trade union exists, the employees' interests may be represented and defended by elected employee representatives (*Reprezentanți ai salariaților*). Representatives are elected by a general assembly of employees. The number is jointly agreed with the employer and their term of office is a maximum of two years. Competencies of the elected employee representatives are similar to those of trade unions. The provisions of collective agreements signed by elected employee representatives are valid for all the employees in the unit, regardless of their trade union affiliation.

The ECS 2009 found that Romania has a relatively high incidence and coverage of establishment-level employee representative bodies (52% and 77% respectively), the highest of all new Member States. Nearly all workers in companies with more than 50 employees are represented by some formal body, while the coverage for very small companies (fewer than 20 employees) is 37% and therefore above the European average. Ad hoc bodies are present in 10% of Romanian establishments.

The data show that the predominant form of employee representation in Romania is the single-channel works council (32% of establishments, covering 41% of employees). Dual channel representation is found in a further 15% of establishments, covering 22% of employees. The 'traditional' form of single-channel trade union representation is rather unusual, with 13% of employees covered within 5% of establishments, where they cover 6% of employees.

Employees in the public services are particularly well represented at establishment level, with 89% of them covered by some form of representation. Coverage is only slightly lower in industry (83%) but substantially lower in private services (59%). In most establishments (77%) only one trade union is present in the workplace.

Slovakia

Since the reform of the Labour Code in 2003, Slovakia has established a two-tier system of employee representation through local trade union organisations and elected works councils.

Until 2002, local trade union organisations (*Základná organizácia odborového zväzu*) were the only bodies representing employees.

At least three employees are required to form a trade union, and internal procedures, for example on representation, are governed by the trade unions' own statutes.

From April 2002, establishment of works councils (*zamestnanecká rada*) was permitted by the new Labour Code. At first works councils could be set up only in establishments where no trade union organisation operated. From July 2003, dual-channel representation was introduced so that works councils and unions could co-exist in one establishment.

Any establishment with at least 50 employees can set up a works council if at least 10% of employees request an election. Establishments with fewer than 50 but more than five employees may elect an employee trustee (*Zamestnanecký dôverník*). Employee trustees have the same rights and obligations as a works council. The number of council members is determined by the number of employees working at the establishment with, for example, a minimum of three members representing 50–100 employees.

If there is an active trade union and a work council or trustee in one workplace, the trade unions are entitled to conduct collective bargaining as well as to be involved in information and consultation. Work councils and trustees have rights to consultation and information only, and may not bargain collectively or enter into collective agreements.

According to the ECS 2009 data, although works councils were introduced relatively recently, they have already become an important channel of employee representation, with the overall incidence and coverage largely comparable to that of local trade unions. Overall, 43% of surveyed establishments reported some form of institutional employee representation. Works councils as a single channel of representation are in place in 23% of establishments and cover 22% of employees. Trade unions, as single channels, are in place in 14% of establishments, covering 27% of employees. Dual-channel representation is found in a further 5% of establishments covering 11% of employees. A further 9% of Slovakian establishments adhere to ad hoc forms of representation.

Works councils are the primary channel of representation in the production sector and the private services, and in smaller enterprises of up to 50 employees. In the public sector, however, and in large companies (250 employees or more), the majority of the workforce is represented by trade unions, and works councils account for a much smaller percentage.

On average, the coverage by employee representation structures is highest in public services (82%), almost twice as high as in private services (43%), and also substantially higher than in industry (59%).

Trade union fragmentation does not seem to be an issue in Slovakia, with 77% of establishments reporting the presence of only one trade union on the shop floor.

Slovenia

Employees in Slovenia are represented at workplace level by trade unions and works councils.

The core function of trade unions (*sindikata*) – usually represented by the shop steward (*sindikalni zaupnik*) – is the protection of the rights and interests of workers, and negotiations. The main issues that they deal with are pay, working time, working conditions and dismissals. In order to represent employees on economic and social protection issues, and to participate on a company's management board, trade unions must be representative by having a membership of at least 15% of the workers employed in the company (Law on Representativeness of Trade Unions). The number of shop stewards is defined by company collective agreement or agreed between employer and trade unions. Provisions for the activities and protection of trade unions or shop stewards are defined by the Law on Labour Relations.

