

Chapter 5

Communication and EWCs: is the European level articulated?

Apart perhaps from BusinessEurope, there is a consensus that effective EWCs are reliant on contact and networking between EWC representatives; contact between EWCs and institutions of labour representation and the employees they represent at national level; and networking between the EWC and the responsible ETUF at European level. Those who saw potential in the Directive, for example, argued that networking was a means of mitigating the limitations of the legislation (Martinez Lucio and Weston 1995, 2000; Miller and Stirling 1998). In addition, it was feared that, without the international solidarity that may arise from contact and networking, EWCs could be used to facilitate regime competition (Keller 1995), to promote micro-corporatism (Schulten 1996) and may become 'forums in which cultures are in competition' (Miller 1999: 347). Although timely consultation is not a feature of most EWCs (see Chapter 4), if networking is established, EWCs may, at least, create a network between employee representatives, and this might enable some transnational solidarity and action (Lecher et al. 2002). Although the harshest critics of the Directive argued that EWCs would never achieve the objectives European policy-makers intended of them, these critics agreed that networking is indispensable if EWCs are to represent labour with any effectiveness, however defined (Streeck 1997).

At the core of the debate on networking are the issues of articulation and communication. Articulation refers to the degree of connectedness between the EWC, other institutions of labour representation within the MNC and the workers represented by the EWC. From the perspective of labour, when networks are articulated, there are inter-linkages between the different component parts, which ensure communication flows between the personnel and institutions that comprise the system (Streeck 1995; Svensson and Öberg 2005). In the context of EWCs, articulation comprises two elements (Haipeter et al. 2019: 33). Horizontal articulation involves the connectedness of actors at the same level of operation: within the EWC between representatives, between EWCs and the ETUFs, and, in certain circumstances, between the EWC and board-level employee representatives. Vertical articulation comprises the connectedness between different levels of representation: between the EWC and national or local works councils, trade unions and the workforce. Three points arise from this formulation. First, the parties engaged in articulated networks involving EWCs are likely to vary between countries because of the wide variation in the constituencies of EWC representatives. Second, trade union involvement in articulated EWC networks is, in part, dependent on whether there is a single or dual channel system of representation in place. Third, articulation may be sustained through personal involvement and the holding of multiple representative positions. The average age of EWC representatives noted in Chapter 3 suggests that they

have considerable representative experience. The survey, however, did not ask whether EWC representatives held other representative positions within the Member States. The central concern of this chapter is thus communication and articulation rather than articulation through personal involvement in multiple institutions.

The Directive was silent on communications between EWCs and other institutions of labour representation, although the subsidiary requirements (point 5) of the Directive recommended that EWC representatives inform institutions of labour representation or, in their absence, employees of the content and outcome of EWC information and consultation procedures. European-level policy-makers were aware of the limitations that arose from this approach. A European Parliament report on EWCs, for example, argued that communication is essential for the effectiveness of EWC activities (2001). This view was consistent with that of the ETUFs, which regard communication as ‘the oil that keeps the engine of European representation running’ (Demaître et al. 2015: 2) and produced a series of guidelines on how to establish and operate communication systems (UNI Europa 2011: 14). In the Recast, European-level policy-makers attempted to rectify their initial error by introducing in Article 10(2) an obligation on EWC representatives to ‘inform the representatives of the employees of the establishments or of the undertakings of a Community-scale group of undertakings, or, in the absence of representatives, the workforce as a whole, of the content and outcome of the information and consultation procedure carried out in accordance with this Directive’. The Recast thus introduced a duty for EWC representatives to report back, thereby ensuring that the EWC engages in vertical articulation. Implicit in this duty is a managerial obligation to provide EWC representatives with the means to fulfil their duty, which includes facilitating access to company sites (Picard 2010: 115).

This chapter has two objectives: first, to establish the extent to which EWCs have led to the creation of intense communication networks and, second, to identify some of the factors that encourage or limit the establishment of such networks. The central argument is that intense communications networks rarely build up around EWCs. While most EWC representatives communicate about their EWC activities, albeit at different intensities, the impact of this communication in terms of generating interest among employees is meagre. The lack of interest among employees is partially explained by many EWCs’ engagement in information rather than information and consultation procedures and their late involvement, if any, in corporate decision-making processes. In the absence of consultation and timeliness, there is little incentive or need for intense exchanges between EWCs and the local level. To develop these themes, the chapter comprises two sections, which examine horizontal and then vertical articulation.

Horizontal articulation: communication between the plenary meetings

One element of horizontal articulation at European level involves the connectedness between the EWC and the responsible ETUF. Chapter 4 showed that, where an EWC coordinator represents the ETUF at the EWC, representatives reported improvements in the quality and timeliness of information and consultation procedures. Chapter 6

examines these relations in more detail, while Chapter 7 assesses linkages between EWC practices and the provision of training by trade unions. This section of Chapter 5 thus focuses on a second element of horizontal articulation at European level: namely, contact and communication between EWC representatives before, during and after meetings. Employee representatives need to talk to each other to discuss the situation in different countries, to put issues on the EWC agenda, to decide on an approach to management, and to learn about each other's positions on the issues at hand and the processes identified as a main 'field of interaction' (Lecher et al. 2001) and as an important factor in explaining EWC effectiveness (Marginson et al. 2004). The examination comprises three stages. An initial stage assesses the intensity of contact among EWC representatives between EWC meetings in order to ascertain whether a dense communication network develops in conjunction with EWCs. The second stage identifies those factors that inhibit or stimulate more frequent contact, while the third stage examines the relationship between the intensity of contact and whether EWC representatives try to align their positions and identify as representing European rather than national interests at the EWC.

Do EWCs develop dense communication networks?

This stage focuses on the frequency of communication among EWC representatives between plenary meetings based on two questions of the survey. The first question asked whether the representative has frequent contact with other EWC representatives between plenary meetings. The second question was worded negatively, asking whether representatives find it hard to communicate with their counterparts from other countries between EWC meetings. As Table 5.1 illustrates, responses to these two questions mirror one another.

Table 5.1 shows that about 45 per cent of EWC representatives agree with the first statement and disagree with the second. Similarly, 29.8 per cent disagree with the first statement, while 34.3 per cent agree with the second. In other words, less than half of the EWC representatives consider that they have frequent contact with their counterparts from other countries between meetings, while about a third disagree. These results are open to interpretation. Given that the EWC mandate is often additional to the job of the employee and/or a local representation mandate, it is positive that almost half of the representatives say that they are in frequent contact with representatives from other countries. A more negative interpretation is equally valid. It was expected, for example, that, as a minimum, EWCs would become institutions for transnational networking. The results of Table 5.1, however, show that, for many EWC representatives, this is not the case. If those who saw potential in EWCs hoped to overcome some structural weaknesses by the actions and networking of representatives, these figures show that, for many EWC representatives, this is not happening.

The 2007 survey asked 'do you communicate with EWC representatives from other countries between formal meetings of the EWC' and gave respondents the option of answering yes or no. No fewer than 79.2 per cent indicated that they communicated between meetings (Waddington 2011: 120). If a comparison is made between the 'no'

Table 5.1 Communication between meetings

	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
Between EWC meetings, I have frequent contact with EWC representatives from other countries	10.5	35.6	22.7	23.2	6.6	1.3	1,433
It is hard to communicate with other EWC representatives from other countries between EWC meetings	8.0	26.3	19.9	33.3	11.4	1.2	1,423

answers of the 2007 survey and the proportion of EWC representatives who disagreed or strongly disagreed with the first question in the 2018 survey, however, no marked improvement can be seen: 20.8 per cent in 2007 compared to 29.8 per cent in 2018. Communication between EWC representatives from different countries between meetings has been modest since at least 2007.

