Presentation of some results of AgirE around the questions between Corporate Restructurings in Europe and Multilevel Gouvernance

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Power point created in collaboration with Jean Jacques Paris, Groupe Alpha
The axes of construction of the Project
Anticipating for innovative management of restructurings in Europe

The AgirE Project was built around the need to develop analyses and instruments that make it possible to set up real forward-looking planning for restructurings, which involves working on the terms of anticipation.

In a context that is marked by:

– A paradigm shift: *globalisation*
– Development of new forms of *international division of labour*
– A *dynamic* of *enlargement* of the European Union
– *Complex* and *permanent* restructurings
The Objectives of the AgirE Project

1) To create a **typology for restructurings**

2) To strengthen the **capacity of players** to anticipate and manage restructurings

3) To encourage *new regulatory methods* in the community

Major themes of the final report: dynamics among the players that lead to innovation for anticipation and change management that affects the company and the region

**Keywords: Anticipation and Innovation**

*a player-centred approach* for *building a European partnership*
<table>
<thead>
<tr>
<th>Raw materials for the research: case studies conducted in 2006</th>
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<tbody>
<tr>
<td>ABN AMRO</td>
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<td>Alcan</td>
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<td>B* (Cables – NICT)</td>
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<td>Celestica</td>
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<td>Dinosol</td>
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<td>EA* (automobile equipment maker)</td>
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<td>Fehrer</td>
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<td>FIAT Mirafiori</td>
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<td>Finger Pelz</td>
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</tbody>
</table>

* = name of case made anonymous
Cross-Referencing

Seminar topics

Matrix

Restructurings phases

Case studies

Transversal issues

Market changes and strategies of enterprises

Strategies of social and local actors

Policies

Environment

Capital structure

Anticipation

Operation

Consequences

Long-term effect

Maria Esther Blas López
The characteristics of an efficient anticipation: The « 3M Rule »
change management and corporate strategies

- Restructurings are the result (the actualisation) of strategic corporate decisions: Europe is not subjected to globalisation, European companies are the major players in it (which provides companies room to manoeuvre in change management)

- These strategies are the core business of companies; they are formed by integrating various ways of playing with time and space provided by globalisation:
  - **space**: reorganising or outsourcing business in Europe or abroad, for example
  - **time**: ongoing nature of restructurings, acceleration, perfecting the decision-making process and the timetable for the restructuring
Re-balancing power to anticipate restructurings

• Thus, the strategies being implemented cause a real imbalance of power among the players; the employer controls the space and time of actions

• The theoretical basis of the approach in a « 3M » perspective is this existence of specific asymmetries of powers linked to the strategies and organisations of MNC in Europe

• anticipation of restructurings cannot be done outside of the strategies implemented, and this determines the proactive approach from labour representatives and regional players to take action:
  - on the decision-making processes (constant adjustment)
  - by giving themselves room to manoeuvre and opening up spaces for action, coordination at all levels
Approche multidimensionnelle à partir de la logique interne de l’entreprise

- Stratégique
  - Financement de la dette
  - Désinvestissement
  - Fusion-acquisition cession
  - Investissement à l’étranger
  - Alliance stratégique
  - Accords inter-entreprises
  - Modulation des coûts d’investissements

- Technique
  - Innovation technologique
  - Programme de qualité
  - Certification ISO
  - Atelier flexible
  - Nouvelles formes d’org. du travail

- Production
  - Relation consommateur-client
  - Amélioration des liens ac fournisseurs
  - Externalisation cession
  - Délocalisation/Sous-traitance

- Fonctionnelle d’organisation
  - Transformation des conditions de travail
  - Travail à temps partiel, temporaire
  - Contrat à durée déterminée
  - Travail indépendant dissimulé
  - Autres formes précaires

- Humaine
  - Réduction d’effectif

- Sociale
  - Dimension internationale / européenne soulignée
Three characteristics account for the complexity of restructuring processes

- The analysis of restructurings (AgirE case) can hardly be reduced to those at the restructured sites (other places are affected, such as regions, other levels of action are involved): need to account for different levels of action and regulation: local (restructured site, relevant region), regional, national, European: **Multi-level**

- Interaction of players at the different levels of action and regulation (coordination): **Multi-player**

