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**THE POLISH EMPLOYEE REPRESENTATION
IN EUROPEAN WORKS COUNCILS**

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The Polish Employee Representation in European Works Councils

The European Union's Directive pertaining to the European Works Councils very popular in recent years is no longer an issue of the future for Poland. Namely, it appears that without waiting for Poland's membership in the EU Polish employee representatives have been participating in activities of these Councils for a longer time. In this situation the process of Poland's integration with the EU becomes an accomplished fact and this is real integration, bottom-top integration implemented in the interest of employees. It would be hard to find a better recommendation for our membership in the European Union, as it is confirmed by findings of research focussed on this issue presented below.

Let us remind here that the above mentioned Directive binds the so-called transnational companies to establish the EWCs or adopt other procedures ensuring the informing and consulting of employees. These companies have to fulfil two criteria. Namely, they have to employ 150 employees in at least two of these countries each. The Directive encompasses also companies with central offices outside the EU's boundaries (for instance, in the United States, Japan, Australia, etc.), which fulfil the above criteria.¹ It is hard to overestimate the importance of this undertaking, because it is estimated that about 35,000 to 40,000 persons will be participating ultimately in activities of these Councils.

Eight years after adopting the directive and six years since it came into force (following its adaptation to domestic legislation) the process of establishing the EWCs is still continued. A big part of operating Councils – over 400 of them – were established primarily during a two-year period preceding its coming into force.² In accordance with paragraph 13 of this

¹ See: Council Directive on the Establishment of an European Works Council or a Procedure in Community-scale Groups of Undertakings for the Purposes of Informing and Consulting Employees, Official Journal of the European Communities, No L/254/64

² EWCs State of Play, European Industrial Relations Review," 1997, No 280

Directive the Councils set up during that period were sanctioned by the Directive irrespective of the degree to which they met requirements of the directive. It is mainly in such Councils that Polish employee representatives participate.

And although the Polish representation in the EWCs has not been too numerous so far, the experience derived from work in these Councils has proved to be very useful. Namely, it was tapped both when drafting the Polish EWCs Act adopted by the Parliament in March 2002³ and when preparing the Polish representatives to work in the EWCs, designing concepts of training, and so on. The European Works Councils and also the Polish representation in these Councils are an object of research carried out by the author. Selected findings of empirical studies devoted to this topic are presented below.

1. Scope of studies and research method

The studies described here aimed at collecting opinions of Polish representatives in the EWCs concerning the essential characteristics and principles of their operation. Such opinion or assessment formulated by external persons, who treat the Councils at a distance, should be quite objective and, hence, they deserve more attention. The studies aimed also at evaluating the extent to which Polish representatives were prepared for work in the Councils. They should also identify benefits resulting from their presence in the EWCs for Polish plants and people employed there. The studies were based on the interview questionnaire as a research tool. Interviews were conducted with all these representatives in the Councils, who had taken part in at least one meeting of the Council. However, most of them took part in two and even more such meetings.

The deliberations below are a result of the studies carried out in two stages. The first stage took place in the years 1997-1998 when interviews were conducted with 19 persons taking part in activities of 9 European Works Councils. The Councils were established by transnationals located in Germany (Benckiser, Adtranz, Belfinger + Berger, Volkswagen AG), in France (Thomson Multimedia, Lafarge Coppee), in Switzerland (ABB), in the Netherlands (Heineken) and in the United Kingdom (BOC Group). A bigger number of such representatives than the number of the EWCs means that the personnel was represented by more than one representative or that different persons took part in successive meetings (for

³ The Act is entitled "Act about European Works Councils and principles of informing and consulting employees in companies and groups of companies operating on the Community scale"

instance, a representative of the Solidarity Trade Union participated in one meeting and a representative of the Sectoral Trade Union in another).⁴

The second stage of studies took place in the years 2000-2001, which is in the period when already more EWCs operated and the Polish representation in them was also more numerous. During this stage 42 interviews were conducted with Polish representatives participating in activities of 25 EWCs. Apart from transnational corporations listed above the Councils were established by other transnationals such as: Barry Callebaut, David S. Smith Packing, Eridania Begin-Say, White Cap Polska, Metro AG Macro, NKT-Cables, SKF Poznan', Nestle, Danone, Opel Polska, Caterpillar Poland, Gerresheime, Danfos Poland, Lixel, Fazer, Federal Mogut Bimet. Just as it was the case earlier Polish plants in some Councils were represented even by several persons. The most important information concerning the European Works Councils, in which Polish representatives participate, can be found in Table 1.