Who communicates?

We now turn to factors related to a lack of intense communication between meetings and identify some major obstacles in communication within EWCs. Table 5.2 presents the frequency of communication between plenary meetings by reference to different groups of EWC representatives. Office holders are more likely than EWC members to report that they often contact members from other countries between plenary meetings. This is not surprising given the additional functions of office holders and their attendance at select committees or other meetings (Stirling and Tully 2004; Waddington 2011: 123). In a similar pattern, the number of meetings plays a role: 55.4 per cent of representatives at EWCs with three or more plenary meetings per year agree that they have frequent contact compared to 42.9 per cent of those with no more than one meeting per year, suggesting that regular face-to-face meetings enable EWC representatives to familiarise themselves with each other and build relations of trust. In contrast, infrequent meetings, exacerbated by high turnover among representatives, constitute a serious obstacle for horizontal articulation. By the same token, frequent plenary meetings, pre-meetings, debriefing meetings and the work of a select committee are likely to increase the familiarity between EWC representatives (Stirling and Tully 2004; Telljohann 2005a; Tully 2004). Confirming this point is the greater likelihood of representatives in an EWC with a select committee to have more frequent contact than those where the EWC does not have a select committee: 47.8 per cent compared to 39.0 per cent.

Table 5.2 Frequency of communication between meetings

Between EWC meetings, I have frequent contact with EWC representatives from other countries:

	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
All	10.5	35.6	22.7	23.2	6.6	1.3	1,433
Office holders	16.1	46.0	20.3	14.4	3.0	0.3	493
EWC members	8.0	31.5	23.6	27.2	8.1	1.6	774
No more than one meeting per year	9.7	33.2	23.3	24.3	7.8	1.6	709
Two meetings per year	10.1	38.5	21.6	22.7	6.2	0.9	535
Three or more meetings per year	16.8	38.6	21.5	20.3	2.5	0.3	132
Select committee present	11.1	36.7	22.6	22.9	5.8	1.0	1,226
No select committee	7.8	31.2	23.2	25.7	9.8	2.2	115
EWC coordinator present	11.8	38.4	23.5	20.2	5.0	1.1	838
No coordinator	9.7	36.4	19.6	24.5	9.2	0.7	292
EWC representatives from:							
Nordics	9.6	29.6	21.0	27.2	12.1	0.5	195
CMEs	12.1	35.6	26.0	20.6	4.7	1.1	517
MMEs	11.3	35.6	17.2	26.8	7.3	1.7	308
LMEs	7.2	42.3	25.6	18.6	5.5	0.9	119
EMEs	8.6	33.8	29.9	21.0	3.9	2.9	250
Dual channel systems	11.4	34.1	26.3	20.7	6.2	1.3	468
Single channel systems	8.6	35.8	21.3	25.8	7.4	1.1	578
Foreign reps	11.0	37.5	23.0	21.0	6.1	1.3	1,081
Home country reps	9.1	29.5	21.5	30.4	8.1	1.3	308

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

An EWC coordinator can be instrumental in promoting frequent contact between meetings by centralising contact and stimulating exchange between representatives (Lecher et al. 2001; Pulignano 2007: 84–85). Table 5.2 shows that EWC representatives who operate in conjunction with an EWC coordinator are much more likely to communicate between meetings (50.2 per cent agree to some degree) compared with those who do not have a coordinator (46.1 per cent). The policy of the ETUFs

in promoting the appointment of EWC coordinators is thus vindicated in terms of communication.

Different industrial relations cultures might affect internal communications within EWCs (Stirling and Tully 2004), as, by definition, EWCs bring together representatives with very different experiences of national level representation (Knudsen 2003). This variation can hamper effective communication (Telljohann 2005a). Similarly, variation in industrial relations traditions can cause misunderstandings about the purpose of the EWC, particularly with regard to bargaining. Table 5.2 also groups EWC representatives by country clusters, but differences are small regarding agreement with the statement.¹ The extent of disagreement that contact is frequent is more variable. Nordic representatives are most likely to disagree to some extent (39.3 per cent), while those in liberal market economies (24.1 per cent) and coordinated market economies (25.3 per cent) were the least likely to disagree. The regional clustering of communication among Nordic representatives (Andersson and Thörnquist 2007) would thus appear to be limited. An influence on the frequency of contact between meetings by country cluster is the impact of single and dual channel systems of representation. Small differences are also recorded between EWC representatives operating in single and dual channel systems who agree to some extent that communication is frequent. More EWC representatives operating in single channel systems (33.2 per cent), however, disagree with the statement than their counterparts from dual channel systems (26.9 per cent). This impact no doubt contributes to the relative infrequency of contact in the single channel Nordic countries. The relative frequency of contact among EWC representatives from the largely single channel liberal market economies, however, suggests other factors are influential.

Chapter 3 showed that home country and foreign representatives have very different representative situations. Table 5.2 shows that home country representatives are less likely to report that they are in frequent contact than foreign representatives: 38.6 per cent compared to 48.5 per cent. Given that many foreign representatives are the only representative from their country or part of a small national contingent, it is no surprise that they contact EWC representatives from other countries more frequently. This result may also reflect the importance of the EWC to foreign representatives as a means of gaining access to central management (Whittall et al. 2015), access that is more available to home country representatives.

Communication, aligning positions and a European identity

Here, the analysis focuses on the impact of dense communications on the development of understanding and trust between representatives, and whether this may promote the search for agreed positions among representatives at the EWC. The literature on management whipsawing shows that it is difficult for EWC representatives to reach a single agreed position and that management is often successful in dividing, rather than unifying, employees from different countries (Aranea et al. 2018; Greer and

1. Appendix C details the allocation of countries to each of the country clusters.

Table 5.3 Alignment of positions and frequency of contact

In the EWC, employee representatives always try to come to a common position with representatives from all countries

	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
All	11.9	56.2	19.9	7.6	1.8	2.6	1,332

Between EWC meetings, I have frequent contact with EWC representatives from other countries

Strongly agree	29.1	54.8	9.2	2.5	4.5	0.0	149
Agree	11.3	61.5	16.7	8.2	0.9	1.4	451
Neutral	8.9	52.8	29.2	4.7	2.0	2.4	325
Disagree	7.4	57.3	19.5	10.8	1.3	3.7	297
Strongly disagree	12.8	37.7	26.6	13.6	3.8	5.5	78
Don't know	3.1	49.8	20.5	0.0	0.0	26.7	25

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

Hauptmeier 2016).² Case study research has also highlighted 'free-rider' behaviour where representatives from some countries refuse to support the positions adopted by others, but reap the benefits when the others resist management (Weston and Martinez Lucio 1998). Furthermore, where representatives from a single country dominate the EWC, they may use the EWC to defend national interests rather than search for an agreed position with other EWC representatives (Kotthoff 2006; Whittall et al. 2009).

