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European Right to Information and Consultation Employees and Employers

Introduction

Article 21 of the Revised European Social Charter (RESC)[1] obliges Member States to undertake or to encourage measures enabling workers or their representatives to attain information concerning the financial and economic situation of the undertaking employing them and to be consulted on proposed decisions, which could substantially affect their interests. First and foremost, employers should consult with their workers or with their representatives

[1] Explanatory report to the revised European Social Charter, European Social Charter, Collected texts, 7th ed., Council of Europe, www.coe.int/social, charter, p. 38 ff. See also: R. Birk, *European Social Charter*, The Hague 2007; K. Lukas, *The Revised European Social Charter. An Article by Article Commentary*, Cheltenham–Northampton 2021; K. Riesenhuber, *European Employment Law. A Systematic Exposition*, Cambridge–Antwerp–Portland 2012, p. 651 ff; L. Samuel, *Fundamental Social Rights. Case Law of the European Social Charter, Council of Europe Publishing*, Strasbourg 2002, p. 451 ff; A.M. Świątkowski, *Labour Law: Council of Europe*, 4 ed., AH Alphen aan den Rijn 2021, p. 310 ff.

about the decisions, which may seriously influence the level of employment within their industry. The right to information and consultation introduced by the Additional Protocol into the European Social Charter in 1988 (Article 2) was a prototype for Directive No. 14 of the European Parliament and the Council on 11 March 2002 (2002/14.EC), which formulated the basic grounds for information and consultation among the workers of the European Community[2]. Under Article 21 of the Charter, employees and/or their representatives (trade unions, staff communities, work councils or health and safety committees) have the right to be informed about any issue which might affect their working environment, unless the disclosure of such information could be prejudicial to the undertaking. They must also be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking[3]. The prototype for Article 21 RESC (Article 2 Additional Protocol of 1988) is a directive project of the Vredeling community dedicated to the processes of information and consultation in industries[4]. Differentiated from the European Union directive, neither Article 2 of the Additional Protocol nor Article 21 RESC considers workers' rights or their representatives' to information concerning their employers, as a personal right available to each employed individual. The analysed provisions of the Charter are treated as a standard, which may be utilised by labour collectives or by their representatives. The analysis of the Committee's judgment allowed for the formation of the hypothesis, that Article 21 RESC is also considered as a legal standard, which certain employees may utilise[5].

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2 OJ L.80, 23 Mar. 2002.

3 Conclusions 2014 (Italy).

4 Directive on Information and Consultation Procedures for Employees, 1980 OJ (C 197), p. 3.

5 The Committee concludes that the situation in Moldova is not in conformity with Art. 21 of the RESC because it has not been established that sanctions are applicable in case of employers fail to fulfil their obligation to inform and consult workers within the undertaking. Conclusions 2010, vol. 2, p. 429.

European and domestic warranties

The Committee, which not only supervises of the compliance of domestic labour legislation with the international standards established by the Charter, decided the right to information and consultation should be ensured by domestic legislation which would allow its beneficiaries effective use. To guarantee this, the regulation present in domestic labour legislation must allow for an independent body to deal with claims and complaints that may arise from the inability to make use of such a right to information and consultation by workers who have attained such a right[6]. The Committee noted in 2010 than in the event of infringements of the right to information and consultation, labour courts could order employers to carry out their obligations and declare any decision taken in violation of these obligations void. Employers who do not execute labour court orders are liable to face criminal prosecution[7]. This above entitlement should be ensured to workers and their representatives[8]. The right should not be limited to bodies, which in turn pursue those employers who are violating provisions concerning information and consultation. In certain situations the beneficiaries whose right to information and consultation has been breached, should be able to file a claim seeking damages[9]. In the view of the Committee penalties imposed should support civil liability claims and pay for damages and annul decisions[10] carried out by employers without consulting and informing the workers or their representatives.