⁴ Findings of this stage of the studies are presented in a more comprehensive manner in: Polish Representatives of Company Employees in European Works Council, in: "Comparative Economic Research Central and Eastern Europe" 2000 No 3

Table 1. European Works Councils with participation of Polish representatives

No.	Name of transnational company	Seat of company	Number of Council members	Number of Polish representatives Participating in Council activities	Year of Council
1.	ABB	Switzerland	27	1	1997
2	Heineken	Netherlands	30	2	1997
3	Barry Callebaut	France	15	1	1997
4.	Adtranz	Germany	29	2	1997
5.	David S. Smith Packing	United Kingdom	18	2	1997
6.	Volkswagen AG	Germany	27	1	1997
7.	Thomson Multimedia	France	27	5	1986
8.	Bilfinger	Germany	13	2	1997
9.	Benckiser	Germany	28	2	1997
10.	BOC Group	United Kingdom	36	2	1997
11.	Lafarge	France	32	1	1997
12.	Eridania Begin-Say	France	17	1	1999
13.	Gerresheime	Germany	11	1	1997
14.	Metro AG	Germany	33	2	1997
15.	NKT-Cables	Denmark	10	2	1997
16.	SKF	Sweden	29	2	1997
17.	Nestle	Switzerland	50	2	1997
18.	LU Polska (former Danone)	France	37	2	1988
19.	Federal Mogul Bimet	USA	18	1	1996

20.	Caterpillar	Belgium	34	1	19
21.	White Cap Polska	Germany	14	1	19
22.	Opel	Germany	50	1	19
23.	Danfoss	Denmark	32	2	19
24.	Lexel	Denmark	31	1	19
25.	Fazer	Finland	23	2	19

Source: own estimates

Our attention in further deliberations will be focussed primarily on results of the second stage of the studies at least as regards characteristics of Polish representatives sitting on these Councils. We will also make reference to results of earlier studies including, for example, their comparative analysis. This is possible, because the period of four years separating the studies is long enough to attempt some observations concerning the occurring change processes.

1. Size and composition of the analysed EWCs

The analysed EWCs have a differentiated scope of their activity, which can point also to their differentiated experience. With regard to the date of their establishment they can be divided into three groups. The first group are the Councils established before the Directive was adopted, which is before 1994: 8 Councils were established during that period. They were all established on the basis of voluntary agreements and, hence, they are characterised by a big diversity. It was due to the fact that relevant legislation did not exist at that time and each transnational corporation tried to work out its own concept of the Council. It could be added that the first Council was established in 1986 (Thomson Multimedia), and successive ones in 1988 and 1989. Three Councils were established in 1990 and two in 1994. Consequently, these Councils have the richest experience but they are also most differentiated. It could be added that the total of about 40 Councils were established in the EU countries during that period.⁵

The second group is composed of the EWCs established in the years 1995-1996 and, thus, directly before the directive was adopted. The already mentioned paragraph 13 of the Directive permitted to acknowledge the Councils set up at that time even if they did not comply with the Directive. Transnationals benefited from this opportunity and the process of establishing the EWCs was visibly accelerated particularly after 1998. About 350 Councils were established during that period, which together with those existing already earlier totalled about 400 Councils.⁶ In that period, and more precisely in 1996 there was established the

⁵ See: M. Carley, S. Geissler, H. Krieger, *European Works Councils in Focus, The contents of voluntary agreements on European-level information and consultation: preliminary findings of an analysis of 111 agreements*, European Foundation for the Improvement of Living and Working Conditions, Dublin 1996

⁶ The number of the EWCs established at that time surpassed all expectations of experts. Even the optimistic scenarios did not predict that more than 200 such Councils would be established. The pace with which they were established is quite remarkable – many more were established when the Directive had come in force.

biggest number of the analysed EWCs – namely nine. Although they did not have to comply with the Directive, it is hard to identify any further departures from it. Awareness won that it would be necessary to follow it sooner or later.

One-third of all analysed Councils were established when the Directive was already in force. It is a relatively small group including eight Councils. Three Councils were established in 1997 and 1998 each and two in 1999. The size of this group, despite quite significant time interval, does not surprise, because the process of establishing new Councils in the EU countries was considerably slowed down after 1996. It is connected, to a large extent, with a complex procedure, according to which the Councils are established, that can last three and more years. The Councils are especially valuable, as they were established on the strength of domestic laws drafted in accordance with the Directive. It should be also remembered that they have been operating for a relatively short time and their experience is quite modest.

