

European Works Councils: Building the Regional Dimension

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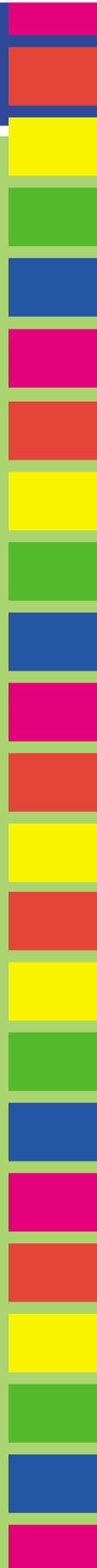
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Appendix

A final seminar, bringing together regional EWC representatives and European experts, was held on Friday 8 October 2004. The purpose of the seminar was to encourage the exchange of information and best practice at European, national and regional levels. The event also provided a useful opportunity for the authors of the report to disseminate their interim findings, and receive feedback to inform the final report.

In the seminar, Kevin Rowan, Regional Secretary of the Northern TUC, welcomed delegates and gave a brief introduction to the work of the Regional TUC in regional development. This opening remarks were followed by a plenary session led by a number of EWC specialists: Stephen Hughes MEP outlined the current policy dynamics in relation to the EWC Directive and the probable timescale for its revision. Richard Hume-Rothery, Director, European Study Group, gave an employer view of the operation of the Directive so far. Ian Fitzgerald and John Stirling, Northumbria University, delivered a presentation on the interim research findings, copies of which were made available to all delegates. Boudewijn Berensten, FNVFormaat, gave a training session on effective communications within EWCs, while Nick Clark, TUC, outlined the TUC's national perspective on the Directive, and the pattern of UK trade union engagement with EWCs. Finally Jean Claude LeDuaron, ETUC, illustrated some of the opportunities and challenges presented by the Directive, and the future prospects for information and consultation in the workplace.

Foreword

2004 saw the 10th anniversary of the adoption of the European Works Council Directive. Because of this legislation, some 10 million workers across the European Union now have the right to be informed and consulted on EU-level company decisions through their EWC representatives. The whole European trade union movement can be proud of its efforts in getting this legislation enacted and in the hundreds of EWCs that operate today. The Directive is still not strong enough and we at the ETUC are currently demanding that it be improved. However, no matter how much we can improve the law, European works councils will always need effective members in order to function properly.

Being an effective member of an EWC is and will remain a real challenge. Strong EWC representatives must work in very different environments and deal with very different situations to most other workplace union representatives. They often have to deal with complicated matters of European law and international finance. They must also learn to work as a team alongside people with different languages and cultures. They must learn to look after the interests of all the European workers in their company or group as well as representing the specific needs of their own constituency and bringing their unique knowledge and skills to the table. It is very difficult for people to do all this well without strong support.

That is why I am very pleased to endorse this project carried out by Northern Region TUC. By identifying all the EWC members in the region and bringing them together for a seminar, this project has created the possibility for them to build contacts which allow them to learn from and support each other. By also analysing their current activities, important information has been made available to trade union organisations

who can now make better informed judgements of how they can focus support for their EWC representatives. We should remember that EWC members are in a unique position to put arguments directly to the central management of big multinational companies located in other countries. Therefore, it is very important that they are helped to do so effectively. As the Northern Region TUC have certainly recognised, this is not least because of the regional impact that decisions taken by their companies might have.



John Monks
General Secretary, ETUC

The Directive

The European Directive on Information and Consultation in Multinational Companies was adopted in 1994 after prolonged negotiation. Initially, the Directive was transposed into national law in Member States other than the UK, and after two years of voluntary ('Article 13') agreements binding ('Article 6') arrangements came into effect. The UK implemented the Directive in 2000 (for further discussion see Fitzgerald 2004). The Directive was due for review in 1999, and negotiations are set to be concluded in 2004-05.

Under the terms of the Directive, representatives of workers in an estimated 2,150 companies (Kerckhofs, 2002, 2004) employing approximately ten per cent of the workforce in the European Economic Area had the right, for the first time, to meet with each other and with the central management of their companies. The numbers covered by the Directive are set to grow following the enlargement of the European Union.

