

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.
  - (b) 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 at 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 Horváth (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 its branch.

To this end, the partners agree on the important role of employee representation 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:

Date: 09.12.2020

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Aleksandr Drannikov



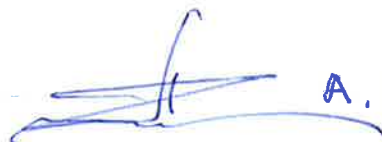
Estonian Union of Industrial and Metal Workers' Trade Unions (IMTAL)

 **IMTAL**

Triin Ploompuu,



Federation of Estonian Engineering Industry (EML)



A. RULKOV

**EESTI MASINATÖÖSTUSE LIIT**



FEDERATION OF ESTONIAN ENGINEERING INDUSTRY

*Estonian Union of Industrial and Metal Workers' Trade Unions  
and Estonian Machinery Industry Association, project*

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EML

Estonian Machinery Industry Association

Signatures + official stamp of organizations