The role of the European Committee of Social Rights

Having in mind the protection of employers' rights who have acted criminally or in a white-collar crime capacity, which resulted in

6 Conclusions XIII-3, p. 440.
7 Conclusions 2010 (Italy).
8 Conclusions XIII-5, p. 288 (Sweden).
9 Conclusions XIII-5, p. 278 (Finland).
10 Conclusions 2003, vol. 1, p. 311 (Italy).

penalties imposed on the employer for breaching the obligation to inform and consult the workers or their representatives, the Committee was interested to receive information concerning the decisions handed down by courts or work inspectors[11]. It demanded information from Member State authorities, which entities (particular workers or organisations) have the right to litigate and file claims against employers who have breached domestic legislation stipulating the obligation of informing and consulting with workers or their representatives under Article 21 RESC[12]. As of 2015, the Committee concludes that the situation in France, Italy and Norway is not in conformity with Article 21 of the Charter on the grounds that: (1) some employees are excluded from the calculation of staff numbers carried out to determine the minimum thresholds beyond which staff representative bodies must be set to ensure the information and consultation of workers[13]; (2) it has not been established that the rules on information and consultation cover all categories of employee[14]. The position of the Committee, which demanded

[11] Conclusions XVI-2, vol. 1, p. 365 (Greece); Conclusions XVI-2, vol. 2, pp. 594–595 (Norway).

[12] Conclusions 2003, vol. 1, p. 72 (Bulgaria); Conclusions 2003, vol. 2, p. 420 (Romania).

[13] Conclusions 2014 (France). The employees not dealt with in the French labour law are mostly employed by companies with fewer than 11 employees, and this is the case for about a fifth of all employees, including public-sector employees. The French report stated that this exclusion makes it possible to ensure that the recruitment of workers on state-subsidised contracts (*contrats initiative-emploi* and *contrats d'accompagnement dans l'emploi*) does not subject employers to additional administrative and financial constraints by making them overstep thresholds beyond which they must set up staff representative bodies.

[14] Conclusions 2014 (Italy, Norway). In Norway, in companies with more than 30 employees, employees may demand that one member and one observer be elected to the board of the company by and among employees. In companies more than 200 employees, there shall be a corporate assemble where one-third of the members shall be elected by and among the employees. The corporate assembly shall then elect the board. In cases where an agreement not to establish a corporate assembly is concluded between the company and local trade unions, the employees shall elect an additional board member or two observers.

from Bulgarian and Romanian authorities detailed information concerning the entities entitled to file claims, regulated by labour law, in the case when an employer breaches the obligation outlined under Article 21 RESC, sought its information by way of questionnaire whether the above provision is guaranteed to all workers or solely to their representatives. Exactly the same situation took place in 2018. Due to the lack of information that the government of Serbia and Herzegovina was obliged to inform the Committee whether all employees have the right to information and consultation on the economic and financial situation of the employer and on other matters listed in Article 21 lit. (a) and (b) the Committee concluded that the situation in this country was not in line with the RESC provisions[15]. The Committee proves the statement on the interpretation of the analysed provisions of the Charter as standards, which regard the right to information as a right particular workers are entitled to and not only groups of workers employed by particular employers or their representatives.

In executing the plan for information and consultation, authorities of Member States should either independently formulate provisions dealing with the principles of information and consultation by industries with workers or their representatives or to encourage stakeholders to define the above principles in collective labour agreements or in other normative agreements. Informing and consulting about matters stipulated under Article 21 RESC does not require legislative regulation. It may, depending on the individual customs of particular Member States concerning collective labour relations, be ensured by the judiciary or be customary in its nature. The undertaken methods of regulating information and consultation by each Member State through employers, workers or their representatives should be effective and adequate[16]. To determine whether such mechanisms dealing with information and consultation for workers and/or their representatives are effective, the

[15] Activity Report 2018, p. 38.

[16] Explanatory report to the 1988 Additional Protocol, European Social Charter, *supra,* p. 132.

Committee demands detailed information concerning the established procedures of the issue at hand[17].

Tasks of the European Committee of Social Rights

Article 21 RESC obliges Member States to undertake or encourage measures which will ensure workers or their representatives the right to information and consultation. This obligation is considered as fulfilled, when the existing regulations within a country are established by the state, negotiated by stakeholders, the judiciary or the binding customs, and warrant employers to inform workers or their representatives, or both[18]. The word 'or' included in the analysed provision does not demand Member States utilise only one or the other option – to inform and consult workers or their representatives. This does not indicate, however, the right to information and the consultation of workers as to changes in its nature. It becomes dependent upon whom the employer is informing and consulting the matters stipulated under Article 21 RESC, a right which can be utilized by either individuals, particular workers or their representatives. The beneficiaries of this provision are the workers. This provision allows them to utilise the right either individually or collectively. In the latter case, the workers' representatives usually carry out this right. In the case where a workplace failed to organise representation, the state or the stakeholders may establish that an employer will be obligated to inform the workplace of the matters raised in Article 21 RESC. Consulting with a group of workers may function according to various legal-admin formats, such as a referendum. Neither the obligation to inform nor to consult with workers and/or their representatives within the workplace deprives the employer from carrying out decisions in matters stipulated in Article 21 RESC. The employer has the right to inform workers and/or their representatives. He also has the right to consult the workers, their representatives and the

[17] Conclusions 2003, vol. 1, pp. 71–72 (Bulgaria); Conclusions 2003, vol. 2, p. 419 (Romania).