The primary function of works councils (*svet delavcev*) is information and consultation as set out in Directive 2002/14/EC. The main issues they address are working conditions, leave, dismissals, health and safety at work, discrimination and the protection of young workers.

A works council can be set up in companies with more than 20 employees. Where there are fewer than 20 employees, a workers' delegate (*delavski zaupnik*) has the same rights and obligations. Works councils have at least three members rising to 13 (or more) members for the largest enterprises. Provisions for the activity, composition and protection of works councils are regulated by the Law on Worker Participation in Management. Shop stewards are often members of the works council.

Slovenia has medium to high coverage of employee representation structures compared with Europe as a whole, with 42% of the establishments involved in the ECS 2009 survey and 66% of workers being covered by some form of body, and a further 15% of establishments using ad hoc representation when necessary.

Trade unions have the highest incidence of single-channel representation (23% of establishments covering 25% of employees). In terms of employee coverage, dual-channel representation is most widespread (15% of establishments, with 39% of employees). Works councils as single channel representative bodies are very rare, and occur predominantly in smaller establishments (4% of establishments, covering only 2% of employees).

The coverage in public services in general is substantially higher than in private services (92% and 43% respectively), while the production sector falls somewhere in between (65%). In very small enterprises with fewer than 20 employees the coverage is only 27%, but it rises to 60% and more in bigger enterprises, reaching 85% in companies with 250 or more employees.

Trade union representation is particularly high in public services. The union scene in Slovenia is also fairly consolidated, with 76% of establishments reporting the presence of only one union.

Spain

Employee representation in Spain is organised both through elected works council-type bodies and local representatives of trade unions (*seccion sindical*), although the links between the two are often very strong.⁷

Works council-type bodies are the sole institution for information and consultation at the workplace, monitoring compliance with agreed working condition and taking part in company-level collective bargaining together with trade unions. They may also call for industrial action.

There are different forms of works council, dependant on the size of the establishment and the sector. According to the Statute of Workers' Rights (*Estatuto de los Trabajadores*), in establishments with more than 50 employees a works council (*comité de empresa*) with at least five members has to be elected to represent all workers in the company.

In a public administration unit with more than 50 workers, a staff council (*Junta de Personal*) has to be elected.

In smaller establishments in the public and private sector with between six and 50 employees, delegates (*Delegado de Personal*) may be elected. (The statutory right to elect a delegate in companies with fewer than six employees can also be established through collective agreement.) An election is mandatory when there are at least 10 employees. One delegate must be elected for a workforce of up to 30, and three for between 31 and 49 workers.

⁷ Note that the survey questionnaire in Spain did not include an item on the incidence of trade unions. Only non-union bodies are surveyed here.

Delegates have the same prerogatives as those established for works councils. Collective agreements may set out additional information and consultation provisions, as long as they also meet all statutory requirements.

Elections for council members or delegates are organised by the most representative trade unions, those that have obtained at least 10% of representatives in a specific establishment, or by the majority decision of the establishment's workers. All the trade unions as well as a qualified group of employees may put forward candidates for elections. The term of office is four years.

As in the cases of Germany and Luxembourg, the 53% incidence of employee representation bodies found by ECS 2009 seems relatively low given the legal requirement to establish some form of representation in companies with at least 10 workers. On the other hand, the survey only involved works council representatives and not union delegates, so the actual incidence might be somewhat higher. The inclusion of establishments reporting the creation of ad hoc bodies as required (6% of establishments, covering 5% of employees) does not raise this figure much.

However, the survey still found a relatively high coverage rate of 65%, with the highest coverage recorded in the production sector (76%), followed by private services (72%) and public services (59%). This pattern is fairly exceptional as in most other European countries public services have a much higher coverage rate than other sectors of the economy. Again, however, this may well be the result of the absence of a specific question in the survey about the incidence of trade unions delegations.

Coverage is rather high in comparison with other European countries in very small enterprises (46%), and it rises to more than 70% for establishments with over 50 employees.

