



## BR-Wahl

# 10 Good Reasons for a Works Council

### 1 A works council is the first port of call for redundancies

The works council has a say in redundancies and staffing cutbacks. It can object to redundancies and thus significantly improve the prospects of an employee's wrongful dismissal claim at an industrial tribunal. If the employer does not inform the works council about a redundancy or fails to do so properly, the redundancy is invalid.

### 2 Without a works council there is no redundancy plan

Without a works council there is no redundancy pay: if there is no works council, there is no process for redundancy plans and the settlement of disputes with the employer and also no enforceable claim to redundancy pay for mass redundancies.

### 3 The works council is a safe pair of hands for working hours concerns

Company holidays, reduced working hours, working time accounts: all of these measures require approval by the works council. Only the works council can ensure that its interests regarding reduced hours, etc. are taken into account by the employer.

### 4 The works council also participates in economic decisions

Not every company is in as bad a financial state as claimed. Only the works council and the economic committee can access and verify any information relating to the company's economic situation. The board would rather not show the balance sheets to individuals.

### 5 Only a works council can negotiate with an employer on equal terms

Due to its legal training requirements, only a works council has the necessary knowledge of labour law that is needed to negotiate with the employer on an equal footing and represent the interests of employees regarding reduced working hours, redundancy pay, etc.

### 6 One-on-one meetings – not without my works council

Employees cannot call upon a lawyer for meetings with their employer, however in the vast majority of cases you can rely upon a member of the works council. A meeting in the presence of a works council often goes very differently than one without any representation.

### 7 A works council can also help with mobbing, bossing and harassment at work

The works council has a say in transfers, disciplinary transfers and other sanctions (wage classification, salary increases, bonuses, promotions etc.). In many companies, the works councils use company agreements to ensure effective protection against mobbing and other forms of harassment.

### 8 Is the employer deciding everything on its own? Not with a works council

The works council has an equal right to have its say on matters such as rules on target agreements, rules on return to work meetings, smoking and alcohol bans, car park rules or the use of TVs and radios at work.

### 9 A works council ensures a minimum amount of privacy in the workplace

Protection against surveillance: with the advance of new technology, employee surveillance is on the rise. Only the works council can have a say on video surveillance, bag searches, data collection, computer checks and other such measures.

### 10 A works council ensures equal treatment

Companies with financial difficulties often cancel bonuses and require you to do extra work. The works council is obliged to ensure that the company complies with equal treatment requirements and can enforce equal treatment in terms of remuneration, bonuses, overtime etc. due to its participation rights.