

LÁSZLÓ NAGY

The Worker's Participation in the Employer's Decision-making in Central and Eastern Europe

I.

1. The basic form of safeguarding workers' interests is unionisation, to achieve the most favourable results in the course of collective bargaining between the trade union and the employer with special focus on wages and other benefits. In this the fundamental instruments the trade union are the collective agreement reached as a result of collective bargaining or in the absence of a satisfactory agreement the strike.

The other basic form is the workers' participation in the decision-making process of the employer partly individually, partly by the workers' assembly, partly through elected body or representative of the workers. The purpose of this is to influence the decision of the employer concerning business administration, the establishment of working conditions, social benefits so that these decisions should be as favourable as possible from the point of view of workers' interests. This form developed more than a hundred years after the former one, following World War II., primarily in Europe. Its development was influenced by several factors. I would like to mention but a few of them. Within the labour movement and the trade union movement the need for the workers to have a say in the employers' decision arose. (It was mainly this need that was fulfilled after World War I. in the Weimar Republic of Germany and Austria by the establishment of works councils, which were dispersed during the Nazi regime.) The economic crises – especially between 1929–1933 – which were characterised by a large number of conflict-stricken strikes, made several theoreticians as well as certain moderate trade union leaders search for solutions which would facilitate more peaceful negotiations. In Europe collective bargaining was conducted on sectoral level. In a large number of cases the workers' of a company which was more advantaged economic position and less affected by the crisis claimed: had they been in a negotiating position, they could have reached much more favourable results. In the end, the democratic social structure went through a rapid development in the countries liberated from the fascist regime after World War II. In relation to this, the demand for the democratic requirements to be met within the company, evolved unavoidably.

2. In the Central- and East European countries in the process of elaborating labour legislation in the transition period, various ways have emerged concerning participation. From this point of view the countries can be divided into two main categories.

– One group comprises of the countries which opted for or maintained the indirect participation through trade unions. The Czech Republic, Slovakia and – virtually – Romania. The basic method is trade union representation here as well, but in the questions of labour safety, workers' representatives are elected by the workers themselves. Russia and the Ukraine belong to this group. In these countries there was no general comprehensive codification, but the modification introduced did not tackle the participation right. Consequently they obviously aimed to keep up the previously customary situation, that is representation through trade unions.

– The other group consists of countries which introduced the direct representation of workers. These are Bulgaria, Croatia, Hungary, Poland and Slovenia. It should be noted that the situation in Poland is transitory in this respect. Here the self-directory regulations effective as of 1981 are maintained in the case of state-owned companies. The regulations for the private enterprises and the state-owned comprises to be privatised exists only in a draft form. As privatisation is a perspective and the draft has already been debated by professional circles extensively. I will use it as a starting point for the coming discussion. It is to be noted in Hungary in the public service the employees may elect a public servants council, which exercises similar right as entitled to the works councils.¹

3. In the second group three ways of workers' participation have been introduced.

– Workers' participation in the decisions taken by the employer partly individually, partly by the workers' assembly, partly through elected bodies or representatives. The underlying system and rules of this is regulated by the Labour Code of the countries concerned or by the Act on workers' participation.² I will come back to this issue later on.

– The participation of the elected representatives of workers in the assembly or in the managing bodies of the company. This is not regulated by the Labour Code but by the Act on companies, in Slovenia by the Act on the workers' participation.³ Workers' representatives do not operate in these bodies as part of their employment but according to the provisions covering those who are seated in the functioning of a company.

– The participation of the workers' representatives in the decision-making on occupational safety and health issues. This area is partly covered by the Labour Codes, partly by laws on labour safety and health protection – independent of the Labour Code – if such laws have been passed.⁴

The three different methods of participation have one feature in common: they all serve workers' interests. Within this the firstly mentioned one is of a general character. It is the second channel of interest protection. The latter two are special. These decisions taken by the employer, though of an outstanding importance, still have effect only on a limited number of questions. Neither theoretical nor significant practical problems arise with respect to them. Therefore I am not going to go into details related to these two

¹ Act No. XXXIII. of 1992. on the public servants.