There are often many obstacles to overcome to reach an agreed position among representatives, particularly if management proposals have disproportionate national effects. The survey asked if EWC representatives agreed with the statement that they always try to come to an agreed position at the EWC with the representatives from other countries. As is apparent from Table 5.3, a majority of EWC representatives (68.1 per cent) agree to some extent with this statement, while a small minority disagree (9.4 per cent). The survey thus shows that the majority of representatives at least try to align their positions transnationally.

Solidarity is central to reaching agreed positions. 'Solidarity implies the perception of commonalities of interest and purpose which extend, but do not abolish, consciousness of distinct and particularistic circumstances' (Hyman 2001: 170). The perception of commonalities of interest and purpose is dependent on communication and contact

- Although taking place before the Directive was adopted, the example of Hoover illustrates the difficulties of avoiding managerial whipsawing tactics. In 1993, the management of Hoover decided to shift a production line from a French to a Scottish plant. To facilitate this transfer of production, Scottish trade union representatives had agreed to a range of concessions with management rather than negotiate a common position with representatives of the French workforce. In short, Scottish trade union representatives were forced to cooperate with management in order to protect jobs in Scotland. The French plant was closed following the shift in production to Scotland (EIRR 1993).

(Tully 2004; Stirling and Tully 2004). Table 5.3 demonstrates a strong relation between frequent contact and trying to align positions within the EWC. More than 29.0 per cent of EWC representatives reporting frequent contact between plenary meetings strongly agree that they always try to align their positions with other representatives. An additional 54.8 per cent agree with the statement. By comparison, among the representatives who strongly disagree that they have frequent contact, 50.5 per cent agree to some extent that they try to align positions within the EWC. The causal direction of this relationship, however, is difficult to establish. As has been mentioned before in many studies (Tully 2004; Stirling and Tully 2004), contact breeds trust which is indispensable to agree on common positions. At the same time, if EWC representatives try to come to common positions, this requires intense communication between meetings.

Confirming a key assumption of neo-functionalist theory (Haas 1958), frequent contact encourages trust, which, in turn, may underpin a 'European identity' among EWC representatives (Timming 2007). For EWC representatives to cooperate and demonstrate solidarity, they need 'a strong sense of identity, attachment and allegiance' (D'Art and Turner 2002: 11). This sense of identity relates both to the relations between EWC representatives and to those between representatives and other actors such as management (Telljohann 2009). Such a development goes beyond having similar interests, as it embraces the construction of shared interests (Haipeter et al. 2019: 11–14). Only through sharing a common European identity can sustained collective action be explained (Greer and Hauptmeier 2012; Telljohann 2009). It is thus not surprising that the development of a European identity is associated with the development of EWCs beyond mere information receptors towards consultation and active participation (Lecher et al. 2002; Hoffmann 2016). Conversely, a failure to establish a European identity among EWC representatives is viewed as an explanation of the incapacity of EWCs to resist deregulation (Tuckman and Whittall 2002), micro corporatism (Schulten 1996), and in becoming a management communication tool (Timming 2007). The development of a European identity is a deliberative process in which actors try to change and reshape the perception about the identity and the motives behind their actions (Greer and Hauptmeier 2012). By actively framing issues as transnational European problems within which there are common interests, EWC representatives may see themselves as European representatives rather than defenders of specific national interests. Such a deliberative process requires intense communication, as 'common identities will only evolve in EWCs where communication between representatives is sufficiently intense and frequent'. As cited by Whittall et al., '[t]o quote Sartre [...], "l'autrui c'est moi": I can only learn to know myself in interaction with the other. In this way, communication is the basis for the development of identity' (2009: 172).

To measure the identification of EWC representatives with the European level, respondents were asked to specify their priorities when considering their work in the EWC. They were presented with a choice of six statements and were asked to rank their first, second and third priorities. The top segment of Table 5.4 presents the results for all respondents. Some respondents indicated that two statements were of equal priority, hence the totals sum to more than 100 per cent. It is apparent from Table 5.4 that EWC representatives prioritise representation of their country (38.8 per

Table 5.4 With what do EWC representatives identify?

As an EWC representative, you have a number of priorities to consider in your work: priorities

	First priority %	Second priority %	Third priority %	First, second or third priorities %
All respondents (N = 1,387)				
I am a representative of those employees working in my plant	37.7	18.1	20.2	75.9
I am a representative of those employees working in my country	38.8	39.4	9.1	87.3
I am a representative of all employees in Europe	22.0	17.2	28.0	67.3
I am a representative of the union members of my union	11.6	11.5	17.7	40.7
I am a representative of all union members of my country	5.0	7.6	14.0	26.6
I am a representative of all union members in Europe	2.3	4.6	14.0	20.9
Trade unionists (N = 1,103)				
I am a representative of those employees working in my plant	37.2	16.4	20.0	73.6
I am a representative of those employees working in my country	35.4	39.8	10.3	85.4
I am a representative of all employees in Europe	22.7	15.8	25.8	64.3
I am a representative of the union members of my union	14.5	13.8	18.0	46.3
I am a representative of all union members of my country	5.6	8.9	13.9	28.3
I am a representative of all union members in Europe	2.8	5.6	13.8	22.2
Non-members (N = 179)				
I am a representative of those employees working in my plant	42.4	25.9	17.2	85.5
I am a representative of those employees working in my country	58.1	36.7	2.2	97.0
I am a representative of all employees in Europe	11.7	23.6	43.8	79.0
I am a representative of the union members of my union	0.7	1.7	17.0	19.3
I am a representative of all union members of my country	3.9	2.7	14.3	20.8
I am a representative of all union members in Europe	1.3	0.8	15.4	17.5

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

cent) or their plant (37.7 per cent) above Europe (22.0 per cent). Among all EWC representatives, the representation of 'employees' rather than 'union members' is the priority. For the majority of EWC representatives, the national or plant level remains the priority. In this sense, there is little change from the 2007 survey results (Waddington 2011: 140–141).

It is apparent from the second and third segments of Table 5.4 that trade unionists emphasise the options based on trade unions compared to non-members. In addition, trade unionists prioritise the representation of employees more than union members. At the level of the first three priorities, trade unionists rank country first followed

by plant and Europe for employees, and the interests of their trade union above those of other trade unions in their country and trade unionists in Europe. The same broad pattern is evident among non-members with employees working ‘in my country’ being prioritised over those ‘in my plant’ and ‘in Europe’. The fact that over 20 per cent of all EWC representatives indicate that they see themselves, first and foremost, as representatives of all workers in Europe is still an achievement. This finding is contrary to the views of the critics of the Directive who argued that EWCs were condemned to be mere fora for defending national interests (Keller 1995). It shows that even imperfect transnational structures induce some identification with European interests. The question remains: is the current extent of development of a European identity among EWC representatives sufficient to generate institutions with a European outlook as proposed by those who saw potential in the legislation?

The relationship between the intensity of communications and European identification can be further examined by assessing the responses of EWC representatives who placed Europe as their first priority. In total, 22.3 per cent of EWC representatives indicate Europe as their first priority by reference to either employees or union members.³ Table 5.5 shows that there is a robust relation between EWC representatives viewing Europe as the first priority and frequent contact between meetings: 60.7 per cent of EWC representatives stating Europe as their first priority also agree that they have frequent contact between meetings compared to 43.8 per cent of those who do not have Europe as their first priority. In other words, the intensity of communication between the meetings goes hand-in-hand with the likelihood that EWC representatives view themselves as representing European interests. This result reproduces the situation in 2007 when EWC representatives involved in intense communication between meetings were more likely to express a European identity (Waddington 2011: 145).