In accordance with the Directive, the number of Council members should be in the interval from 3 to 30. It can be generally said that most analysed Councils are in this interval, although these are usually big Councils. Namely, over a half of them i.e., 16 Councils have 25 and more members. Their structure looks as follows:

- below 10 members - 1
- 11 – 20 members - 7
- 21 – 30 members - 8
- above 30 members - 9

It can be seen that small Councils can be met quite seldom, as the smallest one has 10 members. Only 7 have between 11 and 20 members and these are for the biggest part Councils operating since recently and, thus, those established on the strength of the already mentioned Directive and not voluntary agreements. As we have already said large Councils predominate clearly, and these are Councils with 25 to 30 members (7) and over 30 members (9). Our studies have also confirmed a pattern known already earlier that in the last interval there are almost exclusively the Councils established before the Directive came into force and when no restrictions existed in this field. It will probably take a few years before the number of council members meets requirements posed by the Directive and, hence, it can be expected that such variations can be of a relatively permanent character.

Let us look now at the way in which EWC members are elected. It can be generally said that the adopted election procedures are quite differentiated at least in this sense that the agreements on establishing EWCs give a great deal of freedom to particular countries in

choosing such procedure. They sometimes contain only general suggestions as regards the way of appointing members. Such differentiated procedures can be met in almost all analysed EWCs. For instance, it is recommended in eight Councils that the Council should include also representatives of works councils or trade unions, with the general elections being recommended when several trade unions exist in a company. Nine Councils follow a principle of the general elections. In the remaining Councils the mode of selecting council members is determined by particular countries, which usually follow domestic procedures including the general elections. It is worth noting that the general elections can be met much more frequently than in earlier studies.

Let us look more closely now at the composition of the analysed EWCs. In accordance with the Directive they should be employee representatives, but the domestic legislation was allowed to specify this provision more closely or modify it. Hence, alongside employee representatives there can be also met management representatives (mainly in France), representatives of employers organisations and trade unions, as well as experts – although in most cases they are deprived of voting rights. It could be added that employee representatives are almost exclusively trade union activists and works councils activists. The so-called independent employees are few and far between.

In comparison with earlier studies the number of management representatives in the EWCs tends to decline. They could be found in only five Councils (from among 25 analysed ones) and these were mainly the Councils located in France.⁷ Management representatives were chairmen or vice-chairmen in these Councils. Specific national characteristics are confirmed also in participation of trade union representatives in the Council. Their representatives were found in 8 analysed Councils located mainly in Germany.⁸ Representatives of employers organisations were represented even more seldom – they could be met in only 3 Councils. These representatives usually had an advisor's status and a voting right. Other participants of EWC meetings could be also advisors hired by the Council members whenever such need arose. They did not usually have the voting right and their

⁷ This situation resembles the so-called French EWC model, which could be found primarily in such countries as France, Belgium or Luxembourg before the Directive came into force. Later on certain elements of this model could be found mainly in the French legislation.

⁸ The other distinguishing type of EWCs was the so-called German model followed widely not only in Germany but also in Greece, Portugal or Spain. In this model the Council was composed exclusively of employee representatives including trade union and works council activists. It can be seen that the Directive is closer just to this model.

number did not generally exceed three members. Hence, it can be accepted that two types of advisors took part in activities of the EWCs: those with the voting right and those without such right. At least, they were perceived in this way by the Council's Polish members.

Members from the EU countries predominate by far in the analysed 25 Councils, as they represent about 85% of all members. The representation from the post-communist countries looks rather modest against this background, as they constitute only about 12% of all members. The share of Polish representatives (42 persons) is by far the biggest here as compared with Czech representatives (14) or Hungarian ones (12). Other such council members were one representative each from Bulgaria, Rumania and Russia. The studies confirm also generally quite close co-operation between representatives from this group of countries.

1. Organisation and object of the Council's meetings

The main form of the Council's activity are its meetings. Only one meeting a year is held in most analysed EWCs (Lafarge, Benckiser, ABB, Adtranz , etc.) Some companies (BOC Group, Volkswagen, Bilfinger or Heineken) usually hold two such meetings even if the agreement stipulates for only one. The Council most frequently meets at the Thomson Company: two or even three times a year. The Council's plenary session is usually preceded by a preparatory meeting without management participation lasting several hours. During this meeting participants discuss materials submitted earlier and questions addressed to the Management Board. They also discuss a strategy how to act in selected issues, variants of possible solutions, limits of possible concessions, and so on.

Plenary meetings in practically all Councils proceed in a very similar way. Following a short introduction and presentation of the agenda the company's president takes the floor and next other representatives of the company's management. The list of problems discussed at the Council's meeting is very long. There can be identified, however, some groups of problems most frequently tackled by the Council. The object of all its meetings is the company's economic and financial situation, its development prospects, and so on. A great deal of attention is devoted also to production issues, launching new products, new technologies, or, for example, changes in work organisation. There are also raised such issues as the company's competitiveness in the market, marketing strategies. All these problems are discussed during practically every meeting.