Sweden

Employee representation in Sweden is a single-channel system where practically all competencies for information, consultation and collective bargaining rest with the trade unions (*facklig förtroendevald*).

The regulation of the employee representation bodies is codified by laws such as the Codetermination Act (*Medbestämmandelagen*) and by collective agreement, such as the main collective agreement (*Saltsjöbadsatalet*). Procedures and internal workings of trade unions are established by the trade union members.

Trade unions usually have local branches or, in small workplaces with only a few union members, just a single trade union representative. In cases where more than one trade union is represented at the workplace, they often cooperate in collective negotiations. However they may also negotiate independently with the employer, particularly about pay.

Coordination in the workplace is likely to be challenging for Swedish unions, as the ECS 2009 finds that a half of surveyed establishments have three or more unions present on the shop floor.

According to the same survey, around 63% of surveyed establishments had a trade union in the workplace, covering 80% of their employees. Another 9% of establishments without institutional representation reported the use of ad hoc employee representative bodies as needed.

Coverage was especially high in public services (91%) and establishments with more than 50 employees (over 86%), but even the employee categories with a usually low coverage rate (private services and very small companies) are relatively well represented in Sweden – 50% in companies with fewer than 20 employees and 66% in private services.

Sweden has the fourth-highest coverage rate in all of the EU, after Finland, Denmark and Luxembourg.

United Kingdom

In line with the voluntarist tradition in the UK, the main channel for employee representation has traditionally been the recognised shopfloor trade union. Recognition of trade unions is a key issue for representation and means that the employer has agreed to consult or negotiate with the trade union(s) over issues affecting the workforce. Recognition is usually a management decision, though a statutory recognition procedure for employers with more than 20 employees was introduced by the Employment Relations Act 1999 (**UK0007183f**).

A key task for trade union representatives, particularly in the private sector, is to negotiate on pay and working conditions. The officers of recognised unions have certain rights, for example, to time off for union work and access to information for collective bargaining purposes. In cases of collective redundancy and business transfers, recognised unions have information and consultation rights. The method of appointing or electing local representatives is established by the unions.

Where more than one trade union is recognised by the employer, trade unions may act through a joint trade union committee or bargain through 'single table' arrangements.

A number of other bodies to represent employees have developed at the workplace level under a variety of titles, such as staff or employee councils, company councils, works committees, office committees, or employee forums. Academic and official studies have traditionally referred to joint consultative committees (JCCs). In the context of the ECS, these various types are referred to as works council type bodies.

The JCCs have been broadly concerned with consultation rather than negotiation. Although in some cases JCCs are an alternative to, or substitute for, union representation, they are also prevalent in workplaces which recognise unions.

In 2004, Directive 2002/14/EC was implemented in the UK as the Information and Consultation of Employees Regulations. The regulations lay down statutory procedures for workplace representation, and stipulate that workplaces with 50 or more employees must have a body in place for the information and consultation of employees. The regulation does not, however, stipulate the exact form the structure must take. Instead it leaves the mechanism for providing information and consultation to be settled by negotiations between the employer and the employees' representatives, and the fallback provision is that where no agreement is reached, the directive's provisions must be used to establish a council.

In undertakings with 50 or more employees, at least 10% of the workforce, which must number at least 15 employees and a maximum of 2,500, may request negotiations with the employer to agree information and consultation arrangements. Employers may also initiate the negotiation process.

Where there is a pre-existing information and consultation agreement, and a request for negotiations is made by less than 40% of the workforce, the employer may ballot the workforce on its support for the request for new negotiations. Only if the request is endorsed by at least 40% of the workforce, and also by a majority of those who vote, can the negotiations proceed.

Negotiations over an agreement on information and consultation take place between the employer and elected or appointed employee representatives, and the resulting agreement must meet certain requirements. If the employer refuses to negotiate or no agreement can be reached within set time limits, standard statutory provisions apply.

The most authoritative measure of establishment-level employee representation in the UK is thought to be the Workplace Employment Relations Survey series. This was last published in 2004 and the next survey will not be published until

2012. The 2004 survey showed that the principal channel of employee representation in the UK continued to be the recognition of trade unions by employers for the purposes of collective bargaining.