Finally, Table 5.5 also shows the relation between EWC representatives trying to come to an agreed position and the perception of being European. A strong relation between the two is anticipated from case study research (Kotthoff and Whittall 2014). EWC representatives who prioritise the representation of European interests are expected to try to come to a common position with representatives of other countries. This expectation is met: those who define themselves as European are more likely to agree that they try to reach common positions than those who prioritise national or local issues (75.7 per cent compared to 66.5 per cent).

In summary, this section shows that fewer than half of EWC representatives reported that they have frequent contact with representatives from other countries. Office holders and EWC representatives operating with a select committee, an EWC coordinator and an EWC that meets three or more times per year are more likely to have frequent contact. Frequent contact encourages EWC representatives to try to reach an agreed position at the EWC and promotes the development of a European identity. While several structural factors, including country of origin and differences in systems of workplace representation, contribute to an explanation of differences in

3. As some respondents indicated more than one first priority, this group is not the simple sum of the 22.0 per cent and 2.3 per cent presented in Table 5.4.

Table 5.5 Impact of a European identity

Between EWC meetings, I have frequent contact with EWC representatives from other countries

	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
National or plant identity	8.0	35.8	23.0	24.8	7.2	1.4	1,004
European identity	18.0	42.7	21.5	14.3	2.8	0.7	272

In the EWC, employee representatives always try to come to a common position with the representatives from all countries

	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
National or plant identity	11.0	55.4	21.9	7.8	1.4	2.5	1,000
European identity	15.4	60.3	13.6	6.2	3.2	1.3	273

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

the intensity of communication, the presence of EWC coordinators, select committees and more frequent plenary meetings are policy interventions that would intensify communications and improve EWC effectiveness.

Vertical articulation: communication between levels

EWC representatives are required to contact national trade unions, works councils or employees. If such contact is not made, the EWC risks becoming an 'island of European industrial relations' (Lecher et al. 2001: 96), isolated from all other forms of representation and the workforce. 'Without close connections between local, national and European levels of representation, EWCs are likely to be seen as remote institutions, with little influence or relevance for those employed on the ground' (Wills 1999: 32). Two further introductory remarks are apposite. First, as mentioned above, the Recast placed a right and an obligation on EWC representatives to report back the content and outcome of EWC activities (Article 10(2)). To represent the views and interests of the workforce, however, EWC representatives need to go beyond reporting back. They need to receive or acquire input from the local level to guide their transnational work (Hoffmann 2016). Vertical articulation thus has top-down and bottom-up elements, each of which contributes to the connectedness between representatives at the European, national and local levels. Second, a majority of EWC representatives (67.5 per cent) disagree to some extent with the statement that 'management often communicates directly with employees about the work of the EWC'.⁴ It thus appears

4. The range of responses to this question were: strongly agree, 1.0 per cent; agree, 7.7 per cent; neutral, 18.2 per cent; disagree, 36.4 per cent; strongly disagree, 31.1 per cent; and don't know, 5.5 per cent.

that managers generally do not try to present to employees a counter narrative about the EWC. Communication between the EWC and employees is thus largely in the hands of the EWC representatives.

To examine these issues, this section comprises three stages. The first stage discusses reporting back: that is, top-down communication from the EWC to the local level. The second stage assesses the input EWC representatives receive from the local level: that is, bottom-up communication. The third stage identifies some of the determinants of the intensity of communication between levels involving EWC representatives. For ease of explanation, the term 'local' is used throughout to refer to all levels below the European level unless otherwise stated.

Reporting back: top-down communication

This stage assesses how EWC representatives report back to employees at the local level about their EWC work. The survey asked the EWC representatives how they reported back the results of the most recent EWC meeting to the workforce: that is, to those they represent.⁵ As can be seen from Table 5.6, most EWC representatives report back most frequently through the local works council, trade union or employee representatives (73.2 per cent) or through personal conversations/discussions (72.8 per cent). Fewer than half of the EWC representatives circulated personally prepared reports (or newsletters) or the official minutes of the meeting. A third of the EWC representatives posted information on the company intranet, and almost one in five posted information on a website. Most EWC representatives used several methods to report back (average 2.8). Only 2.1 per cent of EWC representatives did not report back through any of these means, a proportion similar to the 3.3 per cent of EWC representatives who failed to report back by any means in 2007 (Waddington 2011: 126).

Table 5.6 also indicates which reporting back method the EWC representatives thought was the most important. More than 30.0 per cent of EWC representatives answered that reporting back through the local works council, trade union or employee representatives is the most important method, which suggests that those who select the EWC representatives are considered the most important to report back to (see Chapter 3) and confirms recent case study evidence (Haipeter et al. 2019: 214). The priority assigned to reporting back to local institutions of labour representation reproduces the situation in 2007 (Waddington 2011: 126–129). Similarly to 2007, personal conversations/discussions and the circulation of a personally prepared report were also key elements of the reporting back process.

As reporting back via the local works council, trade union or employee representatives was identified by representatives as the most important means of reporting back, Table 5.7 examines variation within this form of reporting back. As expected, unionised EWC representatives and those operating in conjunction with an EWC coordinator are more

5. Respondents could tick more than one box for the method of reporting back used, hence the percentage data add up to more than 100 per cent.

Table 5.6 How did you report back on the most recent EWC meeting?

	Used %	Most important %
Through my local works council, trade union or employee representatives	73.2	31.0
Through personal conversations/discussions	72.8	21.4
By circulating a personally prepared report (or newsletter, etc.)	42.5	16.0
By circulating the official minutes	41.5	14.8
By posting information on the intranet	34.3	14.7
By posting information on a website	20.4	5.6
None of the above	2.1	–
N	1,382	1,345

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

likely than non-members or those with no EWC coordinator to report back using this method. Regarding the country clusters, Table 5.7 illustrates two different patterns: EWC representatives based in coordinated market economies and the Nordics are more likely to say they reported back via the works council, trade union or employee representatives than their counterparts based in liberal market economies, emerging market economies and mixed market economies. Both the European Company Survey (2013) and the European Working Conditions Survey (2015) (Eurofound 2014, 2015) indicate that it is in the coordinated market economies and the Nordics that institutions of local labour representation are most likely to be present. The opportunity to report back to these institutions is thus at its peak in these country clusters.

Table 5.7 Reporting back via the works council, trade union or employee representatives

	Yes %	No %	N
All	73.2	26.8	1,384
Trade unionists	77.4	22.6	1,184
Non-members	50.6	49.4	197
EWC coordinator	78.1	21.9	838
No EWC coordinator	73.8	26.2	289
EWC representatives from:			
Nordics	72.4	27.6	193
CMEs	83.4	16.6	512
MMEs	70.4	29.6	307
LMEs	58.2	41.8	120
EMEs	72.2	27.8	252
Dual channel system	84.4	15.6	464
Single channel system	64.1	35.9	578

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

As it is also probable that representatives sitting on institutions of local labour representation selected or appointed the EWC representatives (see Chapter 3), the issue of reporting back to those who selected the EWC representatives is also likely to be relevant. Survey data support this position insofar as 85.3 per cent of EWC representatives elected by the local works council or an equivalent institution reported back to the works council, whereas 72.5 per cent selected by union members/representatives and 68.5 per cent appointed by unions reported back to these institutions. Reporting back to the institution that selected the representative is also a feature of board-level employee representation (Waddington and Conchon 2016: 170–175). Reporting back is thus not independent of selection procedures.

