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ARE EUROPEAN WORKS COUNCILS A VEHICLE FOR THE EUROPEANIZATION OF EMPLOYEE RELATIONS? A STUDY FROM THE STANDPOINT OF PEOPLE MANAGEMENT EXECUTIVES

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ABSTRACT

The need for social partnership has resulted in the adoption of the European Works Councils (EWC) Directive. This regulation gives employees the right of information and consultation. This paper includes findings and assessment of a research project on EWCs. The research concentrates on the oil/lubricants and food/beverage sectors using several case studies and interviews with HRM Executives. The results indicate that EWCs contribute to the Europeanization in several aspects of employee relations, although that contribution has been limited in those issues that are wished by the MNCs.

Keywords: European Works Councils, Europeanization, Multinational Companies

JEL Classification: J50, M54, J59

Introduction

The continuous promotion of European integration, and in particular the acceleration of globalization, has important implications for both European and

national IR systems. These implications are characterized by a tendency for additional decentralization of collective bargaining towards the enterprise level (in autonomous business units), as well as for their re-centralization at the (European) level of the MNC group, a development not primarily resulting from an exogenous regulation, but from the necessity for internal coordination and control of the group management.

More specifically, the management structures in many large European companies combine the centralization of strategic decisions (mergers, acquisitions, development of new products, etc.) in supranational headquarters by decentralizing the operating issues of the individual companies - members of the group, which are simply monitored by the headquarters.

At the same time, “Europeanization” is now on the agenda of the labour relations arena (Marginson and Sisson 1996a, 2001). Above all, these developments are linked to a change in the balance between the “multi-employer” sectoral level and the “single-employer” of the company in the employee relations to the detriment of the former. Thus, they reflect a growing divergence of interests between large and small employers with a view to further integration of the European market, whereby large employers are expected to gradually abandon sectoral bargaining and to enter into their own enterprise level agreements, while small and medium-sized companies will continue to apply sectoral regulations for the terms and conditions of employment (Marginson and Sisson 2001).

Besides, these single-employer schemes are particularly helpful to MNCs management in their efforts to develop business-to-business employment systems, so as to reduce their costs, to establish tailor-made working regulations to their requirements and to ensure labour adaptability (Marginson and Sisson 1996a, 1994) they need for intra-company employee relations beyond the Euro-sclerosis of the framework of regulation. Moreover, the question of “Euro-corporatism” is an argumentative field of the debate on the future of labour relations in the European Union (Kouzis 2001: 329).

Likewise, the multi-employer system of IR regulation does not serve the MNCs due to the increasing mismatch between the members of the employers' organizations and the activities of the MNCs, which can no longer be included in the traditional forms of the sectoral representations of employers' interests, while the benefits of the MNCs from the multi-employer negotiations are rather negligible. As a result of this tendency, MNCs management may decide that a national system of IR is no longer useful for them and turn their strengths and

interest in organizing their own business structure (Marginson and Sisson 1996a).

Those MNCs that develop their transnational dimension on the fruitful European region can coordinate and control the aspects of labour relations from one country to another, develop pan-European policies and practices, create new structures for industrial relations at European level, and finally, to grow “organization based” employment systems and , thus, threaten the dominant multi-employer sectoral bargaining (Marginson and Sisson 1994).

However, the impact of Euro-companies on national industrial relations systems is twofold. Given the latter's constraints on the approach feasibly taken by companies, and their degree of adaptation is therefore directly related to the different IR systems.

In this setting, it is – according to Marginson - likely to emerge new patterns in labour - management relations, where: a) companies have a single ownership and management structure in Europe, produce similar products and services in different locations or integrate production into more business units, or have strong business reasons for the central management's involvement in a dialogue with trade unions, such as restructuring plans, b) trade unions may create an “encompassing organization” covering all their members in the group, c) a company trade union already exists at the national level and d) important groups of the workforce develop a cross-border mobility within MNCs (1992: 540).