An important group of problems are broadly understood employee and social issues. These are primarily issues connected with employment such as, for instance, predicted changes in employment size including, first of all, planned redundancies, shifting employees to other plants belonging to the same company, changes in employee qualifications, professional training, etc. Wages are more seldom discussed, and if they are discussed at the Council's meetings at all discussions concern not so much the level of wages but rather certain solutions of systemic character referring to the entire company.

The information concerning planned redundancies is of the greatest importance for Polish representatives in the EWCs. However, this is most frequently information considered to be confidential, which means it cannot be transferred to plants concerned. In such situation the Council members seek other possibilities of obtaining such information and it is not until then that they can embark upon more active measures in this field. When such possibilities are unavailable they can transfer at best some general suggestions about such possible redundancies.

All Council's meetings are accompanied by informal meetings. This is most frequently a luxury dinner arranged by the President. Such meetings provide an opportunity for direct talks and discussions with the Management Board members and other managers. Other informal meetings are sometimes organised also by, for instance, local trade unions. A great deal of attention is attached to these informal meetings, because as one respondent said "most things can be arranged there."

Apart from meetings resulting from the schedule of the Council's activity there are also held extraordinary meetings. From among 25 analysed councils eight held such meetings during their last term of office. Some Councils held even several extraordinary meetings. They were called primarily in order to discuss important problems of the company or other urgent issues. The meetings were called both on the initiative of the Council's Select Committee, as well as on the initiative of the Management Board. Among reasons for calling such meetings the respondents would mention the company's difficult economic situation, sale or closing down of particular plants, mergers or acquisition of plants, major redundancies, and so on. Whenever such situations occur it is the Select Committee which meets first and decides to call an extraordinary meeting or solve a given problem in some other way.

Apart from plenary meetings, the Council's Select Committee holds its meetings as well. Such Select Committees called differently (Committees, Bureaus, etc.) were established in 21 of the analysed EWCs. Their size is usually related with the number of the Council's members

and they can have anything from 2 to 10 members. At first, as it is confirmed by the first stage of studies, meetings of the Select Committees were held irregularly and their number depended on emerging problems. At the present time at least some Select Committees hold their meetings more regularly – most frequently every three or four months. It is almost a rule that such meetings are held before the Council's meeting in order to prepare it.

1. Status of Polish representatives in the European Works Council

Till the time Poland joins the EU it is not encompassed by the above mentioned Directive. Therefore, the status of Polish representatives in the Council (as well as their presence in the Council) are determined by a given EWC each time. It is worth stressing in this situation that they have the status of full and equal members in the vast majority of the analysed Councils (18). It means that they have identical rights as those possessed by representatives from the EU countries including the voting right at the Council's meetings. It appears that in only 7 Councils established by companies having their seats mainly in France the Polish representatives have the status of observer-members and, thus, they are formally deprived of the voting right.

It should be noted, however, that the formal status of Polish representatives in the Council does not always reflect the real position held by them there. It refers particularly to observers, who frequently participated in the Council's activity along principles of full and equal members. In such companies as, for instance, Bilfinger or Lafarge they would take part in voting. Thus, in fact the difference between full and equal members and observer-members was primarily of formal character there, as their real rights were almost identical. It should not be generalised, however, because it happened also that the Council's other members saw to it that our representatives should not go beyond the observer's status.

It should be also noted that Polish representatives enjoy confidence of the Council, which is confirmed by functions performed by them. As many as eight Polish representatives were members of the Select Committee (almost three times more than in the first study), and further five representatives performed other functions in the Council (e.g., they were members of commissions set up by the Councils).

1. Characteristics of Polish representatives in the Council

To start with let us try to describe the main characteristics of Polish representatives in the EWCs. We will start that with their age and length of service. Their age can be generally described as above the middle age. The biggest number of Polish representatives (17) were in the age interval from 41 to 50 years, but 14 were below this interval and 11 above it. These are persons with many years of service as such and a more differentiated length of service in the plant they work for today. The last ranges from under 10 years (15 persons) to over 21 years (21 persons). In both cases the length of service is long enough to guarantee a good familiarity with the plants and its problems.

Due to quite complex and diverse tasks and functions performed by the Council the educational background of the Council's members is of a special importance. It appears that Polish representatives have a relatively high level of education. Fourteen of them have higher education (economic, technical), 23 secondary school education – most frequently technical education. Only five persons had the so-called basic vocational education. It is not only the level but also the type of education which are important. Technical education may prove to be important during discussions focussed on technical issues, but economic or law education is more useful in the Council.

The vast majority – almost 90% of the respondents are trade union activists. Only five persons do not belong to trade unions and these are, as a rule, the youngest Polish representatives in the Councils elected at the personnel's instance through the general elections. By far the biggest number of Polish representatives derive from the Solidarity Trade Union and only 7 from sectorial trade unions. However, the Solidarity Trade Union is represented in practically all Councils, because the Solidarity representatives can be found everywhere where there are representatives of sectorial trade unions.