Comparing EWC representatives based in a dual channel system with those operating in a single channel system reveals marked differences. No fewer than 84.4 per cent of EWC representatives based in countries where a dual channel system is in place indicate that they report back via the trade union, works council or another representation body, whereas this is the case for only 64.1 per cent of the EWC representatives based in countries with a single channel system. A partial explanation of this difference arises from the impact of non-members serving as EWC representatives. Non-members serving as EWC representatives and based in countries with a single channel system are usually unable to report back through the trade union. Non-members based in countries with a dual channel system may also serve on the local works council and thus have a vehicle through which they may report back. Table 5.8 compares unionised and non-members who are EWC representatives based in countries with either a single- or dual channel system. From the outset, it should be acknowledged that non-members serving as EWC representatives in countries with a single channel system constitute a small group. In many countries with a single channel system, the law or collective agreements ensure that only union members can become EWC representatives. Non-members serving as EWC representatives in countries with a single channel system, namely Bulgaria, Romania, Portugal and the UK, comprise the majority of this group. It is apparent, however, that non-members based in countries with a single channel system are less likely to report back on their EWC activities than the other categories identified in Table 5.8.

Table 5.8 Reporting back: trade unionists and non-members

	Representation system	Reporting back via the local works council, trade union or employee representatives %	N
Trade unionists	Single	71.5	410
	Dual	84.9	491
Non-members	Single	28.0	86
	Dual	82.1	52

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

Table 5.9 Informing of employees about the EWC

I think the employees in my company are well informed about what we do in the EWC							
	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
All	2.5	19.0	22.1	36.8	17.4	2.2	1,420
Reported back via the local works council, trade union or employee representatives							
No	2.0	17.0	19.8	38.6	20.1	2.5	369
Yes	2.7	19.8	23.2	36.0	16.4	1.9	1,040
By circulating the official minutes							
No	1.5	16.0	20.4	39.8	19.5	2.8	814
Yes	4.0	23.3	24.8	32.4	14.4	1.1	595
By circulating a personally prepared report (or newsletter, etc.)							
No	1.6	18.2	20.3	37.0	20.2	2.6	800
Yes	3.8	20.1	24.9	36.3	13.6	1.4	609
By posting information on the intranet							
No	1.7	18.2	21.1	37.0	19.5	2.5	935
Yes	4.2	20.7	24.5	36.1	13.4	1.2	474
By posting information on a website							
No	1.9	19.8	21.7	36.4	18.2	2.1	1,125
Yes	5.3	15.9	24.7	37.9	14.2	2.0	284
Through personal conversations/discussions							
No	1.7	19.2	18.1	39.5	18.7	2.7	369
Yes	2.9	18.9	23.8	35.7	16.9	1.8	1,040
Number of reporting back channels used							
0	1.8	0.0	12.7	39.8	35.0	10.8	43
1	0.8	17.6	19.9	38.2	21.0	2.5	245
2	2.4	18.4	19.3	38.9	18.9	2.0	375
3	1.3	19.4	23.5	38.2	17.1	0.6	309
4	2.3	21.6	29.1	37.6	9.4	0.0	176
5	9.9	23.6	30.5	25.2	10.8	0.0	64
6	6.1	18.0	25.4	32.6	14.4	3.5	174

Reporting back does not necessarily mean that employees are informed about the activities of the EWC. The information reported back could simply remain with the works council or workplace trade union and not be further disseminated. A survey of employees of MNCs would enable a detailed assessment of this issue. Here, however, EWC representatives were asked if employees of their company were 'well informed about what we do in the EWC'. Table 5.9 shows that only 2.5 per cent of EWC representatives strongly agree and 19.0 per cent agree with this statement. Confirming the 'distance' between the EWC and the employees it represents, no fewer than 17.4 per cent of EWC

representatives strongly disagree and 36.8 per cent disagree with the statement. In short, EWC representatives do not think that employees represented by the EWC are very well informed about the institution. Furthermore, Table 5.9 demonstrates that the method used by EWC representatives to report back does not significantly alter the extent to which EWC representatives think that employees are well informed. This finding again suggests that the duty of reporting back on EWC activities is primarily perceived as a requirement to report back to the institutions of labour representation within the MNC. Only when EWC representatives use multiple methods of reporting back is there a marked impact on the extent to which they think employees are well informed. When five methods of reporting back are used, for example, 33.5 per cent of EWC representatives think employees are well informed to some extent. Given that this figure is the result of the perceptions of EWC representatives rather than employees, it is far from overwhelming.

These results confirm that EWCs as institutions are distant from the employees they represent and suggest that the isolation of EWCs feared by many is the case in practice (Weston and Martinez Lucio 1998; Telljohann 2005a). The apparent contradiction is that the 'distance' between EWCs and employees is not the result of a failure to report back *per se* (see Table 5.6). EWC representatives use multiple means to inform those on the local level about EWC activities, but employees remain relatively uninformed about the activities of the EWC, suggesting that there are intervening factors between reporting back and employees being informed. These intervening factors are discussed in the third stage of this section, while the next stage examines bottom-up communication.

Input from the employees represented by the EWC: bottom-up communication

Reporting back is one element of vertical articulation. A second involves the EWC representative acquiring information from the local level to take to the EWC where it can be assessed in conjunction with similar inputs from other countries. To explore this second element of vertical articulation, EWC representatives were asked whether they often asked for input from the local works council, trade union or the workforce on their work at the EWC. Table 5.10 demonstrates that 41.3 per cent of all EWC representatives agree to some extent that they often ask for such input. This figure contrasts with the 25.5 per cent of EWC representatives who disagree to some extent with the statement. The extent of the input to the EWC from the local level is thus curtailed.

Table 5.10 also illustrates the variation by country cluster, function, unionisation and presence of an EWC coordinator. Similarly to the results on reporting back (Table 5.7), EWC representatives from CMEs are more likely to say that they for ask input from the local level than their counterparts from elsewhere. While this result may be related to the density of local institutions of labour representation within the CMEs, this argument would have been supported had Nordic EWC representatives also reported higher levels of asking for input, but this was not the case. As more EWC representatives from the EMEs than the Nordics agree to some extent with the statement and workplace institutions of labour representation in the EMEs are relatively sparse, it is apparent that factors additional to institutions of workplace representation impinge on the gathering

Table 5.10 Asking for input from local representative institutions

I often ask for input from the local works council, the trade union or the workforce on my work in the EWC

	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
All	6.7	34.6	28.1	19.6	5.9	5.2	1,415
EWC representatives from:							
Nordics	4.6	28.9	26.8	25.0	10.0	4.8	198
CMEs	9.5	38.5	25.1	18.1	5.8	3.0	524
MMEs	7.0	30.5	28.9	22.7	5.1	5.8	318
LMEs	2.5	39.1	32.1	12.9	6.0	7.3	121
EMEs	5.6	37.0	31.8	15.4	1.6	8.6	254
Office holders	9.8	42.9	24.2	18.9	2.2	2.0	490
EWC members	5.2	31.9	29.8	20.6	6.6	6.0	772
Trade unionists	5.9	36.6	28.2	19.6	5.6	4.1	1,211
Non-members	11.3	23.3	27.6	19.5	7.3	11.1	201
EWC coordinator present	7.9	38.0	28.5	16.7	4.8	4.0	843
No coordinator	4.7	34.6	26.5	26.4	6.6	1.2	294

of input for the EWC from the locality. Office holders were the most likely to ask for input from the local level, perhaps reflecting a perceived responsibility to articulate the EWC more effectively with local institutions. Similarly, EWC coordinators appear to promote the acquisition of information from the localities, again confirming the benefit of the ETUF policy to assign a coordinator to each EWC.