“Virtual Bargaining” that could be developed in Euro-companies could take on two main forms. The first - with the involvement of the EWC - can be realized (and it has already occurred in some cases) by providing joint opinions or framework agreements of employees and management on issues of the company /group employment policy. The second, is the form of “arm's-length bargaining”, in which there is no direct labour – management negotiation on a European scale, but the positions of the parties and the outcomes of the negotiations in the companies-members of the group at the national levels are being increasingly affected by cross-border coordination (Marginson 2000: 30).

The consequences of the trend towards Europeanization of IR will be significant. Labour relations at European level are unlikely to follow a path of harmonization, since they will be hampered by historical differences in national labour institutions, while any regulations that will be developed at a European level will function in interaction with national institutions without being a replica of the latter (Streeck 1998; 1997). This does not mean, of course, that the lack of

EU regulation will lead national systems to “immobility”, mainly due to national regulations formed, but as well as to the rapid expansion of internationalized markets. Hence, as Streeck (1998) points out, the main contradiction of national IR systems is that they are linked horizontally with market relations and vertically with institutional relations (due to the corresponding supranational system) and therefore, the European integration that is drawn by the market forces restricts the interaction of national IR systems only to their cross-border coordination - obviously of subsidiarity nature.

Nevertheless, as Streeck continues, the fundamental difference between harmonization and coordination is that the first conceals internal regime competition of IR regimes, and this is not the case with the latter (1998).

In this background, the labour relations at national level tend to reduce their capacity as pillars of social protection and politics and they are oriented towards a more voluntary model, which is less based on punishments and compulsions and more on motivation.

As a final point, the national IR systems seem to be absorbed by similar transnational structures, whereas the latter will continue to grow as extensions rather than substitutes for the formers. Additionally, the pressures on social re-regulation of labour relations will continue to be on the agenda of capital and labour in the EU, despite the promotion of economic liberalization, but similarly because of it (Streeck 1998).

Aim of that paper is to investigate the hypothesis that European Works Councils contribute to the Europeanization of employee relations, that is to say a process of building a new interconnecting structure enriched with regulations in the political, economic and social pillar (Turner 1996; Eberwein et al. 2002).

Literature Review

The first effort to expand the various national IR systems in the European-transnational environment, which has been characterized as a major innovation, is the EWC Directive (Koutroukis and Petras 1997).

It has been argued that the EWCs could be a realistic response of the European labour the consequences of globalization, mainly through the “moral solidarity” among the workers of different productive units of a group, so that the trade unions develop a current labour internationalism (Wills 2001).

Therefore, the EWCs contribution of the establishment and operation to the Europeanization of the Greek IR system at the national / macroeconomic level and as well as the business / microeconomic level can be defined as the objective of this paper. Moreover, it will be attempted to explore the factors that have identified the effects of the EWCs on both aforementioned fields, as well as the perspectives of the EWCs. Then the main hypothesis of that paper has been setup: “*The European Works Councils contribute to the Europeanization of Industrial Relations in Greece*”.

As it has been reported a significant part of the EWCs research output could be described as Europeanization studies, given that they study the contribution of the EWCs to the development of a European industrial relations system (Kerckhofs, 2000). As Lecher και Platzler have noted the Europeanization of Industrial Relations as any potential to trigger cross-border relationships between the social partners at various levels (Müller and Hoffman 2001:113).

This Europeanization of employee relations forms three main directions (Lecher et al. 2002: 8): a) the promotion of greater interaction of national IR systems (horizontal Europeanization), b) the growing adoption of “*European features*” in the national industrial relations systems (e.g. EC Directives, Social Partners’ Pacts at the European level) (vertical Europeanization), combined with a more openness on European issues in national organization and activities of the parties involved in collective bargaining and c) the gradual emergence of a European-level of industrial relations.

In an important study, Lecher et al. (1999: 256) have argued that Europeanization of IR can take place in three fields / axes:

- a) The social dialogue among European social partners could conclude in quasi “Euro-state” regulations following the negotiations of the social partners and the relevant legislative regulation by the EU Council.
- b) Transnational coordination and increasing integration of sectoral and regional negotiations into practice.
- c) Information and consultation procedures in large companies / groups with a parallel tendency towards concluding agreements at the level of new EWCs.