² Bulgarian Labour Code (hereafter: BLC) § 6–7. Croatian Zakon a radu Act on labour (hereafter: CLA) Official Gazette No. 38-95, 45/95. Hungarian Labour Code (hereafter: HLC) § 43. Polish draft on collective labour relations (M. Sewerynski: Forms of workers' participation in the enterprise management, Zagreb, ILO experts meeting, 17–18 Oct. 1997. (hereafter: PD). Slovenian zakon o sodelovanju delavcev pri upravljanu (hereafter: SLP) Official Gazette No. 42/93.

³ Bulgarian Commercial Act of 1997.

⁴ Croatian zakon o rastiti na radu, Official Gazette No. 59/96., Hungarian Act No. IV. of 1993. on Labour Safety, Act No. 90/1996. on labour safety, Romanian decree of the Councils of Ministers on Labour safety (State Gazette No. 59/1997).

methods. In this paper I try to sketch the practical and theoretical problems of the general way of the participation.

II.

1. In the Central and Eastern European countries the second channel of interest protection has various forms. From organisational point of view there are two types.

– In the first case the participation right is enforced by the works council elected by the workers if the total number of employed workers exceeds 50 in Hungary, 20 in Slovenia, 100 in Poland. In the case of smaller enterprises – with a minimum of 15 workers in Hungary – a workers' representative is elected, while in Poland – according to the draft law – workers can practice their participation rights collectively in enterprises employing fewer than 100 people. In Croatia the basic body is the works council elected by the employee, however beside this the workers' assembly exercises participation right in limited extent. In Slovenia the individual worker is due to the right of information and consultation.⁵

– In Bulgaria participation right is enforced by the general assembly of workers.⁶

2. These are differences in the method of establishing works councils. According to the Hungarian legislation it is obligatory to set up works councils.⁷ This task is the responsibility of the employer. In the other countries the establishment of works councils is only an option. It can be initiated by the workers or the trade union in Slovenia in Croatia, the workers in Poland, the trade union, the employer or the workers in Bulgaria. The Croatian, Hungarian, Polish and Slovenian regulations prescribe a secret ballot and regulate the entire procedure of it.⁸

3. The number of the works councils' members determined by the law varies according to the number of the staff of the enterprise.⁹ According to the Croatian rules it is necessary to ensure equal representation by all organisational units and groups of workers (by sex, age, qualifications etc.).¹⁰

The right to elect members of the works council resp. to be elected into a works council extended to every worker who has worked in that particular company for a period determined by the law. In the case of passive right to vote varies between 3–6 months, in the case of active right to vote 6 months. The rules do not extend the right to vote to managerial staff, their family members,¹¹ as well as in Hungary the members of the election committee.¹² The works council is elected for a definite period – 3–4 years.¹³

In every country the rules provide the employers obligation to cover working expenses of the works council and various facilities to the works council's members' e.g. paid hours for consultation with workers for meeting'. The works council's members in

⁵ BLC § 6. P. Koncar: Forms of workers' participation at enterprise level in Slovenia, Zagreb, ILO experts meeting, 17–18 Oct.

⁶ BLC § 6–7.

⁷ HLC § 43.

⁸ CLA § 139–142, HLC § 46–54, PD, Koncar.

⁹ CLA § 134, HLC § 45, Koncar.

¹⁰ CLA § 134.

¹¹ HLC § 46.

¹² CLA § 141, HLC § 43, Koncar.

¹³ CLA § 141, KLC § 43, Koncar.

general entitled to similar protection determined by Labour Code pertaining to elected trade union officials.¹⁴

4. With regard to the content of the participation right we find different situation in the particular countries. The basic and common elements of the right to participation are the followings: right to information, right to consultation, right to consent and right to co-determination. Beside these in some countries the works councils have specific rights.

a) Right to information. The employer is obliged to inform the works council about all issues particularly relevant for economic and social position of employees. The rules in respect of information generally enumerate these cases. In the case of information the employer does not require the opinion of the council, however the right to information is not reduced only to passive acceptance of information but that it includes the right of the works council members to discuss and express their own views regarding the information given by the employer. As I mentioned before beside the works council in Croatia the general assembly of the workers and in Slovenia the individual worker are due to the right to information. According to the Croatian Act on Labour Act workers' assembly must be convened at least twice a year. The employer is obliged to furnish workers with information on the enterprise's situation and its development. The works council on the other hand has the duty to inform employees about its work. The employer and the works council jointly – in absence of the works council the employer – convene works assembly.¹⁵ According to the Slovenian rule the individual worker has the right to be promptly informed concerning matters that relate to his/her sphere of work or the salaries and other matters pertaining to labour relation. In addition he/she is due to present initiatives to management and receive answer if these relate to the work post or the organizational unit in which the worker is active.¹⁶