According to WERS 2004, 30% of workplaces with 10 or more employees recognised at least one trade union (Kersley et al, 2006). However, the incidence of union recognition was much higher among larger workplaces, with 67% of workplaces with 500 or more employees recognising unions. Moreover, while recognition of unions was widespread in public sector workplaces (90%), it was much lower in private sector workplaces (16%). The extent of union recognition has declined continually since the early 1980s.

WERS 2004 found that JCCs were present in 14% of workplaces (but 39% if workplaces covered by a higher-level JCC are included). Again, JCCs were more common in public sector workplaces and in larger workplaces. Whether the various institutions classified in the ECS as ‘works council types’ really function in the same way as continental-style works councils is questionable. Any bodies established prior to the legislation transposing the I+C Directive (2005) were not ‘legally established’ representations, and research published by the Department for Business, Innovation and Skills suggests that information and consultation arrangements established more recently have only rarely been introduced as a result of the actual use of the Regulations’ statutory procedures.

Overall, according to the ECS 2009, 42% of the workforce in the UK is covered by some form of institutional employee representation, placing it in the group of countries with the lowest rates of representation. Institutional employee representation bodies were found in only 22% of surveyed establishments, although the management in another 21% of establishments without institutional employee representation said it was possible to establish ad hoc representative bodies where necessary. These ad hoc bodies are not – as is the case for many other European countries – particularly concentrated among the smaller establishments. In line with the findings from some new Member States, where works councils are sometimes a rather new phenomenon, the ECS 2009 also finds that in the UK, works council-type bodies seem to be relatively more common than trade union representation. While ‘works councils’ as single bodies are present in 12% of the establishments, covering 17% of employees, trade unions as single representative bodies are in place in 5% of establishments, covering 8% of workers. Dual forms of representation are concentrated in larger companies among 5% of establishments, covering 17% of employees.

Coverage is particularly low among the smallest size of establishments; it increases with size, yet always remains below the European average. Sectorally, the representation is in line with the general European pattern; coverage stands at 52% in public services, at 46% in the production sector and at 36% in private services.

Non-EU countries in the ECS

Croatia

Croatia has a dual-channel system of representation, giving both trade unions (*sindikati*) and works councils (*radničko vijeće*) a role in the workplace. Works council representatives are elected by secret ballot and candidates can be proposed either by a local trade union or by a minimum of 10% of the workforce. The number of representatives ranges from one in establishments with fewer than 75 workers to nine in those with 1,000 or more employees. Works council representatives are elected for a three-year term.

Croatian labour law guarantees for all workers in establishments with more than 20 employees the right to participation in decision-making on issues related to their economic and social interests.

Government institutions and public administration are excluded from this guarantee. However, employers only have to establish a works council if workers request one. The only workplace committee required by law is the occupational health and safety committee, obligatory in every company with a minimum of 50 employees.

The employer is obliged to hold general employee meetings (*skup radnika*), which function as the primary channel for information and consultation where there is no works council or trade union representative.

Trade unions have the exclusive right to negotiate collective agreements, including wages and working hours, and to organise industrial action. However, works councils have substantial codetermination rights, and may conclude a written agreement with the employer regulating terms of employment for all employees at the establishment.

The employer is also obliged to seek the works council's consent for dismissal of particular categories of workers (members of the works council, unelected council candidates, workers with reduced working ability or those in danger of becoming disabled, male workers over 60 years of age or female workers over 55, workers' representatives on the supervisory board); collective redundancy lists and severance packages; and the collection and processing of or access to personal information about workers.

The works council can also inspect company books to ensure the employer has paid all outstanding social security contributions. Where there is no works council in the workplace, these duties are performed by the trade union delegate (*sindikalni povjerenik*). If there is more than one trade union and they cannot agree on a joint delegate, the same electoral committee provisions used to select works council members are used to elect a delegate. This does not, however, seem to be a frequent problem in practice. Although the national-level trade union scene in Croatia is highly fragmented, with over 250 unions and six representative confederations, little of this fragmentation is reflected at company level. According to the ECS 2009 survey, in more than 80% of establishments only one union was present.