- All the functions of the company are involved in the restructuring process (financial, technical, organisational and human resources are mobilised: need to highlight the **multidimensional** nature of restructurations
The 3M Rule

Corporate law
Economy
Social law
Sociology
Management
Etc.
International
European
National
Sectoral
Local

Company
Management
HR Dept.
Unions
Labour representatives
Shareholders
Stakeholders

Public Authorities

Others
Institutions,
Institutional networks
Experts
Research centres,
Universities

Multi-dimensionality

Multi-player

CRIMT 18/09/08
Creating conditions for effective anticipation

Bringing the 3Ms to light makes it possible to create conditions for effectively anticipating practices referred to as “innovative”:

*Strategic restructuring processes thus require strategic forms of anticipation and innovative practices at global and local levels*

Anticipation has to include the different levels of regulation and, in particular, the European, sectoral, local and regional levels (Multiple levels).

Creating anticipation involves synergies among the players (particularly among global and local players) (Multiple player rationale)

Anticipation must not be conceived solely using established economic forecasting models (work by the Dublin Foundation), rather it requires player appropriation.

Anticipation must focus on the different dimensions of the restructuring.

*Accounting for the 3Ms is thus a condition of effectiveness for anticipation and innovation.*

The 3M also allows to deal with interactions between European policies and the restructuring process
Dynamique de l’anticipation

**Anticipation de court terme**
- Perspective d’une Revitalisation
- Expertise + autorités publiques
- Lois et pratiques nationales sur le territoire
- Observatoire territorial/sectoriel
- Carte cognitive, Diagnostic partagé
- Conscience du changement/ de la crise
- Institutions + mobilisation des acteurs
- Acteurs représentatifs + Bras de levier d’action
- Négociation dans l’Entreprise
- Strategie managériale
- Construction d’un processus de restructuration à long terme

**Anticipation de long terme**
- Finance

**Outils/Ressources**
CRIMT 18/09/08

**Règles**
- Lois et pratiques nationales sur la participation des travailleurs
- Loi régionale/nationale/coordination des politiques européennes
- Pratique des acteurs
- Observatoire territorial/sectoriel
Moving from crisis management to an ongoing process of innovation involves a common awareness of change.
For a dynamic view of the typology of restructuring
The determining role of players in restructuring processes: for a dynamic view of the typology of restructurings

What variables influence the set of players in the restructuring processes and determine their responses in terms of anticipation?
Variables that determine the set of players in the company

Centralisation (Global integration)

Need for global integration

- Time +

Tensions

Social culture of the country/labour rights
Anglo-Saxon Continental

Company culture/
Capital Rel./Management/Labour position of local management strong impact of the R.I model
Anglo-Saxon Continental

Degree to which the company/group is globalised
Ownership/holding structure
Emergent Transnational
Global Multinational

How and where decision-making occurs in the company
Agency
Board structure
Business model
Inclusion of the stakeholders
Employee participation

Information
Negotiation
Consultation

Need for global integration

Need for local responsiveness
Degree to which firms are globalised

Consideration for local level depending on the degree to which company is globalised

- **Global Company** (Standard product orientation)
- **Transnational Company** (Standardisation with flexible response)
- **Emergent Company** (Export orientation)
- **Multinational Company** (Local market differentiation)

Variables that determine the set of players in the company and the region

- Management structure
  - Involvement of stakeholders
- Local culture
  - Quality of the information
- Coordination of the labour reps (unions/WC/EWC)
  - Quality of the information procedural agreements, collective agreements, innovative, flexible and overriding agreements
- Regional partnership
  - Tripartite, revitalisation, anticipation agreements
- Official/unofficial network of players
  - Innovative agreement, revitalisation, research, anticipation