The Directive provides minimum rights, where voluntary agreements cannot be concluded, to annual meetings and further meetings in 'exceptional circumstances'; to meet without management's presence; to be informed and consulted about developments in the business particularly in relation to employment and restructuring; and to have all of these arrangements financially supported by the company.

The implementation of the Directive and its practical application has received wide-ranging coverage and has been the subject of rigorous academic scrutiny (see Fitzgerald and Stirling, 2004 for a range of perspectives). Opinion is divided on the efficacy and importance of EWCs, although Lecher et al's series of case study-based evidence suggesting a typology of EWCs has been widely accepted (1999, 2001, 2003).

Their categorisation suggests the presence of 'symbolic' and ineffective EWCs; 'service' EWCs that function to support national workplace organisation; 'project orientated' EWCs that have developed specific strategies; and more 'participative' models that encompass the original spirit of the Directive and which bring together central management and workforce representatives in meaningful information and consultation.

EWCs in the Northern Region

The Northern Region is often viewed as a regional outpost of the UK economy and is said to be peripheral from the centre of the EU.¹ The North of England in this context is defined as North East England and Cumbria. The Region has experienced major decline in its traditional industrial and manufacturing base, offset by sustained growth in public sector employment and in service sectors such as tourism, culture, entertainment and call centres (ONE 2002). Nevertheless, in spite of its changing industrial profile, manufacturing remains both symbolic of the Region and is critical to the regional economy. Manufacturing employment is increasingly dependent on inward investment (and by the same token is often vulnerable to contraction and offshore decision-making) generated through multinational companies operating in the key sectors of the Region's economy.

In view of these trends, EWC members could have an important role both in representing employees at the periphery of their company's interests, and in representing the Region's interests in developing a successful and expanding economy. However, there is limited data on the identity and activities of EWC representatives in the Northern Region, and there is a complete lack of evidence of communication between representatives or co-ordination of their activities, and certainly there is limited knowledge of their

involvement or otherwise in regional development activities. This lack of knowledge is not untypical and we are aware of no other regional studies upon the activities of EWC representatives in the UK.

The single source of information about the EWC representatives in the Northern Region comes from an earlier survey conducted by Fitzgerald, Miller and Stirling in 1998. The survey identified 416 'units' or workplaces that were part of 220 parent companies that fitted the Directive's criteria for establishing an EWC in the North East of England. The study identified 56 EWC delegates (contact was made with 36 of these) in 33 companies. While there is insufficient space in this report to expand upon the conclusions derived from this piece of research (see Fitzgerald, Miller and Stirling 1999 and Stirling and Fitzgerald 2001 for discussion), it is important to illustrate one particular finding, which suggested that:

Regional representatives are most likely to find themselves in isolated positions on European Works Councils. This would seem to suggest an even greater need for support from regional agencies ... As EU support for the development of the social dialogue continues, it is not inconceivable to regard EWC delegates as potential key players in the development of joint projects between MNCs and Regional agencies. We would suggest that the time is ripe for a Regional forum of EWC delegates.

(Fitzgerald, Miller and Stirling, 1999, 59)

The study identified three critical areas for development to enable EWC members in the North East Region to strengthen their role (Stirling and Fitzgerald 2001, 23). These were: representation, communication and support. In particular, attention had to be given to the subject of how EWC members could effectively represent often geographically widespread and occupationally diverse constituencies. Communication infrastructures had to be improved in

and between meetings, as did the support provided by trade unions and agencies at the regional level, which was seen as vital for developing the skills and capacity of EWC representatives.

EWCs in the Northern Region today

In order to stimulate action, and in an attempt to support EWC members in the Northern Region, the Northern TUC drew upon the financial support of the European Commission to undertake a study exploring the phenomenon of EWCs. The project was designed to follow a three-stage process. First, action was initiated to identify regional EWC members. Second, detailed analysis of current EWC member activities was undertaken by researchers based at Northumbria University using data obtained through a detailed questionnaire sent to members. Finally, members were brought together to share best practice and information at a final seminar (see Appendix), along with European experts, in an attempt to stimulate the development of a regional EWC members' network.

