

The Social and Economic Council and its Joint Sectoral Committee



Employee participation

- In the Netherlands many companies and organisations have some form of employee participation.
- This is often the Works Council.
- A Works Council consists only of employees.
- A Works Council is mandatory at 50 employees or more.



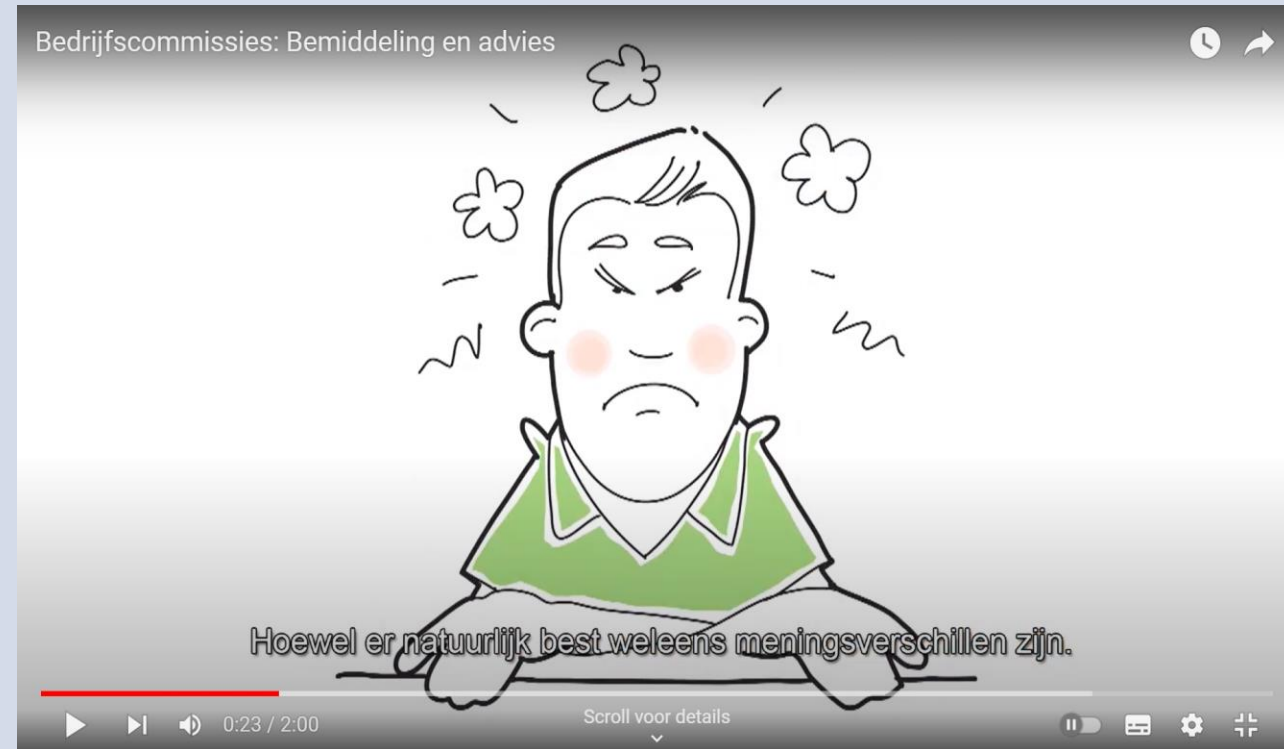
What do they talk about?

- The Director and the Works Council discuss matters with each other that relate to business operations and employee interests.
- For example: holiday policy, working conditions, health and safety, workload, reorganisation, retirement pension, climate change consequences and measures to be taken at company level.



Atmosphere of the discussion

- In general, the discussion takes place in good harmony.
- But sometimes the Director and the Works Council disagree on a particular issue.
- Here are some examples:



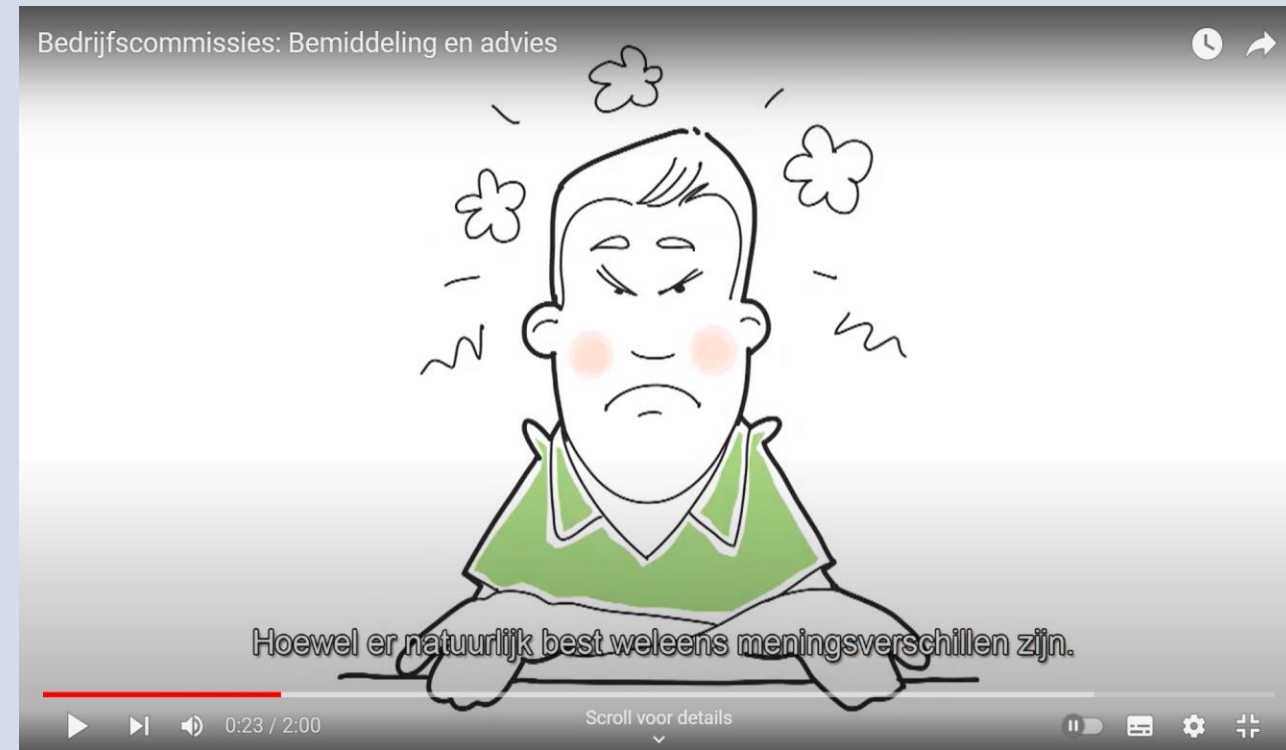
Examples of discussion topics

- The Director doesn't provide the the Works Council with the necessary information;
- The Director doesn't allow the Works Council to consult an external content expert;
- The Director refuses to pay the expert's bill;



More examples

- The Director and the Works Council don't understand the underlying arguments for the opponent's position;
- The Director and the Works Council disagree on the facilities needed by the Works Council;
- The Director denies the rights of the Works Council.



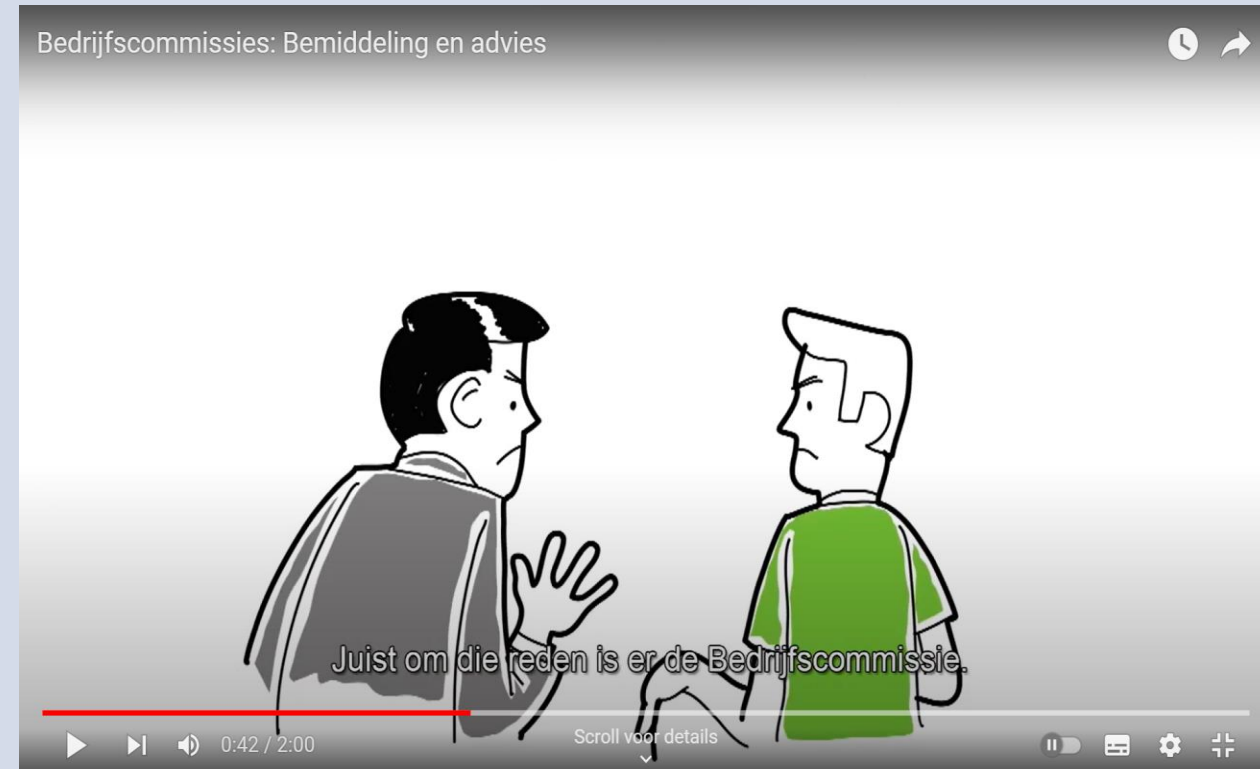
Going to court?