Quality of information and negotiation

Restructuring undergone

Dynamic adaptation to change
## Summary Table

<table>
<thead>
<tr>
<th>RESOURCES</th>
<th>RULES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quality of social dialogue</td>
<td>Social culture in the country</td>
</tr>
<tr>
<td>Quality of social dialogue</td>
<td>Company culture</td>
</tr>
<tr>
<td>CSR practises</td>
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<tr>
<td>Quality of social dialogue</td>
<td>Local culture</td>
</tr>
<tr>
<td>Management standards</td>
<td>Degree to which company/group is globalised</td>
</tr>
<tr>
<td>Idem</td>
<td>Management structure</td>
</tr>
<tr>
<td>Relevant information (international/community)</td>
<td>How and where decision-making occurs in the company</td>
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<tr>
<td>Union/works council coordination</td>
<td>Coordination of labour representatives (unions/works council/European works council</td>
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<tr>
<td>Company/group coordination</td>
<td></td>
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<tr>
<td>Quality of the negotiations (company, group, region)</td>
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<tr>
<td>Enumeration of facts with European works council</td>
<td>Official/unofficial network of players</td>
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<tr>
<td>Company/group negotiations</td>
<td>Regional partnerships</td>
</tr>
<tr>
<td>Partnership, institutional revitalisation network</td>
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</tbody>
</table>
Some lessons these tables teach us

- The quality of the information, consultation and negotiation, of partnership-building, is a key condition in anticipation in companies and regions.
- The quality of the selection of measures that come along with restructurings is a function of a “multi-player” dynamic.
- Rules still have a strong impact and enable targeted actions: they are a support base for public actions.
- These rules are not only local; they also belong to other regulatory levels (European level, global level), which reveals the potential of a “multi-level” approach.
- The national labour representation model is not sufficient in and of itself to justify the dynamic that exists during a restructuring and does not explain the revitalisation process of regions.
- The emergence of innovative practices shows the need to create initiatives that integrate the different places of action (entire company/relevant region) and the different levels of regulation (local/regional/national/European).
- Integrating the innovation and research aspects as an opening to regional revitalisation leads to building networks that are managed administratively and institutionally (ex.: competitiveness clusters (subsidies) in France, industrial or technological districts in Italy).
Notion of anticipation - 5 conditions for proactive action
Operational and strategic anticipation: different goals and methods

- **Operational anticipation**: to govern the restructuring process in the best way and to limit its social negative impact, according to a “curative” or an *ex post* approach, that can be both “hotly” and “coolly”; tools and procedures are thought and carried out, early, to prepare workers (to keep or to reduce), organisations, work process, and local labour market to the consequences of restructuring, aiming at moderating the latter on the skill trajectories of workers and on the territorial economic context.

- **Strategic anticipation**: for a permanent employability for workers and for avoiding... restructuring, according to an *ex ante* approach, aiming at realizing, in advance, strategies, practices and measures, structuring and adapting firm and workers to all internal and external shocks and transformations deriving from changes in the macro-economic context.
### CHART 1. RESTRUCTURING ANTICIPATION BETWEEN LEVEL AND FIELD OF ACTION