Before illustrating the main findings of the research, it is useful to start with a brief note on the methodology employed during the study. Identifying EWC members on a regional scale is an imperfect science and there is no straightforward methodology. There is no database for non-union EWC representatives regionally or nationally. The data on EWC members kept by unions is often diverse and haphazard, and differs according to the individual union. The data can range from no information at all, to information dependant on local knowledge, through to genuine attempts to keep up-to-date records. Where information has been kept there is an additional problem in relation to data protection, which adds to the difficulties faced by external researchers seeking to obtain the contact

¹ The North of England in this context is defined as North East England and Cumbria.

details of individual EWC members. Using a variety of tracking mechanisms it was possible to identify 45 regional EWC delegates, of which questionnaire replies were received from 29. Only six (13%) respondents were female, two less than the eight (14%) identified in the 1998 study. This provided a weight of information on approximately the same number of companies and EWCs compared to the earlier survey (21 compared to 24 in 1998). Since 1998, some of our previous sample multinational companies have ceased operations in the Northern Region while others have merged with companies identified in our new database.

Numbers of representatives

It is difficult to be conclusive about precise numbers given the problems encountered in gathering evidence. However, the 45 EWC delegates identified in the recent survey are clearly lower than the 57 identified in the 1998 study. Whether or not the figures are more accurate for one period or another, the data conceals more than it reveals about the nature of a restructuring regional economy. Representative numbers may be due to a number of factors:

- **Stability:** the same people could simply be identified in more or less the same companies
- **Slow turnover:** there is a core of the same delegates with some peripheral changes
- **Significant change:** there has been a rapid turnover in delegates and companies

Many multinationals continue to operate in the Northern Region, but internal business restructuring has reduced their presence, and in some places there has been significant change. For example, companies such as Coats Viyella and Courtaulds operate in

sectors that have disappeared entirely from the regional economy. By comparison, companies such as Phileas Fogg have become international operators through acquisition (United Biscuits) and have acquired an EWC representative. If the database has shifted significantly in terms of companies and ownership then the pattern of delegates tells a similar story. For example, ICI had six delegates in the 1998 survey but only one remains following considerable restructuring of the core business.

Table 1 highlights the location of individual company delegates in 1998 and 2004. The findings reveal that, over a six-year period, 11 delegates have remained. However, 18 companies have either closed or restructured, resulting in no regional EWC representative being in place, suggesting an overall loss of 27 delegates (although this may be to some extent a tracking problem). However, 22 new delegates have been identified on the basis of either new inward investment or EWCs having been formed after 1998. In summary, our evidence supports the notion of a regional economy that is continually restructuring, illustrated by the rapid turnover in delegates and in company ownership, and with a growing pool of ex, core and new workplace representatives that have EWC experience.

Table 1 - 1998-2004 Ewc Rep Comparison (the 1998 study covered the North East Only)