b) Right to consultation. This right includes the requirement to hold a dialogue between the council and the employer. Within the period specified by the law the employer must inform the works council about the status of the enterprise and personal issues. These cases are generally enumerated in the rules (e.g. employer's business position, significant modification of employer's activity, investments, the changes of wages the characteristic features of employment, changes on working conditions).¹⁷ In the consultation process the works council may agree with the employer's proposal, it may oppose it or it may abstain from giving its statement. However if the works council is opposed to the employer's proposal, it can not prevent the employer from passing and executing such a proposal. In Croatia the employer has to consult with the works council in respect of the termination of the employment contract in three cases: *ba*) before terminating by dismissal each and every individual employment contract;¹⁸ *bb*) in the case of introducing new technologies or in changes in the organization of work or working methods, which may lead to the termination of an employment contract;¹⁹ *bc*) in the case of a collective dismissal. The works council may oppose the dismissal only if the employer does not have a legitimate reason for such a dismissal.²⁰

¹⁴ CLA §, HLC §, Koncar.

¹⁵ CLA § 150.

¹⁶ Koncar.

¹⁷ CLA § 145, HLC §, Koncar.

¹⁸ 18. CLA § 117.

¹⁹ 19. CLA § 145.

²⁰ 20. CLA § 119.

c) Consent. In some countries the rules on works councils provide such employer's decision that require the approval, consent of the works council. In Slovenia the employer is bound to submit for approval by the works council the draft-decisions on a number of so-called social issues (e.g. measures to prevent work injuries, the use of paid leave, the criteria used for the remuneration of innovative activity.²¹ In Croatia the employer may pass the following decisions only with the previous approval of the works council: *ca*) in the case of dismissing a worker who belongs to a group under special protection (e.g. a worker with reduced working capacity or who is faced with an imminent risk of becoming disabled, or of a worker over sixty/fiftyfive years age; *cb*) decision with regard to the protection of workers' privacy; *cc*) in the case of dismissal of works council's member, or of a candidate for membership of a works council who has not been elected and of a member of the electoral board during the period of three months following the determination of the election results. If the works council refuses to give its consent, the employer may require the court to pass a verdict which will substitute works council's consent.²²

d) Co-determination in Hungary the works council and the employer decide in common in regard to utilisation of the social fund determined in the collective agreement and in respect to the utilization of institutions and property in this nature.²³ The Bulgarian Labour Code provides similarly. The general assembly of the workers and the management determine in common the size of the social fund, the way of its utilization and the types of the social services.²⁴

e) *Special rights*

A. Approval of the draft collective agreement. According to the Bulgarian Labour Code in the case of several trade union organizations in an enterprises, which fail to reach consensus on a common collective agreement the workers' general assembly discuss the draft presented by the individual trade unions and decides which one is the better from the point of view of the workers' interest. This is submitted to the employer for the purposes of the collective bargaining.²⁵

B. Election of the workers' representatives. In Bulgaria the workers' assembly has the right to elect the representatives of the workers who will participate in the bodies of the enterprise and in the working conditions committee.²⁶

C. Right to veto. According to the Slovenian Labour Code the works council has the right to stay the implementation on any decision made by the employer and to initiate an arbitration procedure if the employer has failed to inform the works council of workers representative in advance concerning the adoption of any decision on certain economic issues stipulated by law or if the employer has failed to observe legal provisions on the mandatory notification of the works council of the workers' representative regarding the time limits for mandatory consultation or regarding the obligation for joint consultation.²⁷

D. Conclusion of collective agreement. According to the Polish draft in the enterprises without any trade union organisation the works council has the right to

²¹ 21. SPA Koncar.

²² 22. CLA § 144.

²³ 23. HLC § 65.

²⁴ 24. BLC § 293.

²⁵ 25. BLC § 51.

²⁶ 26. Act 3 of decree of the Council of Ministers No. 87 of 1997.