<table>
<thead>
<tr>
<th>Operational anticipation 1 (&quot;hotly&quot;)</th>
<th>Operational anticipation 2 (&quot;coolly&quot;)</th>
<th>Strategic anticipation</th>
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<tbody>
<tr>
<td><strong>MANAGEMENT</strong></td>
<td><strong>MANAGEMENT</strong></td>
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<td>Headquarters / Local management</td>
<td>Headquarters / Local management</td>
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<td>[centralization CE, local autonomy LA, cooperation COO, conflict CON]</td>
<td>[centralization CE, local autonomy LA, cooperation COO, conflict CON]</td>
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<td>Dinosol [CE]</td>
<td>Ibm [CE]</td>
<td>F. Services BV [CE]</td>
</tr>
<tr>
<td>Gisli [CE, CON]</td>
<td>Dexia [CE]</td>
<td>StM [LA]</td>
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<tr>
<td>GE Energy Products [CE]</td>
<td>Novellis GmbH Germany [CE]</td>
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<tr>
<td>Abn_Amro [LA]</td>
<td>Fehrer Automotive Systems [CE]</td>
<td></td>
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<tr>
<td>Ruhr Kristall Glas [COO]</td>
<td>B. Cable and Wire Nederland [CE]</td>
<td></td>
</tr>
<tr>
<td>Celestica [CON]</td>
<td>V. Business [CE]</td>
<td></td>
</tr>
<tr>
<td><strong>EUROPEAN (MACRO) Social dialogue: information and consultation</strong></td>
<td><strong>EUROPEAN (MACRO) Social dialogue: information and consultation</strong></td>
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<tr>
<td>Headquarters/European Work Council</td>
<td>Headquarters/European Work Council</td>
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<td>[information and consultation IC, no social dialogue NSD]</td>
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<td>Alcatel [IC]</td>
<td>Dexia [IC]</td>
<td>StM [IC]</td>
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<tr>
<td>Ea [IC]</td>
<td>Ibm [IC]</td>
<td>Ugine [IC]</td>
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<tr>
<td><strong>BILATERAL MICRO LOCAL GAMES responding to global player (local autonomous collective bargaining)</strong></td>
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<td>Local management / work council</td>
<td>Local management / work council</td>
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<td>[conflict CON, cooperation COO]</td>
<td>[conflict CON, cooperation COO]</td>
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<td>Abn_Amro [COO]</td>
<td>Dexia [COO]</td>
<td>StM [COO]</td>
</tr>
<tr>
<td>Finger &amp; Pelz GmbH [COO]</td>
<td>Novellis GmbH Germany [COO, at last]</td>
<td>Zwickau [COO]</td>
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<tr>
<td>Ruhr Kristall Glas [COO]</td>
<td>Ibm [CON, but they signed an agreement]</td>
<td>Thomson Video Glass [COO, but they signed an agreement]</td>
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<tr>
<td>Gisli [initial CON, then COO]</td>
<td>Arcelor [CON]</td>
<td></td>
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<tr>
<td>Alcatel [initial CON, then COO]</td>
<td>Alcan Singen [CON]</td>
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<tr>
<td>Lejaby [CON, but they signed an agreement]</td>
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<tr>
<td>GE Energy Products [CON]</td>
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<tr>
<td><strong>LOCAL TRIPARTITE GOVERNANCE with social measures from job security to career security on the labour market.</strong></td>
<td><strong>LOCAL TRIPARTITE GOVERNANCE with social measures from job security to career security on the labour market.</strong></td>
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<td>Local authorities/local management / local trade unions</td>
<td>Local authorities/local management / local trade unions</td>
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<td>[public policies PP, local consultation LC]</td>
<td>[public policies PP, local consultation LC]</td>
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<td>Celestica [LC, only formal]</td>
<td>Alcan Singen [LC]</td>
<td>Thomson Video Glass [LC]</td>
</tr>
<tr>
<td>Alcatel [PP, at European level]</td>
<td>Azucarera Ebro [PP]</td>
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## Correlation Table

### Anticipation/Capacity to Handle

<table>
<thead>
<tr>
<th>Anticipation method</th>
<th>Capacity to Handle</th>
<th>Nature</th>
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</thead>
<tbody>
<tr>
<td><strong>Horizon</strong></td>
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<tr>
<td>Strategic anticipation</td>
<td>Employment and skills initiatives in the region and sector</td>
<td>Prospective</td>
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<tr>
<td></td>
<td>+ Forward-looking skills management</td>
<td>Proactive</td>
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<td></td>
<td>+ Proactive revitalisation</td>
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<tr>
<td>Uncertain Changeable</td>
<td></td>
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<tr>
<td>“Cool” operational anticipation</td>
<td>Employment initiatives in the region</td>
<td>Proactive</td>
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<tr>
<td></td>
<td>+ Alternate project (internal)</td>
<td>Remedial</td>
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<tr>
<td>Probable Amendable</td>
<td>+ Retraining (external)</td>
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<td></td>
<td>+ Revitalisation</td>
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<tr>
<td>“Hot” operational anticipation</td>
<td>Employment initiatives</td>
<td>Remedial</td>
</tr>
<tr>
<td>Certain Not changeable</td>
<td>+ Reassignment</td>
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<td></td>
<td>+ Job losses with compensation</td>
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</table>
Building a common perception of change

Establishing an early common diagnostic at every level:
the need to gather the relevant cognitive elements to develop
“cognitive maps” (a representation of upcoming events), hence the
importance of:
• The role of sectoral or regional observatories
• Informational and consultative procedures (national level, European –
European Works Council)
• The role of specialists to improve diagnostic abilities

Beyond information-consultation: collective bargaining

Spurred by collective bargaining in restructurings:
“Labour and management and regional players must be able to engage in a
negotiation process based on a common diagnosis, in given length of
time and build alternatives, transitions with the help of a regional
institutional network, if one exists” (AgirE report)
5 conditions of restructuring anticipation