To develop an understanding of gathering input from the locality, the survey asked EWC representatives whether they knew what the employees they represented expected of them. The upper segment of Table 5.11 shows that 49.0 per cent of EWC representatives thought that they knew what employees expect from them, while 16.8 per cent did not. Again, this finding indicates a 'distance' between some EWC representatives and those they represent. Combining this question with the question on gathering input from the localities, however, the lower segment of Table 5.11 shows that EWC representatives who often ask for input from the local level are much more likely to say that they know what the employees expect from them. No fewer than 69.9 per cent of those who strongly agree that they ask for input report that they know what the employees they represent expect from them. Of course, this means that 30.1 per cent of EWC representatives who seek input from the localities still do not know what those they represent expect of them. Among EWC representatives who agree to some extent that they often ask for input from the local level, 60.4 per cent report that they know what employees expect of them. This proportion declines to 26.7 per cent of EWC representatives who strongly disagree with the statement that they ask for input. There is thus a strong relation

Table 5.11 Asking for input, knowing what to do

I always know what the employees I represent expect from me							
	Strongly agree %	Agree %	Neutral %	Disagree %	Strongly disagree %	Don't know/not applicable %	N
All	6.6	42.4	30.9	14.4	2.4	3.4	1,416
I often ask for input from the local works council, the trade union or the workforce on my work in the EWC							
Strongly agree	38.1	31.8	21.0	7.6	0.0	1.5	86
Agree	6.7	53.7	29.1	8.4	0.7	1.3	498
Neutral	3.5	40.8	41.8	11.1	1.3	1.5	405
Disagree	2.1	37.8	24.1	33.4	1.0	1.6	264
Strongly disagree	4.2	22.5	31.8	12.7	26.7	2.1	74
Don't know/not applicable	1.9	28.5	19.3	13.0	0.0	37.4	84

between asking for input and knowing what the employees represented by the EWC representatives expect from them.

An examination of reporting back, the extent to which employees are informed about the EWC and the frequency at which EWC representatives ask for input from the local level reveals severe limitations to the extent of vertical articulation. While most EWC representatives report back using several means, only a minority think employees know what is happening at the EWC. Concurrently, only a minority of EWC representatives regularly ask for input from the local level and feel that they know what the employees want from them. These results raise the question: what underpins the limited extent of vertical articulation? The objective of the next stage of the analysis is to seek an answer to this question.

What inhibits vertical communication?

Those who saw potential in the Directive hoped that the establishment of robust horizontal and vertical articulation would mitigate the structural weaknesses of the legislation (Lecher and Rüb 1999; Martinez Lucio and Weston 2000). The previous stage of the analysis showed that such robust mechanisms are in place for only a small minority of EWC representatives. To establish why vertical articulation and communication is so limited, two groups of EWC representatives were identified. The 'well-connected' (N = 210, 15.2 per cent of the total) group comprises EWC representatives who think their workforce is informed about their activities (strongly agree and agree) and always know what the workforce expects from them (strongly agree and agree). The second group (N = 1,171, 84.8 per cent) comprises the remaining EWC representatives and is defined as 'not well connected'.

Table 5.12 Are EWC representatives well connected?

	Not well connected %	Well connected %	N
All	84.8	15.2	1,381
Office holder	84.0	16.0	490
EWC member	84.2	15.8	770
Substitute member	92.5	7.5	110
EWC coordinator present	82.6	17.5	836
No EWC coordinator	89.2	10.8	291
Less than 1 year	82.5	17.5	109
1 to 3 years	86.8	13.2	332
3 to 5 years	92.3	7.7	239
5 to 7 years	87.1	12.9	159
7 to 10 years	81.6	18.4	238
10 to 20 years	78.6	21.4	161
More than 20 years	82.8	17.2	23
Foreign reps	82.7	17.3	1,074
Home country reps	91.7	8.3	307

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

From the outset, Table 5.12 shows that holding an office at the EWC is related to connectedness, although, as expected, substitute members tend to be more isolated than most with only 7.5 per cent in the well-connected group. Yet again, the presence of an EWC coordinator tends to be positively related to connectedness, as 17.5 per cent of EWC representatives working with an EWC coordinator report being well connected compared to 10.8 per cent of those with no EWC coordinator. The duration of tenure of the EWC representative is also an influential factor. EWC representatives with a longer tenure tend to be better connected than their more recently selected counterparts, suggesting that policies to decrease the rate of turnover among EWC representatives will encourage better connectedness. Finally, Table 5.12 illustrates that foreign representatives are more likely to be well connected than home country representatives. Chapter 3 showed that foreign representatives represent fewer sites of the MNC than home country representatives with the consequence that their reporting back and acquiring input tasks may be less demanding than those of the home country representatives, which, in turn, may impact on their connectedness.

Table 5.12 demonstrates that the vast majority of EWC representatives are not well connected, irrespective of the circumstances of the EWC. An explanation of this situation is that management restricts communications between EWC representatives and the local level. For example, EWC representatives at Amcor, an Australian packaging company, wanted to use the company's intranet to inform the workforce about the EWC's activities. Management resisted, however, and argued that the EWC

Table 5.13 Freedom to communicate to the local level

	%	All	Not well connected		Well connected	
		N	%	N	%	N
I have enough freedom to communicate with the workforce about the work in the EWC						
Strongly agree and agree	59.2	906	75.8	610	24.2	244
Neutral	21.4	327	97.3	297	2.7	12
Strongly disagree and disagree	17.2	228	99.3	196	0.7	5
Don't know	2.2	30	96.8	27	3.2	1
I have enough freedom to communicate with national/local worker representatives about the EWC						
Strongly agree and agree	69.7	1 026	80.5	741	19.5	223
Neutral	17.9	266	94.6	217	5.4	27
Strongly disagree and disagree	9.9	153	95.8	132	4.2	7
Don't know	2.5	38	92.1	32	7.9	4

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

did not have the right to communicate directly to the workforce, as the local works council was the appropriate vehicle for such communication. The court upheld the managerial position (*Amcor v Amcor EWC*, Az. 5 BV 7/12: ArbG Lörrach, 26 June 2013). The Recast is unambiguous, however, in stating that EWC representatives should have 'the means required to apply the rights arising from this Directive' (Article 10), which, in practice, necessitates the means to communicate top-down and bottom-up with the local level. The issue is thus contested. To explain the absence of vertical communication, the analysis focuses on whether EWC representatives have sufficient scope to communicate with the local level, are permitted to visit the company premises, are limited in communication because of confidentiality issues, or simply have very little to communicate about arising from the EWC. Each of these issues is examined in order to establish the extent to which it constitutes a barrier to vertical communication.