²⁷ 27. Koncar.

conclude collective agreement with the employer particularly on the topics which relate to the wages, work conditions, social services, profit sharing, group dismissal, settlement of individual labour conflict. The reason of this proposal that there are small and medium size and some other private enterprises without any trade union organization, moreover any trade union's member. If the conclusion of collective agreement has the exclusive right of the trade union, the workers of this enterprises will be deprived of an important instrument of the protection of their interest.²⁸

5. According to the general views an agreement between the employer and the works council may provide for other issues – apart from those which are specified in the Acts – which belong to the sphere of the participation. However it is not permissible that any such agreement should stipulate the terms and conditions of employment such are stipulated in the collective agreement. The above mentioned Polish draft expresses an opposing standpoint in the case of enterprises without any trade unions body or member.

III.

1. The introduction of workers' participation in the Central and Eastern European countries has been going through its initial stages. We havenot a general picture on the implementation of the rules in respect of the workers' direct participation and on the activity of the new organs. The situation is very different according to the countries, the branches, the traditions, the employers' behaviour, the trade unions' practice and last but not least the workers' attitude. However it may be stated works councils are being constituted relatively slowly. The implementation of this system requires a relatively long period. Nowadays there is no official information on the establishment of the councils, but it is estimated that the number of the elected works councils varies between 20–70 % of the enterprises (in Croatia 20–30, in Hungary 40–70 %). There is not any correct datas on the enterprises where workers' representatives have been elected. The above mentioned situation may influence among others the following factors.

2. A part of the employers are apprehensive that the participation will impede the performance of business operation, resulting in the uncompetivity of their enterprises. The expansion of the workers' rights will to prove to be detriment of the efficiency of business. Other do not perceive any difference between the functions of trade unions and works councils. They are not aware of how advantageous it would be for the cooperate with works councils. Employers frequently negotiate with trade union and works council together even though the case in question concerns only one the parties.

3. A part of the trade unions regarde the works council as a rival. They donot protect, moreover hinder the establishment of the works councils. In other cases the works' councils are dominated by the trade union. This in itself isn't cause problem: if the competences are separate one from other. However according to the experiences in most cases trade unions have dominance. Work's councils are regarded as part of trade unions or as bodies directed by unions. A sign of this is that quite often the chairman or trade union officer is at the same time the chairperson of the work's council. In certain cases the trade union and the work's council jointly take steps. The result is that the advantages of the two-channel system cannot gain ground. This situation springs from the practice of the past decades. During the socialist periode the dominant standpoint

²⁸ 28. PD.

was that every employee automatically had the right ensured in the labour relations to participate in decision making process. However this right can only be practiced collectively, the representative of this community is the body of the trade union. This was supported by legal regulations, too. This several-year-old viewpoint cannot be changed overnight. It would still be difficult if the competition caused by trade union pluralism did not urge trade unions to gain more and more influence in the company. In some cases problems of prestige and-existence strengthen this tendency. It become even more evident where because of the company's size the work's council officer gets extra remuneration.

4. Workers are only slowly realising that participation ensuing from trade union activity and participation based in the activities of elected workers' representatives are two independent system and both are important elements of the protection of the workers' interest. In addition the initial difficulties of the works councils and the weak competence of the councils provided by the legal rules enhance the indifference of the workers toward the activity of the works councils. Not the council contribute even to the changing this situation. The picture is very different, but in general isn't satisfying. There are councils which published informations in writing to the employees, sometimes organizes meetings for discusse the recent problems particularly in the cases if the council shall give observations to the draft prepared by the employer etc. However the majority of the councils doesn't establish a stable cooperation with the employees. It can't be found a mutual information exchange.

5. In some cases the inefficiencies of the legal rules hinder the correct application. E.g. in Croatia in the large-size companies workers face significant problems in consulting central works council because of insufficient legal regulation of the conditions of operation of central works council. In Slovenia the Act on participation is not in conformity with the Law on Commercial Companies in respect of the workers, participation in the management bodies of the partnership companies and the limited liability companies.

IV.

The experiences of the implementation of the rules on workers' participation shows some practical and theoretical problems, which cause difficulties and hinder the realization of the aims of the participation rights. I want to treat three of these.

1. The crucial problem of the future development of the direct participation is the relation between the works councils and the trade unions. In this context there are different views.