- **time**, as a pre-condition for information, consultation, participation, social consensus and collective bargaining on restructuring strategies;

- **space**, to leave some freedom to act for local actors: management, unions, and public authorities;

- **memories**, about collective bargaining processes conducted in an “integrative” way more than in a “distributive” one (Walton, McKersie, 1965);

- **cognitive maps**, as the main tools for local actors to interpret and to have control on changing macro-economic and social context;

- **early common diagnosis**, as the result of a process in which the original preferences of actors, deriving from their cognitive maps, can be changed originating a compromise between reciprocal economic and social interests.
Anticipation in the AgirE cases/the 3M rule

Targeting in the restructured unit with no link to the region (neither multi-player nor multi-level)
No coordination between the restructured units (no multiple levels)
Unaware of the community aspect – either in coordinating representatives or in mobilising funding and support measures (neither multi-level nor multidimensional)
Measures only formulated in the social realm while other aspects of the restructuring are overlooked (not multidimensional) too many “job market exclusion” measures
Etc….

>> “Good practices” are often the result of a rupture, one or more players taking a risk, which is why the innovations are only partial
>> How do we overcome the fears, reduce the risk-taking and make sure there’s guidance towards managing mutual change?
Examples from the case studies (automotive industry)

EA: a major supplier of equipment for the automotive industry. EA is divided into different divisions, including the “electronics and liaison systems division” responsible for the production of wiring and wiring harnesses.

The story (2000-2004) of EA restructuring is the one of a delocalisation of production from its European sites (first France and after Spain, Portugal and Italy) to the Maghreb countries. The products have very low added value and production costs have become an essential factor in the restructuring process. EA is a perfect example of the absence of any concertation and cooperation in the handling of sites closure (governance highly centralised, no local initiative, no room for manoeuvre, no shared diagnosis, no early implication of the European Works Council, …)

FIAT Mirafiori: The most innovative feature of Fiat Auto restructuring (2000-2005) is the intervention of local public actors (especially the regional and urban governments), in the form of the purchase of Mirafiori’s unused areas and in the following constitution of an agency for their management: an agency supposed to work for a partial reindustrialisation of the area, through relocations of local firms and possibly by the attraction of foreign ones.

This intervention was certainly not decisive for the rescue of FIAT, it certainly had a very strong influence in the rescue of Mirafiori plant whose further contradiction was at the time very probable because it guaranteed the installation of a new production line in Turin.
Beyond the good practices: examples of innovative practices
European Works Councils: An innovative actions lever

- **More than 800 Groups** currently have an EWC; however, according to many estimations, more than 3000 European sized companies should have one.

- A privileged venue to apply “3M Rules”, whilst building new space/time relationships.

*Nonetheless, the European Committee generally only plays a small role in answers to questions posed by restructuring (cf. the AgirE case.)*

- Answer that are often too **slow** compared with the acceleration and complexity of restructuring.

- **Internal obstacles** such as contents of agreements (article 13, article 6, restrictive definitions of information and consultation, limited means, etc...) **As well as external ones** (competition between sites, where, for example, management plays a role of division and intra-site war, lack of coordination with unions) do not promote true European solidarity or anticipation approaches (cf. affaire Volkswagen or EADS.)

- The European Committee can nevertheless become a true action lever as we are able to see **when all players try to mobilize themselves, for example:**
  - **Court cases concerning the lack of information and consultation** are currently exploding: (GDF (soon to have a new court case?), British Airways, Lucent Alcatel...) The EPSU (European Public Service Union) has put funds at the disposal of European Works Councils to facilitate their legal issues.
  - **Transnational collective action** (for example the solidarity strike at General Motors) and Transnational coordination experiences (cf. Quebecor restructuring.)
1–1 Collective Bargaining: a place for development and innovation

With new instruments

- Flexibility/overriding agreements, Öffnungsklauseln, Haustarifvertrag (Finger&Pelz, Ruhr KGlass)
- Procedural agreements (ABN Amro, Alcatel, ThomsonVG)
- Pre-emptive agreements (Novelis: reconciliation of interests)
- “Partnership” agreements
  (IBM: agreement “for competitiveness and employment” that combines Forward-looking job and skills management, training, employability, etc. in a procedural agreement)

