

PROGRAM COURS

Introduction with the Works Councils Act

DATE

LOCATION

In Amsterdam



Introduction

Here you have the program of the course: introduction of de Wet op de ondernemingsraden, The Works Councils Act (WCA).

The scope of the (WCA) stretches to all enterprises established on Dutch soil, irrespective of the nationality of the entrepreneur or the group of enterprises it is part of.

The Works Council (WC) is an internal body representing employees, and has consultation rights in respect of certain significant proposed management decisions and approval rights in respects of intended decisions regarding certain employment policies.

This course is aimed at English-speaking members of WC. The goal for the course is to get acquainted with the rules of the WCA and the practical application thereof.

The topics in this course include the most important rights, obligations and responsibilities of the WCA.

During the course day theoretical information will be interchanged with practical exercises.

Of course there will plenty of room for questions you may have. If you have questions, prior to the training, please write them down and bring them with you.

You may also mail questions in advance to: info@kgca.nl.

The theory is abstract, therefore the more practical questions and examples you have, the better.

You will receive a course folder with documents the day of the training.

Date

- 09.30 **Welcoming with coffee and thee**
- 09.45 **Start of the course**
- Practical information
 - Checking in.
- 10.00 **Place Work Council in an organization**
- Brief history of the WCA and the position of the WC in a organization. We will also discuss the difference between WC and Trade Unions.
- 10.30 **Right to be Informed**
- Right to be Informed WOR art. 31 - general active and passive right: supply the Works Council upon request and provide as company on own initiative all information in writing reasonably necessary for the proper fulfilment of their tasks and duties.
- Which information, when to be provided and by whom?
 - Financial information and social information
 - How to ask the right questions and get the answers the Works Council needs to perform its duties?
- 11.00 **break**
- 11.20 **Right for Initiative**
- Right for Initiative WOR art. 23 - discuss topics at or outside the regular consultation meetings with the company.
- 11.45 **Render Advise**
- Right to be Consulted WOR art. 25 and art. 30 - discuss important decisions regarding the organization including Appointment / dismissal director. In case a decision is made contrary to the opinion given by the Works Council, the Works Council can lodge an appeal against the decision with the Enterprise Chamber of the Court of Appeal in Amsterdam which court can (depending on the circumstances) oblige the enterprise to withdraw its decision and reverse actions take as a result thereof; and/or forbid the employer to perform activities which are an implementation of the decision taken.
- Phases of decision making
 - What can the Works Council do to have significant influence?
- 12.30 uur **Lunch**
- 13.30 uur **Endorsement**
- Right of Consent WOR art.27 - discuss decisions on employment-related matters.
- In case of non-compliance, the Works Council may request the Cantonal Court to declare the enterprise to comply with his obligations. The Cantonal Court may further, upon request of the Works Council or the employees, oblige the employer of the Works Council to perform certain activities or to refrain from performing certain activities.
- When to use it
 - How to use it effectively
 - Negotiating working conditions and employment benefits
- 14.30 uur **Collective Labour Agreements (CAO)**

There are two types of Collective Labour Agreements; The Collective Labour Agreement per company and the Collective Labour Agreement per Business Sector. The Collective Labour Agreement (CLA) is a collective agreement between employer (or employers organizations) and Trade Unions regarding wages and other conditions of employment.

They are negotiating Collective Labour Agreements of employment. This is an exclusive role - Works Council will on average not have a say in this. The Trade Union has information and consultation rights in respect of collective dismissal and have right in respect to mergers and considered with are considered to fall within the scope of the Dutch jurisdiction.

Sometimes the CAO gives a WC elaborated rights. We will look into this.

15.00

Break

15.20

Communication with employees, management and other stakeholders:

- Informing and consultation of employees
- Communication with management (Director, HR)
- Negotiation/influencing skills Contacts with other stakeholders

16.00

Questions about the WCA

Some exercises so you get even more acquainted with the WCA.

16.30

Checking out

16.45

End of course