



- BOOKLET -

**(Produzido no âmbito do Projeto/ Produced within Project:
UPPER LEVEL -
JOINT SOCIAL COMMITMENT
As the Key to I&C and Participation and Their Challenges)**

➤ Estonia

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O projeto «Upper Level – Joint Social Commitment – as the Key to I&C and Participation and their Challenges» resulta de um desafio lançado pelo promotor - SIMA - a todos os parceiros envolvidos para sejam capazes de ir ainda mais além e abordar um conjunto de questões relacionadas com a Informação e Consulta dos Trabalhadores trazendo-as níveis superiores.

Envolveu, desde o primeiro momento, muitos parceiros, de diferentes setores, parceiros sociais, diferentes ambientes e países que têm sido fatores-chave dentro do projeto, juntamente com os especialistas do projeto.

Este projeto vem potenciar aquilo que o promotor sempre apresentou, que a Informação e Consulta é o elemento-chave para o desenvolvimento das empresas, promovendo o envolvimento de todos, na procura de novas abordagens e novos caminhos. Tendo isso em mente e a partir de trabalhos anteriores realizados pelo promotor, concluiu-se que a informação e a consulta desempenham um papel decisivo (antecipar, ultrapassar crises e preparar as empresas, a longo e médio prazo, para enfrentar os desafios através do envolvimento dos colaboradores). Dentro de todo este contexto, a melhor forma de chegar às pessoas e incentivar o seu uso correto é através de uma abordagem prática, dando a palavra aos principais intervenientes no processo e explicando a sua experiência e promovendo a troca de experiências.

Este projeto reuniu empregadores e sindicatos de Estados membros da UE e países candidatos à UE, que, de forma voluntária, adotaram, desenvolveram mecanismos para a implementação real da I&C dos trabalhadores através da adoção de mecanismos de eficiência para a implementação real do que está previsto nas Diretivas e no seu cumprimento em caso de incumprimento. Os principais objetivos incidiram na adoção dos meios que permitissem a eficácia da I&C prevista nas Diretivas sobre esta questão; a introdução do direito de participação dos trabalhadores como elemento estimulador da eficiência da I&C; a participação financeira dos trabalhadores como um mecanismo que pode abrir caminho para a introdução do direito de participação dos trabalhadores, como outras ferramentas de diálogo social (SSDC, acordos transnacionais).

Todos estes temas e assuntos, todos interligados, foram abordados e analisados em profundidade, não só pelos especialistas do projeto, como também pelos parceiros

envolvidos e os resultados dos trabalhos conduziram à celebração de acordos conjuntos por parte de alguns dos parceiros, como por outro, abriu o caminho para declarações unilaterais das organizações enfatizando a importância dos diferentes assuntos e como medidas e desenvolvimentos concretos podem ser alcançados.

O promotor teve a honra de poder contar com o envolvimento sério e profundo de todos os que participaram neste, mesmo quando, durante a execução do projeto, o mundo enfrentou uma Pandemia COVID 19, e agora, mais do que nunca, num difícil contexto socioeconómico, ressaltamos a importância do trabalho perante o qual tivemos a oportunidade de aplicar os conhecimentos e os resultados do projeto, em concreto o que foi acordado pelos parceiros sociais a nível nacional, sublinhando a pertinência do trabalho e seus resultados.

Sem dúvida, pensamos que este projeto trouxe a consciência de que se, por um lado, I&C significam algo que pode ser útil, interessante e importante, por outro lado, na prática, tal é realmente importante se usado de forma adequada e com o respeito pelos procedimentos e disposições e que estes possam assumir uma perspetiva diferente uma vez aplicada na prática, alertando todos os envolvidos para o facto de esta realidade ser mais do que apenas um mero conceito.

Temos agora, país a país, a percepção dos parceiros sobre o assunto, sobre as dificuldades que enfrentam e os novos objetivos que se colocam reativos à I&C. Isso só foi possível por meio do trabalho realizado por este projeto.

Gostaríamos de expressar aqui nossa gratidão a todos que continuaram, apesar das restrições, a trabalhar, a empenharem-se na ação, apesar das adversidades causadas pelo impacto da pandemia COVID 19 e por nos permitirem trazer para este projeto a prova clara que o elemento voluntário associado aos elementos-chave é essencial.