Changes concerning membership in the Council can be noticed comparing both stages of the studies. Namely, during the first stage we would find situations when with one place in the Council allocated for the Polish representative a representative of the Solidarity Trade Union and a sectorial trade union would take part in the Council's meetings alternately. Experience shows that it was not the best solution, as it disrupted continuity in co-operation with the Council. It looks like such solutions have been abandoned, because such situations were not revealed during the second stage of our studies. On the other hand, it happens in the case when the Council's member is ill (or other fortuitous event occurs) that their deputy chosen through

the general election takes part in the meeting.

A considerable part of Polish representatives in the Councils are trade union officials. They are most frequently chairmen or vice-chairmen of plant committees of the Solidarity Trade Union (23), and they more seldom perform such functions in sectorial trade unions. Some of them are members of the sectorial trade unions authorities and sometimes also members of the supreme body of the Solidarity Trade Union or the National Trade Union Consensus.⁹ Such trade union representation does not surprise, as trade unions made a major contribution to securing places in the Councils whether owing to support received from Western trade unions or as a result of negotiating the so-called social package when a plant was being sold.

It is also in this case that changes can be noticed in comparison with the first stage of the studies. Namely, Polish representatives were included in the Council exclusively on the initiative of Polish trade unions initially, whereas today such initiative is equally frequently advanced by the Councils themselves or special negotiating teams preparing the Council's activity conception. Such initiative was advanced in four cases by the company's top management. In several cases the respondents would point to joint initiatives of the Council and Polish trade unions.

Due to the fact that relevant legislation pertaining to this issue does not exist, the mode of electing Polish representatives to the EWC was decided mainly by local trade unions. Hence, such elections were carried out in different ways. Polish representatives were most frequently nominated – to 13 from among 25 analysed Councils by trade unions and here primarily by the Solidarity Trade Union. They were selected by all employees during the general elections a little more seldom – to 10 Councils. In such cases candidates were chosen mainly by trade unions, although they could be also chosen in some other way. For instance, the local company management made such nominations in three cases (in one case after consulting trade unions). It should be expected that the act of law to be adopted by the Parliament, which is being drafted with a strong involvement of trade unions, will standardise the principles of selecting such representatives. However, it will not be adopted until Poland joins the EU. The law envisages that such selection will be made by employees through the general election.

Poland's membership in the EU should also standardise the scope of the Polish

⁹ The National Commission of the Solidarity Trade Union and the management of the National Trade Union Consensus

representation in the EWCs, which tends to vary a great deal today. Namely, Polish representatives represent both individual plants and many different plants frequently located far away from one another. Such representative in only one case represents fewer than 100 employees. Much more frequently – in 11 cases – one Council member represents from 100 to 500 employees. The remaining Polish representatives (13) represent relatively big groups of employees composed of over 500 persons. They have over 2,000 persons in as many as four cases, and about 5,000 persons in two cases. The Polish representation in the Council in the last two cases can be considered symbolical.

1. Background for work in the Council

Identical or almost identical status of Polish representatives in comparison with other members of the Council causes that it is primarily their background which determines the effectiveness of their work. The background will be analysed in three main aspects: substantive, organisational and linguistic. Two-thirds of the respondents (28) declare their quite good substantive preparation for work in the Council. It is a marked improvement in comparison with the earlier studies, where such preparation was declared by only one-third of the respondents. The remaining respondents admit that they are not adequately prepared for such work or they believe that such preparation is not needed for them. These advantageous changes are, among other things, a result of Polish representatives' participation in seminars or training courses organised by the Solidarity National Commission, as well as training courses organised by certain EWCs (Lafarge, Heineken, etc.).

Taking into account the respondents' education type the preparation for work in the Councils as declared by them may seem too optimistic at least as regards their knowledge in the field of law or economics. Work in the Council without such preparation becomes poorly effective. What is meant here is both basic knowledge in the field of principles, according to which a market economy operates, as well as knowledge about the organisational structure of a company, management models in companies in different countries, and so on. It is difficult to understand conditions prevailing in particular countries without such knowledge. The respondents do not have knowledge in the field of the EU legislation and operation of the European Works Councils either. Still a short time ago not all Polish representatives in the Councils had the text of the Directive concerning the EWCs. Hence, further training is advisable and, in particular, for new members of the Councils.

Meanwhile, their organisational preparation for work in the Council looks much better. Almost all representatives can boast long experience in trade union activity, in work in works councils, and so on. They used to hold or still hold managerial functions in these organisations and, thus, they know how to prepare a meeting, take part in a discussion or chair a meeting. They also have rich experience in conducting negotiations with the top management. Other members of the Council do not often have such experience. Consequently, Polish representatives present themselves more favourably in comparison with them.