In companies with more than 200 employees and those where 25% of ownership is in the hands of the Republic of Croatia or local or regional governments and public institutions, regardless of the number of employees, one of the members of the supervisory board must be a workers' representative (*predstavnik radnika u nadzornom odboru*). This representative is appointed by the works council or, where there is no works council, by a general secret ballot.

Works councils and trade unions may co-exist in the workplace but they fulfill separate functions. A works council member may continue to be a member of trade union, and trade union representatives can participate in works council meetings, although without voting rights.

In practice, however, unions seem to be very actively involved in the works councils. According to the ECS 2009, in 70% of surveyed establishments all works council representatives were also trade union members.

Representation via trade union is relatively more common in Croatia, in all sectors of the economy, although the difference is particularly large in the public sector (92% coverage for trade unions against 58% for works councils), and in small companies of up to 50 employees. In industry and in larger companies coverage is similarly high, indicating the complementary existence of the two types of body, rather than alternative forms of representation.

As the Labour Code provides for extensive rights of representation, coverage is relatively high (71%), and an additional 13% of establishments set up ad hoc bodies. However, the incidence of employee representative structures in Croatia is close to the European average (42%), which is probably due to a relative absence of representation in very small companies with fewer than 20 employees, where less than 20% of the workforce is covered by some kind of employee representative body. The coverage rate is nearly three times as high for companies with more than 20 employees and above 90% in companies with more than 250 employees. The gap between public and the private sector employee coverage is also substantial, with 94% of employees in public services covered by some form of institutional employee representation body, compared with 68% of employees in industry and 59% in private services.

Former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia has a single-channel employee representation system based on shop floor trade union organisations (*Синдикална организација/Shoqatë sindikale*).

According to the ECS 2009, 36% of establishments and 57% of employees are covered by trade union employee representation at the workplace. A further 9% of establishments (6% of employees) set up ad hoc committees where needed. Sectorally, public sector employees are most comprehensively covered (67%), followed by the production sector (65%) and private services (31%). Coverage is 21% in establishments with fewer than 20 employees and rises to 77% in establishments of 500 or more employees.

Almost all (94%) of employee representatives report that only one trade union is represented in individual workplaces.

Turkey

In Turkey, trade unions have long been established as the single channel of employee representation and works councils do not exist.

Employees are represented by the authorised or signatory trade union (*Sendika İşyeri Temsilciliği*) at the workplace. Trade union authorisation and the right to conclude collective agreements at workplace level is limited to trade unions representing at least 10% of the workers in that sector of industry, and representing at least half of the employees at the workplace. No minimum size of workforce is statutorily required for the establishment of a trade union. Representatives are appointed by the authorised union from among its members in the workplace, but neither the act on trade unions nor the trade union act specify the rights and duties of these representatives.

The Unions Act (*Sendikalar Kanunu*) prescribes the number of trade union representatives at the workplace in proportion to the size of the workforce, stipulating, for instance, one representative for up to 50 employees, two for up to 100 and three for up to 500. The rights and duties of trade union representatives in the workplace are described only very generally in this act as 'taking notice of workers requests and handling grievances', 'promotion of cooperation' and 'supervision of application of working conditions set in labour legislation and collective agreements'.

Turkey has not yet made legal arrangements for the transposition of either the European Works Councils Directive (94/45/EC) or the Information and Consultation Directive (2002/14/EC).

The relative weakness of unions in Turkey, low membership rates and an underdeveloped legislative framework for employee representation are reflected in the very low rates of incidence of employee representative structures (16%) and coverage (29%) found by the ECS 2009 survey. In a further 19% of establishments (covering also 19% of employees), ad hoc bodies are set up when required. Coverage is much higher in public services (63%), but very low in both the production sector (17%) and private services (11%). As in other countries, coverage increases with company size but only reaches more than half of the workforce in companies with more than 250 workers. Most establishments where trade unions were present reported low levels of union fragmentation (only one or two unions in 75% of the cases).