2 major consequences

- Need to identify the levels: Global/Local, European/Regional, Corporate/Site
- Role of unions in defining the terms and framework of the negotiation
New negotiating frameworks open up a broad scope for negotiation in order to…

– set up long-term occupational transitions for workers (IBM, Alcatel)
– Anticipate changes with the support of public policies (TVG)
– Reorganise productive activities to limit the impact of the restructuring on jobs (shift work at STM, EA)
– Set up economic alternatives (Zwickau, TVG)
– Spread innovation and research in the region (FIAT, Sabaf)
...enabling synergy at the same level where managerial strategies are implemented

– Tripartite partnership linking local authorities in the region and/or mobilising the institutional network, which enables transitions (Sabaf, German cases)

– Coordination at the national and sectoral levels to prevent fragmenting (Dinosol, Azucarera)

– Coordination at the European level to prevent breaking the solidarity among the sites
  – European Works Council distributes information (EA, STM, Alcatel)
  – European federations coordinate unions (FEM for EA)
  – Sites coordinated through unions (STM, Fiat, Alcatel, Dinosol)
New regulatory frameworks?

EXAMPLARY CASES

International framework

General Motors: agreement signed in December 2004, by the EMF, following the announcement of September 2004 of a plan to close the plant, then 12,000 redundancies, in Europe. The EMF implemented “a European coordination of unions group. The impact of the restructuring was spread across all countries in accordance with the notion of “spreading the load”, in such a way as not to promote competition between plants; and management committed not to carry out clean-cut redundancies.

European framework agreements for Forward-looking job and skills management

• Suez/European Works Council, CES, 5 French org., Euro. Execs Conf.
• Schneider Electric/FEM

Tripartite agreements in the region for “regional governance”

• SABAF: Sabaf’s businesses moved from industrial zone in Lumezzane to an outer-city zone in Ospitaletto:
Conclusions - Recommandations
Conclusions-Recommendations

Creating pre-emption
Improvements to the quantitative data enables the objective data to be centralised (notification of collective redundancies), for example, organising information sharing among players through observatories. Validating the conditions of strategic anticipation.

Creating anticipation
Recognise the need for a common diagnosis
Make relevant information mandatory for the company and the region
Integrate the employer’s strategies in the information
Favour the dynamics of change by calling upon experts
Conclusions and recommendations

Organise innovation in the company and on the territory:
Respond to issues of revitalisation and professional transitions
Encourage tripartite partnerships through an incentive policy on a European level
Construct models within the context of sectoral social dialogue
Encourage the development of a coordinated institutional network on the territory

Coordinate European policies around the objective of pre-emption
Give an institutional basis to the community Task Force
Create social mainstreaming on the basis of the horizontal clause in the Lisbon Treaty for social policies
Systematically analyse the direct and indirect impact of European policies on restructuring
Conclusions-Recommendations

Create visibility for the impact of restructurings:

Create more forecast analysis and anticipation instruments (sectoral partnership, codes of conduct (problems), forward-looking support through training (CEDEFOP), use structural funds.

Encourage innovation (account for the 3M rule): relevant building of procedural framework for change that is adapted to the characteristics of restructurings:

- Need diversified multi-level instruments that allow for different kinds of consultation/negotiation, from the code of conduct to the transnational collective agreement to regional pacts.

- Needed content: procedural guarantees/relevant information/suitable time for the consultation/negotiation/mobilisation of funding (region/Europe)/multi-player coordination.
Conclusions-Recommendations

Define multi-level actions

Need procedures created for a European/transnational scope:
- European sectoral partnership: the automobile sector model
- Group collective agreement: need a transnational European legal framework

Demand transnational control for procedures created by the players

Reinforce capacities to act transnationally

1. Reinforce the capacity to coordinate the European Works Council (revise the directive)
2. Account for who takes control in terms of financialisation of economic activities during company transfers with regards to revising the directive
Conclusions-Recommendations

Create better means for setting up regional pacts:
Put into place in liaison with European social partners of relevant models
  – Oriented towards innovation and occupational transitions in the region
  – That make it possible to establish a base for sectoral measures that ensure basic worker rights are being respected
  – That ensure its measures are being respected to the advantage of European aids
  Show community funding options and simplify access

Create monitoring system for people after the restructurings/ transitions and promote the concept of European social citizenship