[18] *Ibidem*, p. 131.

workplace about intended decisions. The state and stakeholders decides which of the above options will be carried out. There are no law-based barriers, which might impinge all the options from being executed. In such cases, whereby the report has indicated that the trade union, an authorized body, is responsible for receiving the information from the employers, and stating its opinion in the name of the workers, the Committee demands from information Member State authorities concerning the laws protecting information and consultation of workers who are not represented by a trade union[19]. In particular the Committee is interested in attaining information dealing with the guarantees of the right in question for workers who are citizens of other Member States which are parties to the Charter[20].

If a state or the stakeholders decide that an employer has the obligation to inform and consult workers' representatives, in the appendix to Article 21 RESC it was stipulated that what is understood by a representative in the Charter, is a body entitled to representative status thanks to domestic regulations. If the other authorised bodies from the side of the workers partaking in the consultative process happen to be entities other than trade union entities, the Committee is interested to gain information about their legal status, in particular interested in its ability to attain information, whether it falls under the protection of the law ensuring independence in work relations with the employers[21]. Workers' representatives are bodies which are recognised as such by domestic labour laws. The technique of electing workers' representatives and the level of conducting consultations (the level of the workplace, local, regional or national) were left for Member States to deal with who in turn were authorised to pass on the decisions in serious matters to the interested parties, i.e. the stakeholders[22]. It is not sought for the consultations to be carried out at the same level as those of the deci-

[19] Conclusions 2003, vol. 1, pp. 71–72 (Bulgaria); Conclusions 2003, vol. 2, p. 625 (Sweden).

[20] Conclusions 2003, vol. 1, p. 72.

[21] *Ibidem*.

[22] Conclusions 2003, vol. 1, p. 71 (Bulgaria).

sion-making level within the workplace[23]. Workers' representative bodies in the understanding of the given provision may be trade unions and/or advisory councils[24]. In most of the Member States, the representative function is fulfilled by trade unions. With regards to such unions, the Committee attempts to ensure Member States abide by the principle that all trade organisations, without exception and regardless of their status (representative or no representative), are treated equally[25].

Additional protocol of the Council of Europe

Article 21 RESC obligates Member States to inform and consult workers employed in industries. In the appendix to the Additional Protocol of 1988, an industry was redefined as a 'set of tangible and intangible components, with or without legal personality, formed to produce or provide services for financial gain and with power to determine its own market policy'. The right to information and consultation is enjoyed solely by those workers who are employed in an industry as defined by the Additional Protocol of 1988. In the situation when an industry has an established organisational structure, an industry by definition of the provision in question is an organisational unit with the purpose of producing goods or rendering services[26]. The scope of the effect of the provision of Article 21 RESC encompasses solely the employers not in the public sector. The terms 'produce goods', 'provide services' used to identify the entities who are encompassed by the provision in question stand in the way for the public-sector workers to be encompassed by the provision also[27]. The scope of the effect of these public undertakings' are carried out by public administrative bodies[28].

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23 As above, Conclusions XIII-3, p. 447 (Sweden).
24 Conclusions XIII-3, p. 443 (the Netherlands).
25 Conclusions XIII-3, p. 447 (Sweden).
26 Explanatory report, *supra,* p. 133.
27 Conclusions XIII-5, p. 284 (Norway).
28 Conclusions XV-1, pp. 176–177 (Denmark).