- When there is a disagreement, a Works Council has the right to go to court and ask the judge for a ruling.
- But that is not always necessary or beneficial to their relationship (observe that they have to continue to cooperate during the rest of the Works Council's term of office).



Alternative dispute resolution

- **But there is a good alternative: the Joint Sectoral Committee.**
- **This committee has a different approach: it does not offer a judicial ruling, but mediation.**
- **A Works Council or the Director can request the committee to mediate between them.**



Working method

- At a hearing the committee gives both parties the opportunity to explain what – in their opinion – is the heart of the problem and what prevents them from resolving it amongst themselves.
- The committee asks both parties additional questions for clarification.
- If needed the committee clarifies the intent of the law.



Working method (2)

- **The Director and the Works Council are challenged to come up with their own solutions and discuss them with each other under the watchful eye of the Joint Sectoral Committee.**
- **Sometimes parties are shown to a separate room with the instruction to come up with their own solutions and discuss them in private.**



Working method (3)

- The aim is to achieve that the Director and the Works Council members talk and listen to each other and learn to understand each other better.
- Secondly, the committee will try to get the Director and the Works Council to cooperate better in the future.
- And of course the aim is to resolve the current dispute.

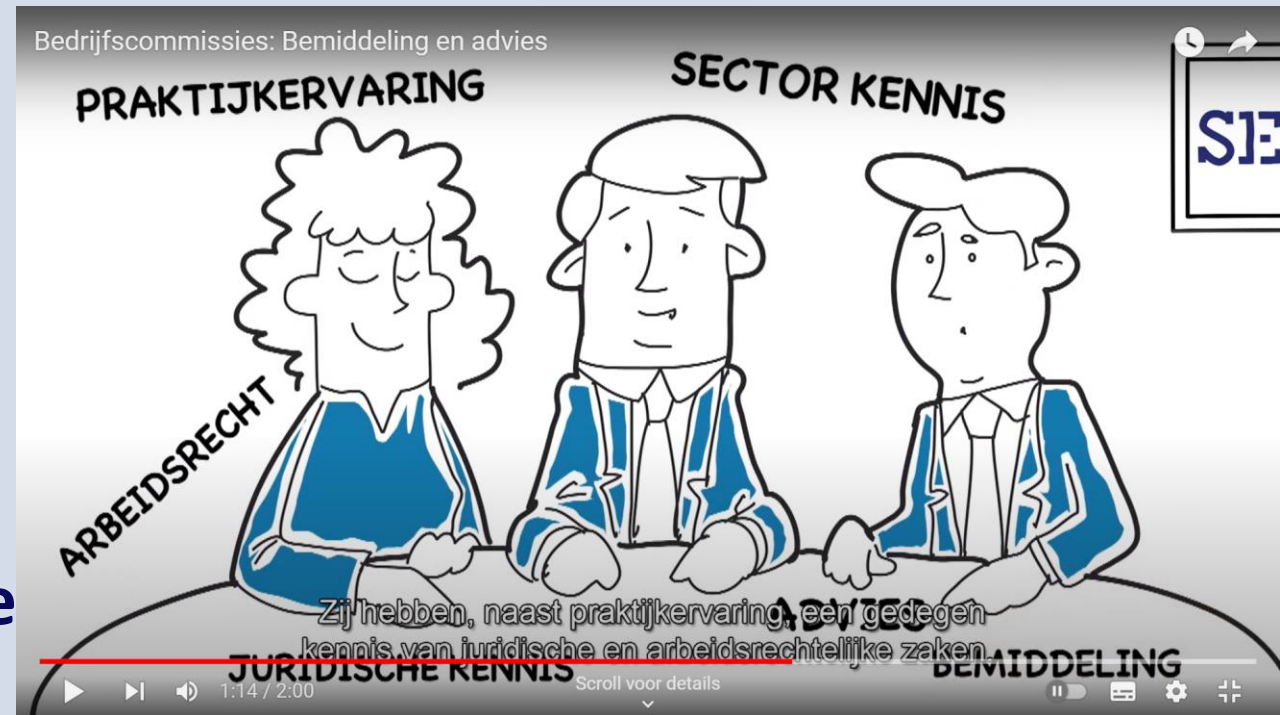


Additional advice

- Sometimes the dispute cannot be resolved by mediation.
- In that event the Committee provides the Director and the Works Council with a clear advice on how to move forward.
- Again, this is meant to improve their relationship for the future.



- The Joint Sectoral Committee consists of members of employers' organisations and trade unions.
- These members understand the position of a Director or Works Council, have thorough knowledge of legal and labour law issues and are experienced mediators.



Constructive solutions

- So, the Joint Sectoral Committee helps the Director and the Works Council in finding constructive solutions and in sustainably restoring mutual relations between them.