Multinational ¹	Parent country	Reps 1998 ²	Reps 2004 ³
3M	World - USA	1	1 (same rep)
AKER KVAERNER	EEA - Norway	3	–
AKZO NOBEL	EEA - Netherlands	–	1
ALCAN	World - Canada	1	1 (same rep)
ARLA FOODS	EEA – Denmark/Sweden	–	2
ARMSTRONG WORLD INDUSTRIES	World - USA	4	3 (2x same rep)
BARCLAYS PLC	EEA - UK	1	–
BPB	EEA - UK	–	1
BRITISH TELECOMMUNICATIONS PLC	EEA - UK	2	–
BUNZL FILTERS	EEA - UK	–	2
CARDO	EEA - Sweden	–	1
CARNAUD METAL BOX	EEA - UK	–	1 CATERPILLAR
INC	World - USA	4	1 (same rep)
COATS VIYELLA PLC	EEA - UK	1	–
COMPASS GROUP PLC	EEA - UK	1	2 (1x same rep)
COOPER INDUSTRIES	World - USA	1	–
CORUS	EEA - UK	3	3 (1x same rep)
COURTAULDS TEXTILES PLC	EEA - UK	1	–
CUMMINS	World - USA	–	1
DE LA RUE	EEA - UK	1	–
DEUTSCHE POST	EEA - Germany	–	1
DRAKA	EEA - Netherlands	–	1
ELECTRICITE DE FRANCE	EEA - France	–	1
ELECTROLUX	EEA - Sweden	1	–
FORMICA	World - USA	–	4
FREUDENBERG & CO	EEA - Germany	1	1
GOODYEAR	World - USA	1	1 (same rep)
GROVE	World - USA	3	–
HARSCO CORPORATION	World - USA	1	–
ICI GROUP	EEA - UK	6	1
KOMATSU	World - Japan	–	1
LYONNAISE DES EAUX	EEA - France	2	–
METALLGESELLSCHAFT AG	EEA - Germany	1	–
METRO	EEA - Germany	–	1
NESTLE	World - Switzerland	2	1
NISSAN MOTOR COMPANY	World - Japan	3	–
NORSK HYDRO	EEA - Norway	1	1
PEPSICO	World - USA	1	–
PHILIPS ELECTRONICS	EEA - Netherlands	1	1 (same rep)
ROTHMANS INTERNATIONAL	World - Canada	2	–
SAINT GOBAIN	EEA - France	–	1
SAMSUNG ELECTRO-MACHANICS CO LTD	World - South Korea	1	–
SCA	EEA - Sweden	2	2 (1x same rep)
SCOTTISH AND NEWCASTLE	EEA - UK	1	1 (same rep)
SE GROUP	EEA - Netherlands	1	–
SINFONI	EEA - Italy	–	1
SOLVAY (FORBO HOLDINGS in 1998)	EEA – Belgium	–	1
UNITED BISCUITS	EEA - UK	–	2
UPONOR OY	EEA - Finland	1	–
ZUMTOBEL STAFF	EEA - Austria	–	2

What sort of EWCs?

Given the delayed introduction of the Directive in the UK it is significant that over three quarters of EWCs identified by respondents had been in existence for five years or more indicating both the involvement of their company before the Directive was transposed and lengthy EWC experience. Only two respondents recorded that their EWC had been founded since UK transposition and there were two non-answers. The membership size of the EWCs was again variable but seven respondents indicated that there were less than 15 members on their EWC with seven at the other end of the spectrum with 25 or more.

The EWC members worked in a mixture of workplaces as measured by employee numbers and there was a marked contrast between seven respondents working with less than 250 employees and eight in workplaces of 1000 or more.

Most of the EWCs met once a year but over a quarter regularly met twice a year and there were exceptional cases of EWCs meeting three and four times a year.

64 per cent of the EWCs had working groups and it is interesting to see the emergence of topics such as global dialogue, workers' rights, and pensions, with three EWCs having working groups on health and safety and social responsibility respectively.

English continues to be the dominant working language of EWCs (86% of EWCs).

Representativeness

Representativeness continues to be a key issue with EWCs. We have noted the difficulty of tracking non-union representation and only one of our respondents fell into this category. Of union membership it was not surprising to find strong representation from AMICUS given the significance of the manufacturing sector in the Region and in relation to companies that have EWCs. Sixteen respondents were from AMICUS, six from the GMB, two from the TGWU and one each from ISTC, UNISON, and USDAW respectively. Given the dominance of AMICUS and the low participation from other unions it is not possible to develop comparative data between unions. However, it is unlikely we would find strong differences between different union members in relation to the questions we asked about their EWC activities, although there might be differences in terms of levels of training and support that we cannot measure.

Our respondent EWC representatives were overwhelmingly workplace union representatives (although it is interesting to note that five were not) and half were health and safety representatives. Election to the EWC through the union was the most common procedure (45% of our respondents) although it is again interesting to note the emergence of elections via the whole workforce (28%) and that 21% are simply appointed, although this could be via internal union election procedures.