Article 21 RESC allows the authorities of Member States to exclude from the scope of application of this provision those undertakings which employ a small number of workers. The Committee regards the exclusion of undertakings employing 20[29], 50[30] or even 100[31] workers as being accordance with the international standards. Undertakings which may be excluded from the scope of the application of the above provision, regardless of the amount of workers employed, are those which are established and organised by associations and religious organisations. Further, undertakings which are carried out by organisations inspired by ideals or by moral viewpoints or by approaches subject to legal protection by the legislation of Member States, may be excluded from the scope of Article 21 RESC to such a point that it is necessary to protect the reason as to why the undertaking was established in the first place. The exclusion from the encompassing obligation of Article 21 RESC are undertakings functioning solely for educational, artistic or charitable purposes[32]. Article 21 RESC is a standard on which the principle of the 'majority of interested workers' (Article 7 §2 Additional Protocol of 1988) is based on. It is an indication that a Member States fulfill its obligations specified by the provisions of the Charter to which the above principle is applicable (if such a matter includes information and consultation) if 80% of the workers use their right to information and consultation. In the understanding of the provision in question the 'interested workers' are all those employed in undertakings, which utilise the right to information and consultation. To the category of those employed in undertakings, which form the basis for calculating the number of workers Member States should guarantee the right to information and consultation workers who are not included or employed in the public sector or in small undertakings to which Article 21 RESC cannot be applied on the grounds of domestic legislation or established collective labour agreements.

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29 Conclusions XIII-5, p. 270 (Finland).

30 Conclusions XVI-2, vol. 1, p. 363 (Greece).

31 Conclusions XVI-2, vol. 2, p. 594 (Norway).

32 D. Harris, J. Darcy, *The European Social Charter*, "Procedural Aspects of International Law Monograph Series", vol. 25, Arsdley–New York, p. 246.

Obligations of employers

Employers should be obliged to inform workers and/or their representatives, regularly or in a reasonable timeframe. Member States and stakeholders have the choice in how frequently employers should inform and consult their workers concerning matters stipulated under Article 21 RESC. Depending on how the obligation to inform and consult is regulated, employers may be obliged to provide information and seek opinions from workers and/or their representatives at regular, previously established intervals (monthly, quarterly, half-yearly or even annually1699 or if required from time to time) Domestic labour legislation, or the standards, which are negotiated by stakeholders, should specify the frequency of the consultations[33]. This analysed provision is a legal basis for certain obligations and how these legal obligations are to be carried out in a legal framework. The frequency of fulfilling these obligations as stated in the provision is dependent upon the necessity of the employer offering information to the workers and/or their representatives. The information should be passed onto the workers and/or their representatives in an accessible fashion. Because Article 21 (1)(a) RESC demands employers inform their workers and/or their representatives about the economic and financial situation of the workplace, in which the workers are employed in as well as inform them about the planned decisions, which may have an impact on the workers interests, employers should provide such in an accessible fashion so that it may be understood by individuals who have not completed any specialist education[34]. Consultations regarding planned decisions by the employer should be conducted in 'good time' (Article 21(1)(b) RESC). Aside from the provisions which regulate the obligation to inform and consult workers and/or their representatives, there is also the strict labour

[33] Conclusions XIII-3, p. 442 (Finland). The Committee concluded that in the case of Italy and Norway it has not been established that the rules on the information and consultation of workers applicable during the reference period cover the great majority of workers concerned. Conclusions 2007, vol. 2, p. 732 (Italy), p. 937 (Norway). Conclusions 2010, vol. 1, p. 329.

[34] Case of Finland: as above, p. 441; Conclusions XIII-5, p. 277.

relationship. Therefore, employers have the obligation to consult with the workers and/or their representatives in matters that they must inform in. This includes the financial and economic situation of the workplace in which the workers are employed in. The interdependency between the obligation to inform and the obligation to consult is very particular. The employers should inform the workers and/or their representatives of all matters concerning the financial and economic situation of the place of employment. However, employers are only obliged to consult on those financial and economic matters which form a part of the planned decisions, which may in turn affect the interests of the workers. Consultations should be carried out before the employer makes any decisions where the consequences of such decisions may have a serious effect on the employment in the industry.