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Table A1: Institutional or statutorily recognised forms of employee representation by country

	Trade union based-types of representation, asked for in the ECS		Works council-based representation, asked for in the ECS			
	Trade union	Joint committee	Works council private	Works council public	Works council type 2 private	Works council type 2 public
AT			Works council type 1 private	Works council type 1 public		
			Betriebsrat	Personalvertretung		
BE	Trade union		Works council type 1 private	Works council type 1 public	Works council type 2 private	Works council type 2 public
	délégation syndicale Syndicale Delegation		conseil d'entreprise Ondernemingsraad	comité de négociation particulier ou de base Bijzonder Onderhandelingscomité of Basisonderhandelings comité	comité pour la Prévention et la Protection au Travail Comité voor Preventie en Bescherming op het Werk	comité de concertation particulier ou de base Bijzonder Overlegcomité of Basisoverlegcomité
BG	Trade union	joint trade union committee	Employee representatives for information and consultation council			
	Синдикална организация/секция	Синдикална организация/секция	Представители за информиране и консултиране на работниците и служителите			
CY	Trade union	joint trade union committee				
	Συνδικαλιστική Εκπροσώπηση	Συνδικαλιστική Εκπροσώπηση				
CZ	Trade union	joint trade union committee	works council			
	odborovou organizaci	odborovou organizaci	radu zaměstnanců			
DE			Works council private	Works council public		
			Betriebsrat	Personalrat		
DK	Trade union	Joint trade union committee	Works council private	Works council public		
	tillidsrepræsentant	tillidsrepræsentant	samarbejdsudvalg	MED-udvalg		
EE	Trade union	joint committee	works council			
	Ametiühing	Ametiühing	Töötajate usaldusisik			
	Профсоюз	Профсоюз	Доверенное лицо работников			
EL	Trade union		works council			
	Επιχειρησιακό σωματείο		Σμβούλιο εργαζομένων			
ES			Works council private	Works council private		
			Delegado de personal o Comité de Empresa	Delegado de Personal o Junta de personal		
FI	Trade union		works council			
	Ammattiosasto ja/tai luottamusmiehes; Fackavdelning och/eller den fackliga förtroenderpraesentanten		YT-toimikunta; Förhandlingsorgan för Samarbetsförbandet			

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	Trade union based-types of representation, asked for in the ECS		Works council-based representation, asked for in the ECS			
	Trade union	Joint committee	Works council private	Works council public	Works council type 2 private	Works council type 2 public
FR	Trade union		works council			
	Des délégués syndicaux		Des délégués du personnel ou comité d'entreprise			
HR	Trade union	joint committee	works council type 1		works council type 2	
	SINDIKAT	SINDIKAT	RADNIČKO VIJEĆE		PREDSTAVNIK RADNIKA U NADZORNOM ODBORU	
HU	Trade union	joint committee	Works council private	Works council public		
	szakszervezet (bizalmi)	szakszervezet (bizalmi)	zemi megbízott illetőleg üzemi tanács	közalkalmazotti képviselő illetőleg Közalkalmazotti Tanács		
IE	Trade union	joint committee	works council			
	Workplace union representative	Workplace union representative	Statutory employee representative forum			
IT	Trade union		Works council type 1		Works council type 2	
	Organizzazione sindacale		Rappresentanza sindacale unitaria (RSU)		Rappresentanza sindacale aziendale (RSA)	
LT	Trade union	joint committee	Works council			
	Profesinę sąjungą	Profesinę sąjungą	Darbo tarybą			
LU			works council type 1	works council type 2		
			Comité mixte vum Betrib Comité mixte d'entreprise Betriebsrat work council	Personaldélégiatioun Délégation du personnel Personalvertretung shopfloor employee representation		
LV	Trade union	joint committee	Works council			
	Arodbiedrība профсоюз	Arodbiedrība профсоюз	Darbinieku pilnvarotais pārstāvis Уполномоченные представители рабочих			
MK	Trade union	joint committee				
	Синдикална организација Shoqatë sindikale	Синдикална организација Shoqatë sindikale				
MT	Trade union					
	Shop steward (recognised union representative) Organizzazzjoni trejdnjonistika rikonoxxuta fuq ix-shop floor					
NL	Trade union		works council			
	Bedrijfsledengroep		Personeelvertegenwoordiging of			