In the regional companies, EWCs were not dominated by British representatives, with more than half the respondents recording that less than three of their fellow delegates came from the UK. However, the regional delegates were often significant 'players' with, for example, seven respondents recording that they were one of just two UK delegates. In another case, three regional delegates provided the whole of the UK

representation. Four respondents indicated that they represented all UK sites and another two indicated that they represented all members of a particular union across the country. Finally, it is interesting to note that the Region's delegates were taking a leading role in their EWCs, with 12 being members of their select or co-ordinating committees.

That said, representativeness must be counterbalanced by the question of union members' interest in their EWC and, in common with other research, respondents recorded a low level of interest (16 out of 28), with only 3 recording a high level. This may be because members do not see the direct relevance of the EWC in relation to the day-to-day issues of their workplace or that reporting back systems whilst in place are not working effectively in reaching beyond interested and active union members.

Communication

It is clear that EWC representatives in the Northern Region are charged with major responsibilities of multi-site representation. This raises important issues of communication (see Stirling and Tully 2004 for a discussion of its significance), and it is evident that some steps have been taken to develop that area. Twenty-four of the 28 respondents communicated with other UK EWC representatives from their company between meetings. While this is a strong positive indicator, it may be communication with a fellow delegate on the same site (in a very small number of cases) or through other union business.

Communication frequency is less positive with only four communicating on a weekly basis, three monthly and most (15) when necessary. E-mail and phone are the most common forms of communications although six delegates recorded meetings with other delegates in the UK. Eighteen of the 29 respondents also noted communications between meetings with their

counterparts in Europe, which is, again, a positive outcome. In two cases, further details prompted answers in relation to the development of contacts in the USA, thus supporting the argument that EWCs will develop a global dimension (Miller 2004).

Only six respondents said they did not report back to those they represented but it is possible that in these cases another UK delegate carries out that function. Of those who did, trade union networks provide the main mechanism for reporting back (to a branch meeting or shop stewards committee for example). E-mails and newsletters were noted by eight and seven respondents respectively, while a further eight respondents were able to undertake site visits. This is more time-consuming and costly for employers but arguably more effective and likely to transmit a clearer message about the vote of EWCs.

Influence

We used two measures in relation to influence. First, the regional representatives influence on the EWC itself and, second, the EWC influence on management. There might be some expectation of a correlation between how influential the delegates felt on the EWC and how influential the EWC was itself and the majority of respondents (21) recorded the same answer to each question. However, this does not necessarily imply a causal relationship and regional representatives may feel they have no influence on a powerful EWC. In all the remaining answers bar one this was the case. The exception was a respondent who was an influential figure as Chair of the Select Committee in his EWC but who felt it had only 'some' influence over management decisions.

Overall, seven respondents felt they had 'no influence' on the EWC (which would be an obvious bar to successful representation of regional interests), only two that they had 'a lot' of influence, but a clear majority felt they had at least 'some' influence.

In relation to EWC influence on management only four respondents felt they were of no influence at all, with 18 suggesting 'some' influence and five 'a lot' of influence. A number of individual responses suggested that European trade union colleagues had more influence because, for example, they:

'Have more information, are better prepared, are better organised and are in a better position to challenge management'.

Or as another delegate recorded:

'I feel our British EWC [delegation] has no influence on our parent company. The Germans, Austrians, Swedish, French and Dutch councillors have much more authority'.

Training can be a key agency for the development of influence (Miller and Stirling 1998 and Stirling 2004) and our delegates indicated a strong participation rate in training events. The majority of respondents (16) had had some sort of training. It is interesting to note that communications has been highlighted in training with 11 respondents recording training in communications (only comparing European systems of workplace representation was higher with 12) and a further eight recording training in developing a communications strategy. While this is clearly important and may serve to support the development of 'influence,' it is noticeable that no delegates recorded training in areas such as 'best practice', corporate social responsibility, understanding finance or economic sector developments. It is at least arguable that training in these areas would assist EWC representatives in becoming more 'influential' and it is perhaps the case that training initiatives need to take a qualitative step forward from the communication programmes that appear to have become 'traditional'.