Positive and negative examples

The Charter analysts present the following examples of such decisions: liquidation of the workplace, transferring the production sector or its services to another region[35], changing the production profile. The obligation to consult should be fulfilled by the employer in such a way that all parties taking advantage of this entitlement may accomplish positive benefits. Such consultations will not be effective if they are conducted at a late period so much so that the decision makers are unable to take into account the views and proposals of the workers and/or their representatives. Informing the workers and/or their representatives about the proposed decisions and also inviting them to express their opinions in such matters the employer should enable consultative contemplations and expression of opinion. Only certain information may not be released to the workers and/or their representatives if such information when disclosed would cause the workplace grave damages. The employer decides which information will be disclosed. An employer should be conscious of the fact the failure to disclose certain information to workers and/or their representa-

[35] Conclusions 2003, vol. 1, p. 71 (Bulgaria).

tives may lead to a violation of the obligation specified under Article 21 §1 RESC. Judicial bodies or those administrative institutions equipped to deal with labour matters (work inspectors) that have been mentioned in the introduction of this section, are delegated to analyse the reasons for the refusal to provide information or disallow workers and/or their representatives' opinion to be taken into account concerning matters specified in the provision. The necessary requirement for the effectiveness of the consultation is the availability of crucial and important information concerning the economy and financial situation of the workplace, before the employer can reach any decision[36]. Employers who fear the disclosure of certain details may be detrimental to the workplace may oblige workers and/or their representatives to confidentiality.

Appendix

A characteristic feature of Article 21 REKS is the expanded appendix. It contains legal definitions of persons and entities that are participants in information and consultation processes, as well as terms used in information and consultation proceedings. According to the second part of the appendix to the appendix to the RESC, "employee representatives" are persons employed considered as employees (Article 1.1). The expressions: "national legislation and practice" include not only legal acts – laws and regulations, but also collective labor agreements, other agreements concluded between employers and employees' representatives, and even applicable customs and case law of national courts issued in matters relating to employment relations (Article 21.2). The term "enterprise" is a set of tangible and intangible assets, with or without legal personality, created to produce goods and provide services for profit, with the ability to determine its own market policy (Article 21.3). Religious communities and their institutions, if they are enterprises within the meaning of Article 12.3 of the Annex to the Revised ESC, may be excluded by the Member States from the scope of application of the analyzed article. The same applies

[36] Explanatory report to the 1988 Additional Protocol, *supra,* p. 133.

to establishments carrying out activities inspired by certain moral ideas or concepts protected by national legislation. They can therefore be excluded from the scope of application of Article 21 when it is necessary to protect such an enterprise (Article 21.4). The exercise by a Member State of the Council of Europe, implementing the protection of employees' rights to information and consultation in various workplaces and enterprises, is considered as activities consisting in fulfilling the obligations arising from the content of the provisions of art. 1.3–4 (art. 21.5). Interested parties have the right to exclude from the scope of the provisions in question, listed in Article 21 of the Annex to the RESC, an enterprise where the number of employees performing the work does not reach the threshold set by national legislation or practice.

The latest legal regulations

The ECSR analyzed the situation of compliance by entrepreneurs of the member states of the Council of Europe with the obligation to take or support measures enabling employees or their representatives to regularly and in an appropriate manner and in an accessible way receive information about the economic and financial situation of the workplace in which they are employed. It is the duty of employers to inform employees and their representatives about planning and making decisions in the near future in economic and financial matters of the workplace, which may significantly affect the interests of employees in matters related to employment in the enterprise. The Committee examined and discussed the situation of twenty-one Member States. Slightly more than half of the twelve countries visited had a situation that met the requirements set by the ECSR. Five countries, Albania, Bosnia and Herzegovina, Serbia and Türkiye[37] received negative feedback. Their situation was found to be incompatible with Article 21(a) and (b) of the Charter. For the remaining four countries, the technique of 'suspension' of the decision was applied until the next case was reviewed. The situation presented to the public in Strasbourg on March 23, 2023 is unusual, because almost all

[37] Conclusions 2022.

negatively assessed Member States evaded the obligation to present the actual state of affairs in cases regarding the observance of the right to information and consultation. As a result, the ECSR was forced to repeat several times in succession that the cases relating to the above-mentioned Member States are the result of the non-compliance of these Member State authorities to act in accordance with the provisions of Article 21 of the Charter and the recommendation issued by the Committee, issued with a view to the absolute necessity of respecting the requirements formulated in Article 21 of the Charter. The standard case of the conclusion of a negative decision was as follows. The Committee concludes that the situation is incompatible with Article 21 of the Charter on the grand that it has not been established that: (1) effective remedies are available to employees or their representatives who consider that their right to information and consultation within the undertaking has been not respected[38]; (2) some employees are excluded from the calculation of staff numbers which is carried out to determine the minimum thresholds beyond which staff representative bodies must be set up to ensure the information and consultation of workers[39]; (3) the material scope of right of information and consultation under the legal framework does not cover information with regard to the economic financial situation of the undertaking[40]. The case of Albania, which was alleged to have failed to comply with three obligations, is unusual as the ECSR was unable to determine whether: 1) the legal framework effectively secures the right to workers to information and consultation within an undertaking; 2) personal and material scope of the right to information and consultation within an undertaking to comply with the requirements of the Charter; 3) there are effective sanctions and remedy available when employers have failed to respect their employees' right to be informed and consulted[41]. In the fragment of the negative conclusions of the reports analyzed in 2022, the federation of Bosnia and Herzegovina was discussed most thor-