Table 5.13 presents the results on the first of these issues: the freedom EWC representatives have to communicate with the local level. EWC representatives were asked to evaluate two statements regarding communicating with the workforce and with local representatives. The majority of all EWC representatives agreed to some extent with both statements: 69.7 per cent thought they had the freedom to communicate with local representatives and 59.2 per cent the freedom to communicate with the workforce. There are thus some managerially imposed limits on the freedom to communicate, but these do not explain the extent of the absence of connectedness reported above. It should also be noted that the greater freedom to contact local representatives compared to the workforce is consistent with the *Amcor* court ruling mentioned above.

Table 5.13 compares answers to the question on the freedom to communicate with the extent to which EWC representatives are well connected. The data show that there is a strong relationship between having the freedom to communicate and being well connected. Of those who report that they have the freedom to communicate with the

workforce, 24.2 per cent state that they are well connected. Among those with a neutral position or who disagree with the statement on the freedom to communicate, fewer than 4.0 per cent reported being well connected. The same is true for having enough freedom to communicate with the local representatives. Of the representatives who agree with this statement, 19.5 per cent are well connected compared to fewer than 10.0 per cent with a neutral position or who disagree with the statement. The conclusion is unambiguous: if EWC representatives have the freedom to communicate with the local level, they are better connected. The freedom to communicate is thus a necessary but insufficient condition for EWC representatives to be well connected with the local level.

A second explanation of the absence of connectedness between EWC representatives and the local level may be the omission from the Recast of a right for EWC representatives to visit those they represent where they work. This is another contested issue regarding EWCs. Although the Recast does not explicitly include a right enabling EWC representatives to visit workers at their workplaces, the duty to report back to the employees they represent implicitly constitutes such a right (Picard 2010). A similar conclusion was reached by the expert report funded by the Commission that evaluated the implementation of the Recast, which concluded that reporting back 'could entail the need for EWC members to travel to local sites in order to report back to the workers' (European Commission 2010b: 41–42). A further indicator of the ambiguity in this issue is the growing number of EWC founding agreements that include a clause allowing EWC representatives to visit sites operated by the MNC (De Spiegelaere 2016). The contested nature of the issue is also illustrated by a further episode in the history of the Amcor EWC when two members of the select committee wished personally to present the outcome of EWC deliberations to workers at a UK plant of the MNC. The company refused to cover the costs for this trip and disputed whether the select committee members were required to perform this task (*Amcor v Amcor EWC*, Az. 5 BV 7/12: ArbG Lörrach, 26 June 2013; ICF, 2016a). The court ruled that it was the task of the local representatives to inform the UK workforce of the EWC deliberations rather than members of the select committee of the EWC.

Table 5.14 shows the proportion of all EWC representatives able to visit the sites of the MNC in their country and in other countries. No fewer than 84.0 per cent of all EWC representatives reported that they could visit MNC sites in their own country, while 60.7 per cent could visit sites in other countries. For 33.2 per cent of EWC representatives for their own country and for 38.5 per cent for other countries, this is not a right, however, as management must approve the visit beforehand. Furthermore, 16.0 per cent and 39.3 per cent of EWC representatives are prohibited from visiting sites in their own country or in foreign countries respectively. Only 21.0 per cent of EWC representatives for their own country and 5.5 per cent from a foreign country need neither to seek managerial approval nor to notify management before visiting the sites. In short, visiting sites operated by the MNC is a contested issue, and although no majority position emerges among the options available, there are marked managerial restrictions in place.

Table 5.14 also shows the relation between management's willingness to allow visits to company premises and the connectedness of the EWC representative. With regard

Table 5.14 Do management allow visits to company premises?

	%	All	Not well connected		Well connected	
		N	%	N	%	N
Visiting company premises: own country						
Not allowed	16.0	209	90.3	184	9.7	24
Allowed after approval	33.2	442	85.7	363	14.3	76
Allowed after notification	29.9	407	83.3	320	16.7	84
No approval or notification needed	21.0	292	83.0	235	17.0	56
Visiting company premises: other countries						
Not allowed	39.3	502	88.5	436	11.5	65
Allowed after approval	38.5	513	83.3	409	16.7	101
Allowed after notification	16.8	243	81.8	185	18.2	55
No approval or notification needed	5.5	75	81.2	58	18.8	17

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

to visits to company sites in their own country, representatives who can visit company premises without needing to seek managerial approval or notify management are more likely to be in the well-connected group (17.0 per cent) compared to those who are not allowed to visit company premises (9.7 per cent). The same relation is apparent for visiting company premises in other countries: 18.8 per cent of the well-connected group are allowed to visit foreign company premises without needing to seek managerial approval or notify management, whereas only 11.5 per cent are precluded from doing so.

In addition to the contestation inherent in this issue, two points emerge from these findings. First, limits imposed by management on visiting sites clearly impede a significant minority of EWC representatives from undertaking the duties delegated to them by the legislation and European policy-makers. Second, the distance between EWC representatives and those they represent is likely to remain in place unless representatives are accorded the right to visit the sites of the MNC.

Confidentiality provisions are a third possible explanation for the absence of connectedness between EWC representatives and the local level.⁶ Where management stipulate that any information conveyed to the EWC as strictly confidential must not be passed on, this precludes the EWC representative from discussing the information with those affected by the matter at the local level, thereby further ‘distancing’ the representative from those s/he represents. Survey research has shown that there is widespread abuse of the confidentiality clause in relation to EWC work (Voss 2016), and this generates friction within the EWC over information disclosure to employees (Gold

6. An extended discussion of managerial approaches to confidentiality is included in Chapter 8. At this point, the examination focuses exclusively on confidentiality and communication.

Table 5.15 Limited in talking about EWC work

I often feel limited in talking about my EWC work to the employees I represent because of concerns about confidentiality

	All		Not well connected		Well connected	
	%	N	%	N	%	N
Strongly agree and agree	33.9	463	87.7	375	12.3	70
Neutral	22.8	326	86.9	266	13.1	47
Strongly disagree and disagree	41.1	594	81.2	452	18.8	121
Don't know	2.3	41	86.4	35	13.6	5

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

and Rees 2013). Furthermore, confidentiality clauses in EWC founding agreements may limit communication between EWC representatives and those they represent (De Spiegelaere and Jagodziński 2016), reflecting management's concerns about keeping certain information confidential in their dealings with the EWC (Pulignano and Turk 2016). Challenging management over the application of confidentiality rules may help facilitate communication between EWC representatives and those they represent, but such action does not appear to promote the earlier disclosure of information (Meylemans and De Spiegelaere 2019).

Table 5.15 investigates the impact of confidentiality on vertical articulation by presenting the relationship between connectedness and responses to the statement 'I often feel limited in talking about my EWC work to the employees I represent because of concerns about confidentiality'. There is a clear relationship between feeling limited in discussing EWC work because of concerns about confidentiality and being well connected to the local level. Among those who feel limited in talking about EWC work because of confidentiality concerns, 12.3 per cent are well connected. By comparison, among those who do not feel limited due to confidentiality, 18.8 per cent are in the well-connected group. Management's use of confidentiality may thus inhibit communications between the EWC and the local level for a small minority of EWC representatives. This is, however, at best, a contributory factor rather than an explanation of the absence of communication between the two levels of representation.

The lack of freedom to communicate, managerial restrictions on visiting company sites and management's application of confidentiality provisions all contribute to the absence of connectedness among EWC representatives. Each of these factors alone, however, does not provide a sufficient explanation for this absence. The analysis now takes a different tack: instead of examining the obstacles to connectedness, it assesses whether there is sufficient information of interest arising from the EWC for the representatives to communicate to those they represent.