They are definitely much worse prepared for such work with regard to their command of foreign languages. They have to rely, in principle, on interpreters, as only seven respondents (from among 42 interviewed) declared a good command of the English language, one person of German and one of French. Other respondents either do not know any foreign language or their knowledge of a foreign language is quite poor or average in several cases. Practically none of these persons can follow debates, take part in a discussion or conduct a conversation without an interpreter's help. Lack of good command of foreign languages should be treated as the biggest weakness of our representatives in the Councils. Without such command their scope of activity is very limited. It hampers their contacts with the company's management or other Council members, restricts the possibility of conducting frank, direct talks. By way of consolation, it could be added that the Council members from the EU countries are not polyglots either and they most frequently know only their mother tongue.

However, some progress could be noted also here in comparison with the first stage of the studies when a good command of the English language was declared by only one person. Positive changes are, on the one hand, a result of reckoning with this criterion when electing members of the Council and, on the other hand, a result of attending language courses organised by plants for members of the Council. However, not all of them benefit from this opportunity.

1. Involvement in the Council's work

Despite their poor language background, the respondents described their involvement in the Council's work as an active one. This involvement is visible primarily during preparatory meetings, when they present the situation and problems occurring in plants located in Poland. It is sometimes a separate, well documented paper devoted to the situation of a Polish plant. Such presentations usually arouse the interest of other members of the Council. Polish

representatives advance also proposals of topics to be discussed during plenary sessions, proposals of questions addressed to the top management, etc. Some proposals and postulates are submitted in a written form. This type of involvement in the Council's activities is declared by almost all respondents.

A part of them participate actively also in plenary meetings taking part in a discussion, asking questions or putting forward motions. One such motion concerned a greater autonomy to be given to the local management, because it appeared that limited powers of the local director made it impossible to conduct wage negotiations with trade unions. In all such issues he had to consult the Management Board at the central office, which prolonged negotiations. The respondents quoted also other examples of motions and postulates advanced by them, as well as support received by them from other members of the Council. An example could be an intervention letter sent by Polish representatives to the president of Benckiser and support won for it on the part of Spanish and Belgian members of the Council. An object of a discussion were also motions put forward by Polish representatives in the Councils of such companies as Heineken, Thomson-Polcolor, Lafarge, etc.

The involvement of the Council members includes also transmitting the information obtained at meetings to employees of plants in Poland. The respondents pointed to quite different forms, in which such information was disseminated. This can be information published in the plant paper, bulletins or special publications. It can be also displayed on notice boards or broadcast through the local radio. Taking into consideration earlier deliberations about a big share of trade union activists in the Councils, it appears that union channels can be also an important channel for such information. Information about the Council's meetings is passed also to the local management.

1. Assessment of the Council's activity

Polish representatives assess generally positively the activity of the EWCs, although they also have critical remarks to make. They evaluated the atmosphere at the Council's meetings especially highly describing it as good, friendly, kindly etc. Even if a certain reserve could be observed at first, the situation changed gradually and relations were improved. Most respondents described the existing atmosphere as favourable one for exchange of views, understanding discussed problems, mutual assistance, providing advice or instructions for one another. Divisions into the first and the second category members do not exist, in principle,

with all members being treated equally no matter whether they represent the EU countries or the post-communist countries, whether they are full members or observers. Such atmosphere is present even when opinions on a discussed issue are divided.

The atmosphere is not changed to any bigger degree by the fact that members of the Council have divergent interests. Polish representatives in some Councils were blamed for “stealing jobs” i.e., for transferring production to Poland and depriving employees from other countries of work. The respondents complained of suspiciousness and misunderstandings resulting from it (Thomson, ABB). They attempted to defend themselves against such accusations pointing out that the situation was just the opposite. For instance, when ABB bought plants in Poland its exports to Poland rose by 60%. However, they share a view that even if such attitudes do exist they are of marginal importance and do not affect the atmosphere in the Council to any major extent.

According to the respondents, the management boards of transnational companies try to maintain good relationships with the Council’s members demonstrating their interest in and understanding of their problems. Our representatives are charmed by the openness of the top management not to be found in Poland, being always allowed to talk to them, with management representatives, for instance, coming up to them during a break or an informal meeting and asking about existing problems. As one of them put it: “it can be easily seen that they are truly interested.” Opinions that relationships with the Management Board are only correct or even difficult can be met more seldom, and even more seldom opinions saying that the Council is subordinated to the Management Board, because it has to, because that is required by the Directive.