38 Conclusions 2022 (Bosnia and Herzegovina, Serbia).
39 Conclusions 2022 (France).
40 Conclusions 2022 (Türkiye).
41 Conclusions 2022 (Albania).

oughly and extensively. In the conclusion formulated in 2018, the Committee informed that not all employees have the right to information and consultation with the employer. The state authorities did not take any efforts to improve the situation. In particular, in the Republik of Srpska of this federation, police officers, judges, prosecutors and other persons working in the judiciary and public administration are not notified of the possibility of exercising their right to information and consultation. Moreover, the federal state has not established an institution authorized to provide information and discuss matters of interest to employees. The federal authorities defended themselves by claiming that the above-mentioned categories of employees did not have the legal status of public servants, but were considered holders of judicial functions, police and army officers. The authorities of the federation indicated that the Law on Employees' Councils provides all employees with the right to give opinions and suggest the need to take action by the employer in order to improve working conditions and safety, guarantees them food, organizes transport from work to the plant and back, helps poorer employees in matters material. Employers are obliged to inform the works council about all important matters relating to work and employees. In the event of failure to fulfill the above obligations, employers may be fined for misconduct by the relevant administrative or judicial institutions. Supervision over compliance with the standards regulated in Article 21 of the Charter is exercised by central state authorities, including the Ministry of Justice and its administrative inspection. The arguments of the federation authorities have not been positively verified by the ECSR. Once again, these explanations were not believed. They have not been confirmed by the facts contained in the report on compliance with employee rights to information and consultation. The case of Türkiye was slightly different. State report submitted to the Committee in the report on special measures during the Covid-19 pandemic. ECSR has obtained information and commentary from the objective organization Human Rights Association (HRA) on state aid cases for people in need during the pandemic. Its content is as follows: 'According to the HRA, the government had a discriminatory conduct to committees formed to take pan-

demic measures and present all social partners from being represented. The Committee refers to its statement on Covid-19 and social rights of 24 March 2021 in that it recalled that social dialogue has taken new dimensions and new importance during the Covid-19 crisis. Trade unions and employers' organizations should be consulted at all levels on both employment-related measures focused on fighting and containing Covid-19 in the short term and efforts directed towards recovery'. The information provided did not convince the Committee because it was not specific and precise enough. As written in the conclusion 'the material scope of right of information and consultation under the legal framework does not cover information with regard to the economic and financial situation of the undertaking'.

Final conclusion

Workers and their representatives – trade unions worker's delegates, health and safety, official agents – should be informed on all matters relevant to their working environment except where the conduct of the business requires that same confidential information not be disclosed. Furthermore, they must be consulted in good time with respect to proposed decisions that could substantially affect the worker's interests, in particular those which may have an impact on their employment status. These rights must be effectively guaranteed. In particular, workers must have legal remedies when these rights are not respected[42]. There must also be sanctions for employers which fail to fulfill their obligations under Article 21[43].

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Abstract
European Right to Information and Consultation Employees and Employers

The right of employees and, at the same time, the obligation of employers in employment matters was regulated by the European Social Charter modified on 3 May 1996. Employees employed in Member States of the Council of Europe were granted, among others, the right to information and consultation in the establishments where they were employed. With a view to ensuring the effective use of the above rights in enterprises by employees, the modified Social Charter obliges entrepreneurs to inform and consult employees and their representatives – trade union organizations – about all financial and economic matters of the workplace employing them and about draft decisions taken by employers, that may affect the interests of employees. The author, a member and vice-president of the European Committee of Social Rights, analyzes and discusses in this scientific study the implementation and effects of actions taken by member states of the Council of Europe necessary – in the understanding of employees – to achieve the above goal.

Key words: Council of Europe, employees, employers, Social Charter, social rights