In the literature on EWCs three theoretical approaches have been described (Lecher et al. 1999: 70-73). The first one is that of neo-corporatism, which states that in the era of neoliberal domination there is not much room for corporatist structures (such as the EWCs) and therefore the EWCs have some importance for trade unions, but not a remarkable “political” future in the European field of industrial relations.

The second is the critical theory of modernization, which believes that EWCs Directive does not intend to establish a functional and autonomous system of worker representation, but rather a framework within which “pacts of productivity at the enterprise level” will be agreed, while the worker side will have limited influence to the central management. This theory, therefore, suggests that the establishment creation of the EWCs will not activate the “automatic” emergence of an autonomous system of industrial relations, but rather will be the model of a European forum of the stakeholders at the company level. Thus, EWCs run the risk of being “separated” from multi-employer systems of solidarity and regulation, weakening national systems of IR regulating, and developing into company-oriented forms of transnational worker representation (Lecher et al. 1999: 70-73).

The third approach to the dynamic theory of modernization raises its argument for accelerating European integration since the mid-1980s, which has created new opportunities for trade unions to achieve their international coordination. The EWCs could provide important services to the European trade union organizations as a vehicle for transnational cooperation and the strengthening of the European labour side. In addition, the EWCs are considered to be potential “cells” of a complex European IR system requiring the establishment and safeguarding of strong links between trade unions and the EWCs, but as well as the extension of the EU's political responsibilities to employment and social issues (Lecher et al. 1999: 70-73).

In a pertinent study, Carley (2001) argues that the integration of economic activities on a European scale has led many multinational groups to reengineer their operations in order to create European management structures with the aim of integrating the production of distribution and marketing in Europe. Furthermore, MNCs are trying to diffuse the “best practices” of production, work and employment (mainly in the areas of labour organization, quality assurance, agreements on working time flexibility).

Besides, according to Carley (2001: 3), another element of Europeanization or internationalization within the globalized multinational groups is the planning of regular meetings of HR executives from all countries and plants. Nevertheless, on the workers' side, the Europeanization of IR is manifested by a tendency to use international comparisons and transnational coordination and easier exchange of information -via EWCs- on working conditions, working hours, employment practices and wages, features that are commonly used in national collective bargaining. Furthermore, the EWSs support the transnational trade union cooperation and might play a role as a European negotiating mechanism

with employers in the future (Carley 2001: 4). Besides, the former General Secretary of European Trade Union has also argued that “the EWC is not only an essential step towards the Europeanization of industrial relations, but also of innovation in European industry” (Buschak 1996).

Concerning the impact of the EWC on labour relations, Schulten (1996) has emphasized that the EWCs will create new forms of regulation that will lead to further weakening of the national IR systems. This could initiate a segmentation of IR in the EU into two distinguished systems: one for large integrated companies focusing on the plant level of the company/ group with parallel functioning of active EWCs, and the other one serving the smaller medium-sized domestic employers in rather sheltered markets, based on the various traditions and practices of each country. In this context, the EWCs also include the concerns that have been emerged within many unions about the potential transnational “neo-syndicalism” that would challenge traditional country-oriented role of them (Schulten 1996).

Lamers (1998: 79) has also pointed out that the European level of consultation provided by the EWCs makes it possible for central management and labour representatives to gain a greater perception of the heterogeneity and mechanisms of parent companies and worker participation within the international group, and this fact gives the EWC a complex and multilevel character. It is worth noting that the findings of such research (Lecher and Rüb 1999), conducted with case studies of some multinational groups, where it was obvious that the members of the EWCs are developing a new European collective identity, while the EWCs members play an equal role irrespective of their country of origin.

