

General framework for informing and consulting civil servants and employees of central government administrations Agreement

Preamble

In December 2013 the Commission adopted a Quality Framework on restructuring and anticipation of change (QFR) which, for the first time, concerns the public and private sectors. The QFR invites social partners to negotiate at the relevant level frameworks of action on anticipation of change and restructuring.

This Agreement follows on the invitation of the European Commission to deal with this issue.

In its work programme 2014-2015, the European social dialogue committee for central government administrations (SDC CGA) has set itself the goal of examining information and consultation rights with a view to improving social dialogue, in particular in restructuring situations.

As a first step a set of policy guidelines on Human Resource Management to better anticipate and manage change was agreed by social partners in central government administrations (2014) including the recommendation: *"to define a social dialogue framework with trade union organisations to step up timely social dialogue with respect to any change in the organisation of work, employment and contractual relationships before, during and after the implementation of these changes"*.

In June 2015, the SDCCGA responded to the Consultation of the European Commission on a consolidation of the EU directives regarding information and consultation of workers. In this response the SDCCGA indicated that it had started to negotiate a legally binding Agreement, in accordance with Article 155 of the Treaty on the Functioning of the European Union, on a common framework on information and consultation taking into account the specificities of central government administrations.

The aim of this Agreement is to set out common minimum requirements for information and consultation of public employees through their representatives, including trade unions organisations, in central government administrations.

The Committee considers that:

- informing and consulting public employees is essential for a quality social dialogue;
- robust national social dialogue upholds good working conditions, allows for a quality public service and change management at all economic times;
- such dialogue helps instill trust and good labour relations, social dialogue is also geared towards protecting jobs (redundancies being a last resort) and enhancing employability (e.g. training).

For all these reasons, the Committee considers it essential that all public employees enjoy information and consultation rights. In case of exceptions laid down in national legislations for certain categories of public employees, these exceptions shall be duly justified. The Committee encourages the Member States to review these exceptions taking into account the objectives of this Agreement and, in case of new exceptions, not to ignore these objectives.

The Committee encourages the Member States to promote the setting of minimum requirements for information and consultation rights in local and regional governments.

Social dialogue is one of the bedrocks of the European social model.

This is illustrated by the fact that Article 151 of the Treaty on the Functioning of the European Union, for example, states that the European construction shall have as an objective the promotion of social dialogue between employers and labour.

This goal reflects the European approach to finding a level playing field by the regulation of employment issues based on employees having a say in respect of changes in the organisation of work. Effective dialogue is vital for economic growth, quality labour relations, quality and efficiency of work and of public services.

Article 1: Object and principles

The purpose of this Agreement is to establish a general framework setting out common minimum requirements for information and consultation rights of public employees through their representatives in central government administrations.

The requirements as they are defined hereby shall not prevent the application of more favourable national legislation on information and consultation rights of public employees, including negotiation rights.

These requirements shall not constitute valid grounds for weakening the general level of protection afforded to public employees in the field covered by this agreement.

It is hereby specified that the practical arrangements for information and consultation shall be defined and implemented at the relevant level, in accordance with national legislation and labour relations practices in these Member States.

While implementing the practical arrangements for information and consultation, employers and employees' representatives shall work in a spirit of trust and respect, with due regard for their reciprocal rights and obligations, taking into account both the mission of general interest of central government administration for the benefit of citizens and the employees' interest.

Article 2: Specific provisions

On the basis of particular provisions in national legislation, the dispositions of the present agreement may not apply to public employees entrusted with sovereign responsibilities notably national security, public order or judiciary power.

Article 3: Definitions

For the purposes of implementing this Agreement and its provisions, the following definitions shall apply:

Central government administrations mean administrations under the authority of governments at federal, central, national and/or equivalent level.

National legislation means the laws, regulations and practices, including collective agreements concerning labour relations in force in the Member States that affect information and consultation rights of public employees.

Public employee means civil servant and contractual employee of central government administrations.

Public employees' representatives mean the trade union representatives and, if provided for by national legislation and/or practices governing employment situations, other employee representation bodies.

Information means transmission by the employer to the employees' representatives of data in order to enable them to acquaint themselves with the subject matter and to examine it.

Information shall be given at such time, in such fashion and with such content as is appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact of the proposed measures.

Consultation means the exchange of views and establishment of dialogue between the employees' representatives and the employer.

Consultation shall be organised at such time, in such fashion and with such content as enables employees' representatives to express an opinion and so try to have the possibility to influence the administration's proposed measures on the basis of the information provided about the proposed measures to which the consultation is related.

Article 4: Scope

Except when social partners, on the basis of national legislation, decide together the topics for consultation and information:

Consultation shall cover:

- health and safety at work;
- working time and work life balance policy;
- consequences on conditions of employment of decisions changing the organisation of structures and services or when there is a threat to employment.

The following topics are dealt with by information or consultation according to the national legislation and social dialogue:

- remuneration guidelines;
- employee training;
- gender equality and non-discrimination measures;
- social protection specifically applicable to public employees.

Article 5: Practical arrangements

Information and consultation in the areas set forth in the Article hereinabove shall concern proposed measures causing changes to the situation of public employees.

Article 6: Confidentiality and public order

National legislation may lay down a non-disclosure obligation for representatives of public employees when information is expressly provided to them confidentially and when such information may compromise the interests of the public authority.

In specific cases and according to objective criteria, provided by national legislation, employers can abstain from communicating information or undertaking consultation when exceptional circumstances would seriously harm the functioning of public services or for reasons of security and public order.

Article 7: Protection of employees' representatives

In order to implement the practical arrangements for information and consultation, employers shall ensure that employees' representatives, when carrying out their functions, enjoy adequate protection and guarantees to enable them to perform properly the duties which have been assigned to them.

Article 8: Follow up

The present agreement will be subject to a monitoring at least every two years within the European social dialogue committee for central government administrations, especially as regards the implementation of Article 2 and Article 6.


Article 9: Procedures

The implementation of practical arrangements set out in the present Agreement may be subject to administrative or judicial review procedures according to national legislations.

Brussels, 21st December 2015,

For EUPAE

Ms Marylise LEBRANCHU
*French Minister
for Devolution and Civil Service*

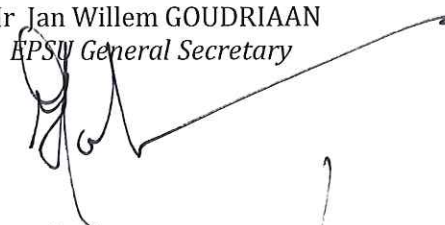


For TUNED

Ms Britta LEJON
TUNED spokesperson



Mr Jan Willem GOUDRIAAN
EPSU General Secretary



Mr Klaus HEEGER
CESE General Secretary