Aqui está o que foi possível alcançar, por país e / ou parceiro:

Project «Upper Level – Joint Social Commitment -as the key to I&C and Participation and their Challenges» results from a challenge launched by the promotor SIMA to all the partners involved to go even further by approaching a set of matters related to Employees' Information and Consultation and bring those to Upper levels.

It involved since the very first moment many partners, from different sectors, social partners, different environments and countries that have been key players within the project, together with the project's experts.

This project enhanced what the promoter has always presented, that Information and Consultation is the key element for the development of the companies, promoting the involvement of all, looking for new approaches and new ways. Having that in mind and from previous works carried out by the promoter it has been concluded that information and consultation play a decisive role (anticipating, overcoming crisis and preparing companies, in a long and medium term, to face challenges through the employee's involvement). Within this whole context the best way to reach people and to encourage the correct use of it, is through a practical approach by giving the floor to the main interveners in the process and let them explain their experience and promoting exchange of such experiences.

This project gathered employers and trade unions from EU member states and EU applicant countries, that on a voluntary basis and adopted, developed mechanisms towards the real implementation of employees' I&C through the adoption of efficiency mechanisms to the real implementation of what is foreseen in the Directives and in its' accomplishment in case of non-respect. The main goals focused on the adoption of the means allowing the efficiency of the I&C foreseen in the I&C Directives; the introduction of employees' participation right as a stimulating element for the efficiency of I&C; employees' financial participation as a mechanism than can lead the way to the introduction of employees' participation right, as other social dialogue tools (SSDC, transnational agreements).

All these themes and matters, all linked, were approached and were deeply analyzed not only by the project's experts as well by the involved and participating partners and stakeholders involved and the results of the work led to the conclusion of joint

agreements by some of the project's partners as for other it led the way to unilateral statements of the organizations enhancing the importance of the different matters and how concrete measure and developments can be achieved.

The promoter had the honor of being able to with the serious and deep involvement of all the ones involved even when, during the project's execution, the world faced a COVID 19 Pandemic, and now, more than ever in a difficult, harsh socio-economic moment, we stress the importance of the work when facing a situation such this one and saw the opportunity of applying the knowledge and the outcomes of the project, in concrete what has been agreed by the social partners at national level, stressing the pertinence of the work and the results of it.

Undoubtedly, we think that this project brought an awareness that if, on the one hand, information and consultation mean something that may be useful, interesting, and important, on the other hand, in practice, such is indeed important if used properly and with the respect for procedures and provisions and that such can assume a different perspective once applied in practice., alerting all the ones involved to the fact that this reality in more something than just a concept.

We have, now country by country, the perception of the partners on the subject, on the difficulties that they face and the new aims for them and of all the ones involved in information and consultation. This has only been possible through the work carried out by this project.

We would like to express here our gratitude to everyone who continued, despite the restrictions, to work, to be involved and engaged in the action despite the adversities caused by the impact of COVID 19 pandemic and by allowing us to bring into this project a clear proof that the voluntary element associated with key elements is essential.

Here is what it was possible to achieve, by country and/or partner:

Estonian Union of Industrial and Metal Workers' Trade Unions
and Federation of Estonian Engineering Industry

**«Upper Level - Joint Social Commitment – as the Key to I&C and Participation
and Their Challenges».**

having regard to the importance of the role of information and consultation mechanisms
for employees at national level,

Having regard to the Employees' Representatives Act and the Trade Unions Act, and
seeking to better ensure the effectiveness of employees' information and consultation
rights,

Considering the need to improve the actual concepts of information and consultation of
workers in order to better meet the needs of both workers and enterprises;

Considering the positive potential of employee participation in the executive management
as a source of additional information and advice for making the best possible decisions in
the company and for developing cooperation for continuous dialogue;

and having regard to the need to work towards that goal and to use collective bargaining to
achieve that goal

The partners agree as follows

I Information and consultation rights.

The partners agree on the need for a more precise definition in order to comply with
European law, recognizing that for the mechanism to work better, it must include:



• Information - the transmission of data by the employer to the employees' representatives so that they can get acquainted with the subject and study it; the information shall be provided at such a time, in such a manner and with such content as to enable the employees' representatives to carry out a thorough impact assessment and, where appropriate, to prepare consultations with the competent body of the Community-scale undertaking or Community-scale group of undertakings.

• "Consultation" means the establishment of a dialogue and exchange of views between employees' representatives and central management or any other relevant management in such a way and with such content as to enable employees' representatives to express their views on proposed consultation measures within a reasonable time, without prejudice to management responsibilities, which may be taken into account by the Community-scale undertaking or Community-scale group of undertakings.