	Trade union based-types of representation, asked for in the ECS		Works council-based representation, asked for in the ECS			
	Trade union	Joint committee	Works council private	Works council public	Works council type 2 private	Works council type 2 public
PL	Trade union		works council type 1	works council type 2		
	zakładowa organizacja związkowa		radę pracowników	przedstawiciele załóg w radach nadzorczych		
PT	Trade union	joint committee	works council			
	Um delegado sindical ou uma Comissao sindical	Um delegado sindical ou uma Comissao sindical	Comissão de Trabalhadores (CT)			
RO	Trade union	joint committee	works council			
	Sindicat	Sindicat	Reprezentanți ai salariaților			
SE	Trade union					
	facklig förtroendevald					
SI	Trade union		works council			
	Sindikali zaupnika oziroma predsednika sindikata		Delavski zaupnika oziroma svet delavcev			
SK	Trade union	joint committee	works council			
	Základná organizácia odborového zväzu	Základná organizácia odborového zväzu	Zamestnanecký dôverník, resp. zamestnanecká rada			
TR	Trade union					
	İşyerinize tanıman bir çalışan sendikası temsilciliği					
UK	Trade union	joint committee	works council			
	recognised shopfloor trade union representation	recognised shopfloor trade union representation	joint consultative committee, employee forum or equivalent body			

Source: *European Company survey (2009)*

Table A2: Coverage of employees by any institutional or statutorily recognised employee representation by country and establishment size

	10 to 19	20 to 49	50 to 249	250 to 499	500 +
AT	10	24	53	91	92
BE	41	45	83	94	100
BG	25	45	46	49	81
CY	31	48	48	72	61
CZ	9	18	46	69	84
DE	39	54	73	93	95
DK	57	75	86	98	100
EE	14	33	33	73	68
EL	3	4	20	36	62
ES	46	54	72	84	80
EU27	26	42	67	83	90
EU30	26	42	67	83	90

	10 to 19	20 to 49	50 to 249	250 to 499	500 +
FI	42	66	92	99	100
FR	29	59	90	99	98
HR	19	57	72	93	100
HU	16	33	55	72	88
IE	19	24	54	67	90
IT	19	50	79	93	98
LT	9	23	46	69	86
LU	16	73	90	100	100
LV	31	32	49	55	71
MK	21	47	60	76	77
MT	3	12	35	64	35
NL	26	52	82	89	99
PL	24	35	67	85	90
PT	1	8	20	40	51
RO	37	61	89	90	100
SE	50	70	86	95	99
SI	27	46	74	85	97
SK	33	59	67	79	89
TR	11	17	26	53	51
UK	13	20	41	69	78

Source: ECS (2009)

Table A3: Coverage of employees by any form of employee representation within different sectors

	Private Services	Production	Public Services
AT	54	61	59
BE	71	81	81
BG	32	48	75
CY	34	50	71
CZ	30	43	55
DE	61	76	89
DK	78	86	99
EE	30	41	48
EL	13	19	20
ES	63	72	59
EU27	53	62	74
EU30	53	62	74
FI	79	90	95
FR	76	81	81
HR	59	68	94
HU	35	40	73

	Private Services	Production	Public Services
IE	56	54	90
IT	50	62	83
LT	36	44	62
LU	81	85	85
LV	31	28	77
MK	33	65	67
MT	19	51	32
NL	61	69	92
PL	57	62	74
PT	11	13	30
RO	59	83	89
SE	66	86	91
SI	48	65	92
SK	43	59	82
TR	11	17	63
UK	36	46	52

Source: ECS (2009)

Table A4: Incidence and coverage of those without any institutional or statutorily recognised employee representation by other ad hoc forms of representation (for example, employee spokespersons, roundtables)