The EWCs have also been considered by other scholars as representative examples of a new way of regulation in multinational companies, which most likely promote the weakening of current national IR systems and reinforce the trend towards more decentralized business like regulatory systems (Müller and Hoffman 2001:111). Streeck’s view (1998), who argues that the EWCs are unlikely to make a positive contribution to the Europeanization of IR, is, however, different, while the EWCs will be strongly affected by the national IR system of the country of origin. MNCs will, in other words, form international extensions of the labour relations being in force in a country.

It has also been claimed that in the future any negotiating relations between workers and employers in Europe are more likely to be developed at the Euro-company level than at a multi-sectoral level (Müller and Hoffman 2001: 116), while some other scholars (Lecher et al. 1999: 113) have pointed out that the

EWCs will in the future be “business-centre European islands” in a sea of nationally fragmented industrial relations systems. Besides, Marginson and Sisson have stressed that:

“The establishment of EWCs will facilitate the deployment of cross-national comparisons of pay, conditions and working practices by trade unions in collective negotiations at national and local levels within MNCs. (...)It is possible to foresee greater intervention from international management, at corporate or divisional level, to coordinate management policy and practice on employment and industrial relations in the individual business operations.. (...)The overall effect of this „arms-length“ bargaining, in which the parties do not formally negotiate at European level, but in which they influence and anticipate the reactions of each other, could be a growing convergence in working practice and employment conditions from one European country to another. Even pay could be affected if there were a single currency - differences in pay levels would become more transparent. In these circumstances, EWCs may become the forum for joint opinions or framework agreements on aspects of employment and industrial relations policy. (...) we suggest that the most likely outcome is the development of ‘arms-length’ bargaining, in which negotiations continue to be conducted through existing industry and enterprise structures at national and sub-national level, but where the positions of the parties are increasingly coordinated across European borders an outcomes are increasingly similar” (1996b).

The question of the contribution of the EWC to the Europeanization of labour relations has even led many researchers to note certain research questions that need to be approached. Thus, Lecher has suggested as questions that need to be further explored the potential role of the EWCs in developing a European collective bargaining system and encouraging the convergence of national IR systems, the impact of the EWCs operation on the national participation schemes, the nature of the international agreements concluded by the EWCs and the contribution of the EWCs to the development of international trade union cooperation schemes in multinational companies and groups (Müller and Hoffman 2001: 121-122).

Likewise, Knudsen (2000) proposes to investigate the contribution of the EWCs to the “concentration” of labour relations arrangements at the European level of multinational groups and the transnational harmonization of labour relations via the negotiation of EWC issues such as HR policy, training, health and safety, etc. Moreover, Vitols has claimed that “workers’ participation contributes positively to the welfare of EU, even in the absence of significant effects on the financial

participation of the firm, if there are positive effects on the welfare of workers” (2005). Kerckhofs has noted that EWCs could acquire external legitimacy from their role in the Europeanization of Industrial Relations (2017), and, furthermore, Marginson and Meardi believed that the EU has provided an institutional framework for the consolidation of FDI flows and also for the constitution of EU-level employee representation under the EWC Directive (2014).

After the literature review had completed, six sub-hypotheses were put (Table 1):

Table 1

	Sub-hypotheses
A1	EWC has a positive effect on local/ national employee participation
A2	EWC develops a European dimension of the company and its industrial relations
A3	EWC broadens the possibility to promote a European HR policy by the MNCs
A4	EWC causes international cross-pollination of labour institutions
A5	EWC has a positive effect on industrial relations within the group
A6	EWC consists a “channel” of communication at the European level

Source: Review of Pertinent Literature

Method

The evidence used in that paper is drawn from two sectors (food-beverage, oil-lubricants) that have been selected as case studies (Yin 1994). A qualitative approach was adopted because it combines exploratory and explanatory features and, it is considered to be ideal, when a pertinent theory does not exist.

Furthermore, another crucial characteristic of the qualitative approach is that it is very useful when a study of the power and the change at the societal level is attempted (Whipp 1998:58).

