

[Letter sent by e-mail]

Mr José Manuel Barroso
President of the European Commission
1049 Brussels

Dear President Barroso,

EP report on information and consultation of workers, anticipation and management of restructuring (Rapporteur: Alejandro CERCAS)

As you are well aware, Europe is in the midst of a terrible recession. The difficulties in adapting to change, which were already significant in the face of globalisation, tackling climate change and enlargement of the EU, have increased with the economic crisis. The unpleasant reality is that with increasingly poor economic forecasts, public and private sector restructuring is likely to continue in the coming months.

On 15 January 2013, the European Parliament supported a call for a legal instrument on anticipation of change and restructuring, proposed under Article 225 (Treaty of Lisbon). The report won a massive majority of support in the EP (503 for, 107 against and 72 abstentions). This was recognition by directly elected representatives that legislative action is urgently needed at European level to address the anticipation of change and ensure effective management of restructuring.

The ETUC calls on the European Commission to respect this democratic initiative by coming forward with a legally binding proposal for legislation without further delay.

To create a European framework for the anticipation of change and social management of restructuring, the ETUC believes that 5 elements are of central importance:

1. It is broadly accepted by the European social partners that the best means of anticipating change and avoiding the negative consequences is through **education and training**, therefore access to workplace training and lifelong learning must be addressed through an individual's right to training and the promotion of negotiated training programmes (at company and sectoral level).
2. Successful anticipation of change relies also on ensuring that companies' **long-term strategic planning** take into account employment and skills needs, focused in particular on permanently developing the skills and competences of their workforce. This is central to a European industrial policy agenda based on innovation and creating new industries and jobs.
3. **Strengthened rights to information, consultation and participation** are key to secure effective anticipation and management of change. Workers' representatives/trade unions have a role to play in strengthening the long-term viability and sustainability of European workplaces. To this end workers must be involved at a very early stage of the decision-making process. Existing legal instruments on information, consultation and participation must be fully respected, enforced and better linked between the national and the European levels.
4. To reflect the increasing importance of transnational restructuring, the creation of a European **legal framework for transnational collective bargaining and agreements** at enterprise level or sectoral level should be proposed.

5. Any framework for managing change and restructuring must include **support mechanisms** for workers who fall victim to economic change. Such mechanisms for minimising the employment and social impact of restructuring operations are clearly proposed by the Cercas report.

Rather than stalling an exit from the crisis, a legal framework on the anticipation of change and restructuring at European level, as proposed by the EP, would provide one pillar in the long-term recovery of the European economy, minimising the social costs of restructuring. The costs to business of poorly managed restructuring or non-anticipation, both in terms of the costs of those made redundant as well as the impact on those remaining in the company or workplace have significant negative economic impacts for firms (as demonstrated by the EP's EAVA report).

It is therefore with urgency that I ask you to bring forward legislation on this crucial issue.

I would be happy to discuss this further with you at your convenience.

Yours sincerely



Bernadette Ségol
General Secretary

cc: L. Andor