II. An employee representative at company level or a trade union representative shall be entitled to matters covered by collective bargaining in addition to information and consultation on the following matters:

- (a) on the basis of the annual report, information on recent and probable developments in the activities and economic situation of the undertaking or body,
- (b) information and consultation on the employment situation, structure and likely development of the undertaking or establishment and the preventive measures envisaged, in particular where there is a risk to employment,
- (c) informing and consulting on decisions which may lead to significant changes in the organization of work or employment relationships,
- (d) information and consultation on the training needs of the company in order to identify the training needs of the company's employees - not in accordance with the Trustee Act, may be left in coordination with the employer.



(e) information and consultation on the company's need for new forms of work, the employer is not obliged, except for decisions which lead to a change in the employees' employment relationship (covered by points (b) and (c))

III. The information shall be given at a time, in a manner and with a content which enables, in particular, the employees' representatives to carry out an appropriate survey and, if necessary, to prepare for a consultation.

IV Conduct of the consultation:

- (a) the timetable and methodology agreed by the partners;
- (b) at the appropriate level of management and representation, depending on the subject under discussion;
- (c) on the basis of public information and opinions provided by the employer;
- (d) a meeting with the employer must be ensured in a way that ensures their answers and the reasons for their answers to any opinion they give;
- (e) reaching agreement on the issues to be discussed.

V Procedure:

- (a) The trade union representative shall request in writing to the management body of the undertaking or body the elements of information relating to the matters covered by the right of information.
 - (c) The information shall be provided in writing within 15 days
 - (c) In the event of consultation, the employer shall request in writing the opinion of the trade union representative (s), which shall be issued within 15 days of receipt of the request or within a longer period given the scale or complexity of the request.
- If the trade union representative requests relevant information on the consultation, the period referred to in the previous subparagraph shall begin in writing or at the meeting at which it takes place



In the event of an employer's decision to exercise the managerial and organizational powers arising from the employment contract, both parties must carry out information and consultation procedure in order to reach a consensus where possible.

VI Employee participation rights.

The partners agree on the importance of the right of employee representatives to participate in conflict resolution or conflict prevention in order to achieve better results in business, management and human resources

The Partners agree to establish a permanent executive management composed of representatives of the Parties to maintain ongoing dialogue, develop cooperation, involve employees in the decision-making process and provide a channel for feedback to employees on negotiations related to this Agreement.

Executive management shall be established at a pre-agreed consultation event, provided that:

- it does not limit the employer's decision-making power;
- the employees involved have a right to confidentiality;
- its members have the right to attend a meeting of the company's management every three months;
- Members are provided with prior information and consultation on the issues to be discussed at the meeting, in particular on restructuring plans or projects;

its members have the right to submit suggestions, complaints or criticisms to the competent management bodies of the company and to meet with the staff responsible for the preparatory restructuring work.



- Trade union / employee representatives draw the management's attention to a team representing one third of the company's management body.
- The procedure and appointment of employees' representatives should take place through collective bargaining.

VII Employee financial participation:

- The partners consider the introduction of employee financial participation to be an important way of achieving the objectives of employee involvement and a useful tool for improving and developing the involvement and social dialogue of the social partners at company level.
- In view of the current pandemic situation in the world, the partners agree that the introduction of such a way to better redistribute wealth between workers and companies and a way to improve inclusion, with a view to overcoming difficulties and promoting development, to maintain and maintain employment in enterprises.

Partners emphasize that the introduction of WFP schemes, such as flexives (profit-sharing schemes), is a way to achieve this goal.

This is especially important in companies where employees and companies should work together for their own benefit.

To this end, the partners agree that the best way to discuss and present it is through collective bargaining, where it can be influenced by the individual conditions of each company and / or branch.

To this end, the partners agree on the important role of employee consultation and consultation mechanisms.

The social partners have an important role to play, not only in preventing social and economic consequences, but also in promoting the recovery of businesses, securing employment and creating safe jobs with the necessary safety conditions, in a safe and healthy environment.



With this in mind, the partners agree to increase the role of information and consultation of workers, not only to find solutions to pandemic problems, as this is a very important tool for anticipating actions / needs and preparing for future work.

The real situation in which we live has shown that it has not been well prepared, and in order to become aware of it, it was necessary to face the real situation. Once the mechanisms were in place and working, there was no need to expect this to be the case.

The project has been prepared:

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