The generally positive opinion about the EWC’s activity does not mean that it fulfils fully the respondents’ requirements. They expected that it would be a strong, competent and well organised employee body with a big leverage, that is such body the employer would have to reckon with. According to some respondents, the reality departs considerably from such picture. In their opinion, the Council is rather weak and badly organised; it does not constitute the employee representation but a set of loosely interrelated individuals. The Management Board agrees to have the Council established, because that is what the Directive says, but it tries simultaneously to minimise difficulties connected with it.

The respondents have the biggest number of reservations in relation to the fundamental goal of the Council’s activity and, namely, to the limited scope of consultations. The analysed Councils play primarily an informative role (12 Councils) or an informative role with an

insignificant share of consultations. (13 Councils). Many respondents claim that nothing is agreed upon during the Council's meetings with the Management Board only "answering," only informing about their plans and even more frequently informing what they have done, no decisions are taken there.

The respondents have also reservations concerning the scope, weight, reliability and punctuality of received information. Meetings of the Council should be an appropriate place where information can be obtained, and that in a direct manner. The situation, however, looks different in a big part of Councils. The respondents state that they do not have an opportunity to ask questions and get answers in some Councils, which is attributed to the shortage of time. In other Councils the top management avoid answering difficult questions; give evasive answers; send answers in writing explaining that they are not prepared to give them immediately, and so on. In some Councils (10) the respondents were generally satisfied with provided answers and discussions having most frequently a spontaneous character. It should be underlined here that the situation in this respect has improved in comparison with the first stage of the studies.

These mostly critical opinions about activities of the Councils expressed by Polish representatives should not surprise, since they are accustomed to having a much bigger influence on management's decisions. It also strikes them that issues of major importance for the company and employees ('hot' issues) are not touched upon during meetings. Meanwhile, time is wasted on issues of secondary importance or of interest for only some members. Such issues could be handled by teams set up by the Council.

Some respondents blame the absence of consultations on the Council itself, which "is not mature enough yet to be a partner." Members of the Councils from the EU countries are not prepared for work in it; they do not have sufficient experience in this field; they do not know how far they can move in their postulates. They lack also appropriate education for such work. Workers happen to represent 90% of all members in some Councils.

Polish representatives are also struck by their far-reaching docility in relation to the Management Board. Being present at the meeting table together with management is already a great event for members of the Councils from Western countries; they are satisfied with the fact itself that the Management Board members want to talk to them. They accept all proposals advanced by the Management Board as obligatory for them even if they do not agree with them. If the Management Board do not agree to the Council's postulates, this ends the discussion, whereas in Poland it is only then that negotiations and search for compromise

solutions start.

A small influence exerted by the Council on the Management Board's decisions cannot be surprising in such situation, although opinions on this subject are divided. The Council's influence on decisions made was discovered in only four companies (from among 25 analysed companies). In most companies (14) the respondents would point explicitly at the absence of such influence. However, it also happened that the respondents did not have clear opinions, which was either due to absence of any attempts to exert pressure on management or a short time of the Council's activity or to a short time, during which Polish representatives were present in the Council. The Councils with which management consult more important decisions are few and far between, and such consultations took place in only five Councils.

There can be identified companies (BOC Group, Thomson, Adtranz), where such influence does not exist in practice, as well as companies such as Volkswagen, where such influence is quite considerable and the Council has, for instance, to express its approval for moving production to another country. The respondents perceived the presence of such influence, although very limited, in many Councils. They are aware of existing restrictions, but they are convinced that such influence could be possible when major problems occur. It is not always a direct or immediate influence. The respondents give very positive examples of such influence, which concerned, for instance, the construction of a new canteen (Benckiser) or the way of carrying out redundancies (ABB). In the latter case it proved impossible to prevent them, but they were spread over time and took place on better conditions.

1. Benefits for the plant and personnel

The respondents pointed to many benefits ensuing from their work in the Council both for plants they represented, for people employed there, for trade unions and for themselves. The vast majority of the respondents stated that their presence in the Council enhanced the position and prestige of the Polish plant in the company. A great deal of evidence shows that plants deprived of such representation are in a much worse situation. Undoubtedly, the management boards of transnational companies reckon much more with plants represented in the Council, whose problems are raised and discussed at its meetings. It forces the management boards to take a greater interest in problems of these plants. Moreover, it can have an influence, for instance, on investments made in Poland, on the way and pace of solving appearing problems by the company's management, and so on.

Polish plants derive also benefits in the form of information received by the Council's members. It can be, for instance, information about growth prospects of the company, directions of its expansion, planned mergers or liquidation of particular plants. Owing to this information the Council's members can embark upon activities aimed at protection of their plant's interests. Such measures can be also taken through the Select Committee or owing to assistance provided by other members of the Council.