In-depth interviews with management officials, took place to give insight in the experiences with the function of the EWCs and their implications on Industrial Relations and the Management. The in-depth interview was used as the main research tool. The main advantage of this tool is that it provides the chance to submit new questions or furthermore specialized ones. Thus, a semi-structured

interview questionnaire (for HR Managers) with both open-ended and close-ended questions were created. The specific sectors were selected because:

- a) They are very representative of industrial activity in Greece and globally and they meet different combinations of property, business culture, management style, workers representation and industrial relations tradition.
- b) They have similar rates of trade union density.

More specifically, all the companies in both industries that have an active EWC were contacted by the researcher, in order to assure the validity and the reliability of the research.

The interviews were based on a common conceptual framework and interview guidelines. A number of five interviews were carried out and tape recorded. The interview questionnaire was an adapted and enriched version of research tools employed in similar studies all over Europe (Kerckhofs 2007). The systematic and methodical registering of all the procedures of the survey ensured the possibility of its identical repetition in the future with a high probability of the same results arising (Wallis 2000).

Findings

The main findings which arose from the interviews of the HR Managers are given below (Box 1).

Box 1: Certain HR Managers’ Views

Main findings of the Research
All the HR managers (9/9) describe employee relations in their company as “co-operative”.
Almost all the HR managers (8/9) view positively the worker participation schemes. In the annual and extraordinary EWC meetings, representatives of the subsidiary/ local management take part in almost all the FD companies but in no OL company.
Almost all (8/9) HR managers believe that EWC function is useful for the company, but only a few wish the reinforcement of its role.
A strong majority of the HR managers believe that EWCs increase the possibilities for a European HR policy in their companies.
A strong majority of the HR managers believe that the EWC function improves their company’s performance.
The majority of the HR managers (6/9) believe that the EWC function improved labour-management relations at the local level.
All the HR managers (9/9) that believe the role of the EWCouncillors is

successful, and none considers that the EWCouncillors caused any problems whatever.
Few HR managers (2/9) think that the enactment of the EWCs contributed to the diffusion of – formal or informal – worker participation schemes at the local level.
All the HR managers (9/9) stated that the relation of the subsidiary/ local management with the Greek EWCouncillor is very good.
All the HR managers (9/9) believe that EWCs create (positive) added value in the labour-management relations of the MNC as a whole and at the local level as well.
A strong majority of the HR managers (7/9) think that the most significant negative added value (cost) for the company is the high employee expectations concerning the future of employee involvement in the company.
The large majority of the HR managers think that the travel cost of the EWCouncillors is the most important item of real cost from the EWC function.

Source: Survey data processing

Table 2 shows certain HR Managers' views on EWCS. Most of them claim that EWC broaden the possibility to promote a European Human Resources Policy by MNCs, has a positive effect on industrial relations within the group, and consists a "channel" of communication at the European level.

Evaluating the existence and function of EWC an HR Manager from the FB sector reported that "*regarding issues of communication, EWC helps Greek representatives to learn the developments abroad and, thus, they are not isolated in the situation of Greek labour relations and the business environment*", whereas another one claimed that "*there is no much pertinent experience and the union officials have not realized what is the state of play at the moment*". Moreover, two HR Managers of OL sector underlined that "*through EWC a very good awareness is disseminated by Central Management to employees*" and also that "*within EWC a common awareness exists but there is no cohesion and understanding because the issues of mutual interest are limited*" (Notes from the interview conducted).

Regarding the potential for promoting to promote a European HR policy an HR Manager from the FB sector replied "*yes, because Greek EWC representative can diffuse business policies and views about Human Resource at a local level*", and another executive noted that "*EWC contribute in understanding of global business policies of the group by presenting them in the EWC sessions*". Furthermore, another HR executive of the FB sector pointed out that "*EWC is helping us and is making our job easier, by preparing employees to participate*

in a European future”, and one more respondent from the OL sector stated that “thanks to the EWC function there is a better employees awareness about the developments in the European level” (Notes from the interview conducted). A small part of the participants (2 out of 9) thinks that the EWC establishment assisted in expanding of worker participation schemes at the national level. Only in one occasion an HR manager from the OL sector claimed that EWC contributed in disseminating employee involvement at national /local level “because of the better information of Works Council by its representative in EWC” (Notes from the interview conducted).