The Region

An important aspect of this study has been the potential role of EWC members in the Region and how they can be supported. In relation to the EWCs themselves, only one delegate reported an occasion when the Region had been discussed specifically, although discussions of individual plants located in the Region may well have occurred.

There was a low level of response in relation to activity and involvement in the Region amongst respondents. Four were engaged in some sort of regional forum (for example the local Learning and Skills Council) and nine were familiar with the TUC's work on regional development issues. This is perhaps not surprising given the historical focus of UK trade unions on the workplace and the relatively recent development of union involvement in regional development. Moreover, such activity and engagement is commonly confined to senior and full time union officials.

Some of the individual comments gave a powerful indication of what could be achieved. In the first case, the EWC was seen as a mechanism for protecting a regional plant:

'In a time of contraction in the ... industry I have been able to project a positive image of the UK workforce and been able to recognise dangers to my factory at an early stage which has put me in a positive position to defend our right to survive which would not have been the case prior to the introduction of the EWC'.

The second case provides an interesting example for the regional trade unions.

'The EWC was critical ... without their wholehearted support ... recognition would never have come about. Nationally we could do little, internationally we achieved everything'.

There is a strong commitment to regional engagement from EWC delegates that provides a resource that could be tapped into. Twenty-five of the 29 respondents said they would like to receive regular information and briefings from the Northern TUC on regional development issues and 22 said that a regional network of EWC delegates would be beneficial. There is clearly a role for the Northern TUC in instigating such a programme (as proposed at the seminar on 8 October 2004) and there are equally reciprocal benefits in engaging with EWC representatives. Such an initiative would be pioneering in the UK (although there are examples elsewhere in Europe) and it is particularly significant if it emerges in a 'branch plant' economy. EWC delegates may well make a difference to the regional development agenda and if they are encouraged and supported through TUC networking then there is a real opportunity for building regional trade union capacity in this respect.

Conclusion

The finding we have illustrated reflects the experience of regional European Works Council delegates in the North East and Northern Region in 1998 and 2004. The objective of the project funded by the European Commission was to identify EWC members and their characteristics and bring them together to initiate regional networking. In addition, the initial study and subsequent seminar with European experts looked to support delegates' involvement in regional development strategies (see Appendix).

Our initial tracking of EWC delegates in the survey of 1998, suggested that the development or otherwise of EWCs was closely associated with regional economic restructuring. We found that regional representatives were generally well integrated with their trade unions, were engaged in effective and regular communication with other EWC representatives, had received training and had generally positive views about their EWCs. They were less assured about their role in the EWC or its influence over management, although few were pessimistic. In relation to regional development it is clear that there is a low starting point but a positive commitment to change. Respondents and seminar participants were supportive of a regional network of delegates being established, and all sought further information about the Northern TUC's regional activity and campaigns.

Recommendations

In terms of the potential developments that could build on this initiative, there are a number of options.

1. Northern TUC and Northumbria University to continue to liaise and develop work so that action is guided and supported by evidence.
2. Northern TUC to disseminate information about the report through 'Unions North Update' and its web page.
3. Northern TUC to disseminate this report to all participants in the survey and the seminar.
4. Northern TUC and Northumbria University to seek support through further funding for regional EWC research and development.
5. Northern TUC to investigate the funding and establishment of an electronic network for regional EWC delegates.

6. Northumbria University to disseminate the report findings through academic conferences and publications.
7. Northumbria University to follow up quantitative information from the questionnaires and contacts from the seminar to conduct qualitative interviews.
8. The Northern TUC to promote, among regional institutions and stakeholders, particularly the North East Regional Development Agency (One NorthEast) and the North West Development Agency, the added value that effective information and communication mechanisms within companies can bring to economic performance.
9. Regional employers should be encouraged to support their current, and future, EWC representatives through allowing time-off for reasonable EWC activities and, where necessary, locally based language and other appropriate training.

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