
Social Dialogue Committee for Central Government Administrations (SDC CGA)

**Response to the Consultation of the European Commission on a consolidation of the
EU Directives on information and consultation of workers**

Adopted by the SDC CGA on 2 June 2015 (plenary)

By the letter of 10.04.2015 the European Commission notified social partners (within the framework of intersectoral social dialogue as well as sectoral social dialogue) of the first phase consultation on the consolidation of the EU Directives on information and consultation of workers.

1) Do you consider the description of the issues in this paper correct and sufficient?

The Social Dialogue Committee for Central Government Administrations welcomes the Consultation that directly relates to its ongoing work and provides its answers to the questions raised therein.

The Committee shares only partly the analysis elements of the legal and social context that justify considering the opportunity for changes in the legislation on information and consultation.

Thus the comment that different texts give different definitions of the content and the scope of the term consultation is shared.

Similarly, as the law stands, the description according to which the Directives under review do not cover public administrations is shared. However, the Committee recognises that a few member states did transpose the 2002 Directive in their central government administrations.

The Committee underlines that the right to information and consultation constitutes a fundamental social right. Accordingly, employees must be able to enjoy the right to information and consultation regardless of the sector, public or private, or nature of the employment contract.

This is all the more true in the current context where administrations are confronted with the recommendations of the European Semester.

Administrations are also facing restructuring, as noted in the European Quality Framework on Restructuring (2013) which concerns both the public and private sectors with a view to better anticipate and manage changes and reduce the social impact of restructuring.

The Committee, however, considers that the specificities of the public administrations, such as accountability and serving the general interest and of the social dialogue organisation regarding restructuring can justify specific legal arrangements (see answer to question 2).

2) Do you think that the Commission should launch an initiative to revise or recast the three Directives on I&C of workers at national level? If so, what should be its scope?

As a general principle, making more coherent, homogeneous and accessible European law is an approach to support to bring Europe closer to its citizens, provided that such simplification

does not fall into a harmful standardization that would not take account of the specificities, or lead to a deterioration of the right to information and consultation at national level.

On the contrary, as stated in the cover letter of the Commission, the Consultation fits within the Commission's commitment to strengthen social dialogue and give the European social partners an increased role in the shaping of social policy at EU level.

As stated above, the principles and purposes of information and consultation are shared in private and public sectors, but their implementation must take better account of the specific mission of general interest endowed to public administrations and can require specific provisions apply to public administrations.

This is why, the Committee is negotiating a common framework on information and consultation for central government administrations (please see question 3).

Unlike enterprises, public administrations serve different purposes – pursuing and regulating the general interest Vs. optimization of profits in a competitive environment. Moreover, in many countries, the situation of public employees remains primarily regulated by public law.

3) Would you consider initiating a dialogue under Article 155 TFEU on any of the issues identified in this consultation?

The Committee included the topic of information and consultation rights of central government civil servants and other employees in its 2014-2015 work programme in order to improve the practice of social dialogue, particularly in case of restructuring.

As such, the Committee is negotiating and would give itself the means to achieve before the end of the year a legally-binding agreement, in accordance with Article 155, that defines a general framework for common minimum standards on rights to information and consultation taking into account national legal specificities. The Committee is still working to finalise a joint definition of information and consultation.

The Committee is convinced that it is, at this stage, the best way to solve the shortcomings of the directives, as identified in the EC fitness check, to re-launch the social dialogue and reinforce the autonomy of social partners.