Table 2: Data from the interviews contacted

	Company	FB1	FB2	FB3	FB4	FB5	FB6	OL1	OL2	OL3
A1	EWC has a positive effect on local/national employee participation						✓	✓		
A2	EWC develops a European dimension of the company and its industrial relations		✓	✓		✓			✓	✓
A3	EWC broaden the possibility to promote a European HR policy by MNCs	✓	✓	✓		✓	✓	✓		✓
A4	EWC causes international cross-pollination of labour institutions		✓				✓	✓		
A5	EWC has a positive effect on industrial relations within the group	✓	✓	✓		✓	✓	✓	✓	✓
A6	EWC consists a “channel” of communication at the European level	✓	✓		✓	✓	✓	✓	✓	✓

Source: Data from the research conducted

After the data processing (interview questionnaires) had been completed, the sub-hypotheses were put in testing procedure.

The main conclusions are drawn up below. Based on the collected evidence, it was found that EWCs contribute to the Europeanization on Employee Relations (Main hypothesis is accepted). More specifically:

- a) EWCs (possibly) develop a European dimension of the company and its industrial relations (A2).
- b) EWCs broaden the possibility to promote a European HR policy by MNCs (A3).
- c) EWCs have a positive effect on industrial relations within the group (A5).
- d) EWCs consist a “channel” of communication at the European level (A6).

Conclusions

The introduction of the EWCs in the national institutional framework of employee relations, in which there is no long tradition of participation schemes as in other countries of the European Union, has fostered a debate concerning the potential implications of the EWCs on the Europeanization of the Greek IR system.

The collected evidence has shown that EWCs contribute to the Europeanization on Employee Relations. Their contribution includes the possible development of a European dimension of the company and its industrial relations, the promotion of a European Human Resources Policy by MNCs, a positive effect on industrial relations within the group and the establishment of a “channel” of communication at the European level.

Thus, on the management side, it seems that EWCs produce a number of beneficial and, for that reason, desirable influences concerning the Europeanization of employee relations. Therefore, the benefits from the EWC function, such as the better understanding of management decisions by the employees and the contribution to organizational changes in the company can support to a great extent the critical choices of the parent company management, if necessary (e.g. wide re-organization of production). In conclusion, it seems to be valid that in the process of the internationalization of employee relations the MNCs have the precedence, as they could use EWCs as “managerial tools” better than the employee side.

In this respect, the on-going Europeanization of IR, which has been taking place during the last years, seems to meet adequately the MNCs’ needs to integrate and internationalize some of their operations. Moreover, the findings might support the Schulten’s conclusion (1996) that MNCs with an active EWC tend to gradually being detached from their national IR systems to “Europeanized IR

islands". On the contrary, the remaining small and medium-sized companies remain attached to the national IR system.

In conclusion, it is interesting to note that, while the establishment and function of the EWCs was a perennial demand of the European trade unions, it is rather the enterprises that for the time being benefit more from the EWCs. Thus, the EWCD emerged in the European IR system, at a time when the idea of employee participation had already been re-orientated towards the service mainly of corporate and managerial purposes (which the managements sought) than the democratic and humanitarian ones (which trade unions supported). Last but not least, the prevalence of employee participation forms, which will be suited to the purposes and the strategy of the MNCs is, nowadays, more than obvious.

In conclusion, it seems to be the case that multinational companies are the leaders in the process of industrial relations internationalization. In this sense, the recent reorientation of industrial relations towards the European level seems to serve more fully the needs of companies to integrate and internationalize some of their operations despite the wish of the trade unions to create strong pillars of a European industrial relations system. It is therefore of great interest that while the European trade union movement has spent long-run efforts to adopt the EWC directive, the MNCs get currently more benefits from the establishment and function of EWCs.

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