If EWC representatives feel that they are involved only after managers have finalised their decision-making (see Chapter 4), for example, there is very little reason for them to ask for input, let alone report on matters employees may already know about. Similarly, Chapter 4 showed that EWCs generally operate as information rather than

Table 5.16 Connected and content with EWC work

	All		Not well connected		Well connected	
	%	N	%	N	%	N
When does information exchange or consultation usually take place?						
Before the final decision	20.8	293	77.9	199	22.1	74
After the final decision, before implementation	44.9	629	87.7	510	12.4	98
During implementation	18.5	272	84.5	217	15.5	46
After implementation	9.7	138	87.6	119	12.4	15
Don't know	6.2	95	83.4	82	16.6	10
How effective are the plenary EWC meetings for consultation?						
Very effective	11.9	171	77.9	116	27.3	49
Effective	37.9	533	87.7	402	18.2	105
Neutral	26.5	408	84.5	339	10.1	54
Ineffective	16.5	211	87.6	189	7.9	19
Very ineffective	7.2	84	83.4	67	15.2	14

Note: These responses are only from those EWC representatives who had attended at least one EWC meeting.

consultation bodies. In these circumstances, the EWC representative may wish to report back information to the local level, but the utility of asking for input from the local level is very limited if management do not engage in consultation: that is, does not take such information from the local level into account. Put bluntly, if the EWC is an empty shell, why would EWC representatives care to communicate with the workforce about it, and, in turn, why would they seek to acquire information from the workforce if they are not in a position to do anything meaningful with it?

Table 5.16 thus assesses connectedness in the context of the timely release of information and consultation by management and the effectiveness of the EWC on consultation. Among EWC representatives who think that their EWC is generally informed and consulted before managers reach their final decision, 22.1 per cent regard themselves as well connected. EWC representatives who are involved at a later stage in the decision-making/implementation process are less likely to be well connected (12.4 per cent to 15.5 per cent).

Replicating the situation with regard to timeliness, the analysis reveals a clear relationship between connectedness and effective consultation. Among EWC representatives who regard their EWC as very effective for consultation purposes, 27.3 per cent are well connected, which is almost twice the proportion (15.2 per cent) who view the EWC as very ineffective for consultation. It should be noted, however, that 15.2 per cent of EWC representatives are well connected in an EWC that is not effective for consultation, once again suggesting that timeliness and the effectiveness of the EWC in the consultation process are partial rather than complete explanations for the absence of connectedness among EWC representatives.

Although the vast majority of EWC representatives report back to the local level using several methods, the ‘distance’ between the EWC and the employees it represents is marked insofar as the majority of employees are not well informed about the activities of the EWC. A further indicator of this distance is that only a minority of EWC representatives seek input from the local level to guide their activities at the EWC. This section also demonstrated that a small minority (15.2 per cent) of EWC representatives are well connected to the local level. Barriers that contribute to the absence of connectedness between the EWC and the local level include managerial restrictions on the freedom to communicate, lack of access to company premises and the application of confidentiality provisions. In addition, the absence of consultation and timeliness at the EWC noted in Chapter 4 in many cases undermines the purpose of articulation between the EWC and local level.

Conclusion

To function effectively, EWC representatives need to communicate between meetings and, as representatives of employees within the MNC, to be in contact with those they represent. EWC representatives thus need to communicate horizontally and vertically. These forms of communication occupy a central place in the broader debate on EWCs. Those who saw potential in the legislation argued that some of its structural weaknesses could be mitigated by the creation of intense communication networks involving EWC representatives from different countries and between European and local levels of representation (Martinez Lucio and Weston 1996, 2004; Tully 2004). According to supporters of this position, intense communication between EWC representatives from different countries may also promote solidarity and a European rather than a national identity, both of which were viewed as a prerequisite for the establishment of participatory institutions capable of exerting influence over managerial decision-making (Lecher et al. 2002). In contrast, more pessimistic analyses viewed the legislation as structurally flawed to the extent that EWCs would become mere extensions of national systems of representation (Keller 1995; Streeck 1997). This reading of the legislation envisaged very few opportunities to create European institutions and viewed their fragility as likely to preclude European perspectives, as managers sought to divide EWC representatives, and the disproportionate national impact of managerial proposals undermined any consensus among EWC representatives (Aranea et al. 2018; Mählmeyer et al. 2017).

This chapter shows that sources of optimism are few and far between. Fewer than a half of EWC representatives report that they are in frequent contact with their fellow representatives between the plenary meetings of the EWC. Although most EWC representatives report back to the local level, these representatives do not think that the employees they represent are very well informed about the activities of the EWC. Furthermore, EWC representatives ask for input from the local level to guide their decision-making at the EWC only to a limited extent. On a more positive note, where intense communication takes place, EWC representatives are more likely to try to establish agreed positions and express a European identity. The constraint here, however, is that fewer than a quarter of EWC representatives express a European

identity as their first priority, a proportion markedly lower than those who express a national or a plant identity.

From the perspective of those who saw potential in the legislation, the findings of this chapter are disappointing. Horizontal and vertical communications are subject to considerable limits. There is no wide-ranging evidence to suggest that, by means of such communication, the shortcomings of the legislation are being mitigated. To the contrary, the prevalence of national- and plant-oriented identities lends support to the argument of the pessimists that EWCs would become mere extensions of national systems of representation rather than a transnational level of representation that adds value to representation systems within MNCs. More challenging for the pessimists are the data demonstrating that, where horizontal and vertical communication is intense, there is evidence that EWC representatives try to find agreed positions and express a European identity. In short, the expectations of those who saw potential in the legislation are confirmed in these instances, but they are so infrequent that any claim for general optimism is simply far-fetched.

The analysis of the factors that underpin more intense communications allows movement beyond the debate between the pessimists and those who saw potential in the legislation. In particular, and supporting the position of the ETUC and the ETUFs, the establishment of a select committee, the holding of frequent plenary meetings and the presence of an EWC coordinator are associated with more intense communications. While the inclusion of an obligation to report back in the Recast is a necessary condition for vertical communication, it is insufficient to ensure the communication outcomes desired by European policy-makers. Management also imposes barriers to the connectedness of EWC representatives by limiting their freedom to communicate with the local level, by restricting their access to the sites of the MNC where those they represent are employed and by applying confidentiality provisions to prevent them from disclosing certain information. While these factors do not fully explain the absence of connectedness among EWC representatives, they each have the effect of restricting EWC representatives in the performance of their duties and activities. A further limiting factor for the connectedness of EWC representatives arises from the findings of Chapter 4 and is also associated with managerial approaches to EWCs. Where management do not engage in consultation or fail to engage in information exchange and consultation in a timely manner, EWC representatives are less likely to prioritise connectedness, because events at the EWC are likely to have been superseded within the MNC: put simply, there is no need to ascertain the views of employees on an issue if the managerial decision on that issue has already been finalised. In this context, the onus rests with management to comply with the intentions of European policy-makers regarding consultation and timeliness and with European policy-makers to ensure that their intentions are being realised in practice and on a wider scale. For trade union organisations, the challenge of generating connectedness within EWCs and between EWCs and the local level has proved a bridge too far. Chapter 6 examines trade union initiatives in other areas intended to mitigate the limitations of the legislation.