

QUESTIONNAIRE

On the transposition and review of Directive 2002/14/EC establishing a general framework for informing and consulting employees in the EU

Transposition

1. Do you consider that Directive 2002/14/EC has been transposed in a satisfactory way in the EU Member States? Please specify.
2. In which Member States was the Directive transposed by way of agreement between management and labour (article 11)?
3. In the cases where the Directive was transposed by way of law, regulation and administrative provisions, were the national social partners consulted beforehand in all countries?

Principles

4. Do you consider that national social partners are empowered in all Member States to contribute in defining the practical arrangements for information and consultation? Are these arrangements defined in a way ensuring their effectiveness as well as a spirit of cooperation between the employer and the employees' representatives (article 1)?

Practical arrangements for information and consultation

5. Do you consider that Member States (or the national social partners in the case that they implemented the Directive) took the necessary measures to ensure that the information and consultation of employees takes place appropriately with regard to timing, method and content on the issues laid down in Article 4 (2) of the Directive?

Information and consultation deriving from an agreement

6. Which Member States made use of the option provided in Article 5 of the Directive and entrusted management and labour to define through negotiated agreements the practical arrangements for information and consultation? Are the principles set out in Article 1 of the Directive respected where such arrangements deviate from the ones referred to in Article 4 of the Directive?

Confidential information

7. Do you consider that Member States (or the national social partners in the case that they implemented the Directive) took the necessary measures to ensure the protection of confidential information by way of:
 - Non-authorization of employees' representatives and experts to reveal it (Art. 6 (1))?
 - Non-provision of information and consultation to employees' representatives (Art. 6 (2))?

Questionnaire to Social Partners

8. Were appropriate conditions and limits laid down with regard to the aforementioned provisions? Are review procedures provided for in the case that the employer requires confidentiality from or does not provide information to employees' representatives?

Protection of employees' representatives

9. Are adequate protection and guarantees ensured with regard to employees' representatives carrying out their functions (article 7)?

Protection of rights

10. Is the protection of the rights of the employers or the employees' representatives (article 8) ensured in the event of non-compliance with the Directive in terms of:
- Adequate administrative or judicial procedures?
 - Adequate sanctions?

Link between this Directive and other Community and national provisions

11. Which are your views on the articulation between the requirements of Directive 2002/14/EC and the requirements of Directives 98/59/EC, 2001/23/EC and 94/45/EC (97/74/EC)?
12. Do you consider that the implementation of the Directive resulted in any regression in relation to the existing situation and to the general level of protection of workers in any Member State in the area where it applies (article 9)?

General questions

13. Which are your views on the practical application of the Directive in the Member States? Does it meet its objective, i.e. ensure adequate information and consultation of the employees in the interest of both the employer and the employees?
14. Do you consider the provisions of the Directive sufficiently flexible and suitable?
15. How do you evaluate the impact of the Directive upon the industrial relations systems of the Member States? Can you identify any particular benefit? Or shortcoming?
16. Do you consider that the Directive needs review? If yes, what would the priority issues for such review be?
17. Do you consider that any provision of the Directive needs clarification? If yes, please specify.
18. Taking into account the links between Directive 2002/14/EC and the other EU directives¹ on information and consultation of employees as transposed in the EU Member States, can you identify any difficulties that are connected to such links? Do you consider that there is a need for improving the coherence between these directives?

¹ Directives 98/59/EC, 2001/23/EC and 94/45/EC (97/74/EC).