	Incidence			Coverage			Ranks	
	Company level	Establishment level	Ad-hoc body	Company level	Establishment level	Ad-hoc body	Rank establishment	Rank establishment & ad hoc
DK	4	68	8	1	87	3	1	2
SE	10	63	9	5	80	5	2	4
FI	8	60	16	3	87	5	3	3
BE	11	53	11	5	77	6	4	8
ES	6	52	6	7	65	5	5	11
LU	1	52	30	0	83	11	5	1
RO	0	52	10	0	77	6	5	9
DE*	3	51	20	2	73	10	8	6
FR	5	50	21	3	79	9	9	7
NL	3	45	26	3	75	12	10	5
SK	0	43	9	0	60	6	11	17
SI	1	42	15	2	66	9	12	12
HR	0	42	13	0	71	8	14	14
IT	1	37	10	1	64	6	14	19
CY	1	37	15	0	47	16	16	16
MK	0	36	9	0	57	6	17	21
BG	1	35	11	0	50	11	17	20

	Incidence			Coverage			Ranks	
	Company level	Establishment level	Ad-hoc body	Company level	Establishment level	Ad-hoc body	Rank establishment	Rank establishment & ad hoc
LV	4	35	25	3	45	22	17	10
PL	3	35	15	2	63	11	17	18
IE	4	29	27	4	64	15	20	13
HU	3	26	16	2	47	11	21	23
EE	0	23	18	1	39	17	22	24
UK	2	22	21	2	42	18	23	22
AT	2	21	33	2	57	18	24	15
LT	5	21	12	2	46	9	24	27
CZ	1	18	17	1	42	12	26	26
TR	1	16	19	1	29	19	27	25
MT	1	14	16	1	32	18	28	28
PT	0	5	7	0	17	8	29	29
EL	0	4	7	0	17	7	30	30

Source: ECS (2009), establishment weights (incidence) and employee weights (coverage).

Table A5: Coverage of employees by any institutional or statutorily recognised employee representation, broken down by establishment size

	10 to 19	20 to 49	50 to 249	250 to 499	500 +
AT	10	24	53	91	92
BE	41	45	83	94	100
BG	25	45	46	49	81
CY	31	48	48	72	61
CZ	9	18	46	69	84
DE	39	54	73	93	95
DK	57	75	86	98	100
EE	14	33	33	73	68
EL	3	4	20	36	62
ES	46	54	72	84	80
EU27	26	42	67	83	90
EU30	26	42	67	83	90
FI	42	66	92	99	100
FR	29	59	90	99	98
HR	19	57	72	93	100
HU	16	33	55	72	88
IE	19	24	54	67	90
IT	19	50	79	93	98
LT	9	23	46	69	86
LU	16	73	90	100	100

	10 to 19	20 to 49	50 to 249	250 to 499	500 +
LV	31	32	49	55	71
MK	21	47	60	76	77
MT	3	12	35	64	35
NL	26	52	82	89	99
PL	24	35	67	85	90
PT	1	8	20	40	51
RO	37	61	89	90	100
SE	50	70	86	95	99
SI	27	46	74	85	97
SK	33	59	67	79	89
TR	11	17	26	53	51
UK	13	20	41	69	78

Source: ECS (2009), weighted with employee weights.

Table A6: Pluralism of trade unions at the workplace (in %)

	None	One union	Two unions	Three unions	Four or more unions
All 30	2	40	27	16	16
AT	8	43	44	2	4
BE	0	17	44	33	5
BG	7	51	31	9	2
CY	0	28	57	12	3
CZ	0	88	6	3	3
DE	4	61	24	6	4
DK	0	9	24	26	40
EE	0	72	8	8	11
EL	4	67	14	13	3
ES	1	37	43	11	8
EU27	2	38	27	16	16
FI	0	18	23	28	32
FR	3	32	22	16	26
HR	2	81	12	3	2
HU	2	85	10	1	3
IE	2	40	18	23	17
IT	0	13	24	31	33
LT	2	70	19	4	4
LU	5	39	40	6	10
LV	1	88	6	3	2
MK	3	94	3	0	0
MT	0	87	13	0	0

	None	One union	Two unions	Three unions	Four or more unions
NL	1	22	38	24	15
PL	1	42	32	13	12
PT	0	55	30	15	0
RO	13	77	9	0	1
SE	0	16	34	22	28
SI	0	76	15	5	3
SK	0	77	6	4	13
TR	0	39	36	22	3
UK	2	38	28	12	20

Source: ECS (2009), weighted with employee representative weights.