A result of membership in the Council can be also the so-called international solidarity, which is visible in periods of market difficulties. In such periods Polish plants can have difficulties connected with fulfilling their commitments in relation to other plants of the company. Through contacts in the Council co-operating units can be asked to show leniency, and such attempts, according to the respondents, are usually successful. It is worth noting that opinions about a positive impact of participating in the Council on the situation of their plants were expressed mainly by the respondents with a longer length of service in the Council.

Presence of Polish representatives in the Councils appears to be even more beneficial for employees and trade unions. It is a guarantee that Polish employees will be treated in the same way as employees in the EU countries. The respondents point out a different treatment of employees from plants, which are not represented in the Council (e.g., from Vietnam, from African countries, etc.) and, hence, they do not have a possibility of defending themselves. Information obtained in the Council gives an insight into the situation in other countries, which is extremely important, because the international context permits to define the limits that cannot be surpassed in negotiations with management.

Presence in the Council and, consequently, a possibility of direct contacts with the Council's members in other countries creates an opportunity of rapid consultations and, thus, an effective opposition to employers if such need arises. It happens, for example, that certain unpopular decisions made by the Polish management are explained by the necessity of adapting a plant to solutions followed in other countries. The already mentioned consultations allowed, for example, to find out that such arguments had not been true (ABB) and when such evidence was found managers had to withdraw from the proposed solutions. Exchange of information can also be advantageous for employees in other countries. The respondents quoted examples of information seemingly unimportant transferred by Polish representatives, which appeared to be of tremendous importance for employees in other plants of a given company.

Arranging the Council's meetings in Poland can help to solve many employee problems.

In such case an application submitted by Polish representatives has to win support of other members. At the request of Polish representatives such meetings were held, for example, in Warsaw (Benckiser) or in Wroclaw (Adtranz). Submitting such application Polish representatives wished to draw attention of both the Council and the Management Board to conditions, in which Polish employees worked, as the meeting was accompanied by a visit in the plant, a meeting with its employees, etc. A resolution was drafted during the second day of the Council's meeting, in which the Council moved for improvement of working conditions, construction of a new canteen and other social facilities. Most postulates have been already carried into effect.

Moreover, presence of Polish representatives in the Council strengthens the position of trade unions. Equipped with a wide range of information they become a true partner for management. Owing to their presence in the Council trade unions have obtained additionally a chance of arranging different issues, which could not be arranged with the local management, because presence in the Council permits to bypass official channels and complain to the company's management whenever arranging such issues proved to be impossible. In such situations the Management Board usually helps to solve existing problems influencing decisions of the company's Polish management. Initiatives made by Polish members of the Council can count on the support of colleagues from other countries and the chance they will be implemented grows in this way.

Thus, it could be generally said that presence of Polish representatives in the Council is (and certainly it can be) advantageous for the Polish plant, its employees and trade unions. The author cannot understand the fortunately not too numerous opinions of these trade union activists, who point to threats posed by the EWCs for trade unions.¹⁰ Such views are rejected firmly by the members of these Councils. Simultaneously, there is no doubt that a lot depends here on attitudes and active involvement of Polish representatives in the Councils.

Almost all respondents would point to their personal benefits derived from membership in the Council. They would most frequently underline here satisfaction resulting from representing their firm appropriately on the international forum or also arranging a specific issue for employees. The basis of such satisfaction can be also concern shown about employee interests, strengthening the position of trade unions in a firm, good contacts with management, and so on. They treat their work in the Council as a kind of a school, which not only provides

¹⁰ Such opinions could be heard, for instance, during a conference devoted to activity of the EWCs, which was organised by the National Commission of Solidarity Trade Union in May 2001

information or skills (for example, in the field of conducting negotiations) but also affords a possibility of meeting many interesting people, exchanging views on topics of interest and so on. All this contributes to the development of their personality.

1. Summing up

Research findings presented above point explicitly to diverse benefits ensuing from presence of Polish representatives in the Council. There are many indications that these benefits will be even greater along with growing experience gained by members of the Council and the Council itself. Inclusion of Polish representatives to the Council raises the rank of Polish plants in relation to plants located in the EU. From the perspective of management boards of transnational plants located outside the EU are less important plants not to call them plants of the second or third category. The policy pursued in relation to them is oriented at generating maximum profits or at their maximum exploitation.

We have many examples of such policy in Poland, examples of a rapacious policy pursued by foreign capital. In this situation inclusion of Polish representatives to the Council should be perceived as a chance for equal treatment of Polish plants in comparison with those in the EU countries. It must be remembered, however, that inclusion of Polish representatives in the Council does not produce such results automatically and that it only creates potential opportunities of achieving them. A great deal depends on representatives in the Council themselves, on the degree they tap such possibilities. Hence, their involvement and preparation for performing this function will be of decisive importance ultimately.