It is acceptable for the representatives of the different views, that the participation in the employer's decision-making creates a very important element to safeguard the interests of employees. The difference occurs in the methods or means applied to implement this instrument. In respect of the solution there are three opinions. On the one hand some observer argue that the creation of the works' council system has in the end favoured the protection of the workers' interest at the enterprise level, however it must operate under the trade union leadership. On the other hand there are observer who state the trade unions have experiences about the negotiations with employers in respect of production and business matters, they have right to require

information in this matter. They can manage the tasks of the works councils. Therefore the provisions on works' council should be repeal.

Finally there are trade unions' experts – in very limited number – who agree with the recent solution.

The second opinion is motivated by the fact that Central and Eastern European trade union movement alters from that of the Western European model to some extent attributes to the present situation. Trade union movement basically takes place in industries, different branches and professions nationwide. In addition to this at every company or employer local organs of trade unions are formed. These local organs function independently as this right is stated in the trade union statute and higher trade union organ's regulation. In practice the trade union movement in the Central and Eastern Europe is organised at two levels. That is the reason why there has always been an independent representative of employees – or at least that of trade union members – in the company. (This fact when there was a near 100 % trade union membership did not mean any problem.) The reason that was of primary importance in Western European countries for establishing works' councils did not exist in Central and Eastern Europe. This fact was that employees did not have representatives locally. It is no accident that in those countries where there is a trade union movement at company level the need for establishing works' councils has not appeared.

As for myself I support the third standpoint. The participation of the workers in employers' decision making based on two principles. One is the protection of the workers' interests, the other the extension and development of democracy. The right of participation ensure for the employees a second instrument over and above the trade union. The trade union represents the collective and individual interest of the employees against the employer or employees' organisation and on the basis of the negotiation with them participate in the determination of the rights and duties arising from employment relation by concluding the collective agreement. This relation is characterized by the contradiction of the interests. The workers' participating in the employee's decision making contribute also to the protection of their interests. They can intervene and influence the employers decision in question the creation of convenable working conditions, of production, economy, the distribution of income, the methods of using the means and materials at the disposal of the employer including work organisation and the use of income etc. This relation between the employees and the employer may be characterized by certain cooperation, however this put may arise in this field, too. In this manner the workers dispose a two-channel system of the interest – protection. In this case the protection of the workers' interest should be more effective. In addition nowadays we can observe worldwide the decreasing of the number of the trade unions' membership. The most part of the small enterprises there are any trade union's organ, moreover any trade unions' member. Therefore it is essential to create other forms, other instruments for the protection of the workers' interest instead of the dissolution of the works' councils.

In favour of the peaceful co-existence of the two organs it is necessary to clearly define and separate the competence of trade unions and works councils. Concerning this definition and separation, there are views which consider trade unions as instruments for collective and the works councils as instruments for individual interest protection. I am of the opinion that this reasoning cannot be justified. Both organisations play an important role in collective as well as individual interest protection. Concluding collective agreements, organising strikes are two instruments of collective interest

protection. On the other hand in case of the violation of the individual worker's, trade union member's rights these organisations can take action against the employer or some external forum, which come under the heading individual interest representation. The works council's observations concerning the employer's proposals in the field of economic management, working conditions on the joint decision-making on the utilisation of the social fund are again instruments of collective interest protection. If the works council's approval or opinion is needed to effect the dismissal of a worker, they play a role in the individual interest protection.

In my opinion the starting point should be the fact that trade unions have an authority in the following areas: the protection of workers' individual and collective rights and interests, collective bargaining, concluding collective agreements and initiating strikes. Works councils have a right to a) cooperate in the establishment of the working conditions, working environment that is indispensable to fulfill one's rights and obligations of employment properly, b) participate in the decisions of the employer on economy matters, work organisation and further issues which affect the future perspective of the company. In this circle of questions and to define the form of cooperation it is entitled to sign an agreement – enterprise agreement – with the employer. The works council can by no means enforce trade union rights, not even in the case if there is no trade union in an enterprise.

It goes without saying that certain extreme cases can arise in the day-to-day practice, which need to be settled locally. The collective agreement on the enterprise agreement with the employer are suitable means to achieve this goal. The two channels of workers' interest protection can function to their maximum efficiency only if the functions are clearly defined, separated and respected. This is not influenced by the fact that most works council members are trade union members at the same time. This works the same way in Western countries as well. The main point is that each organisation or body should concentrate on the performance of its own tasks without wanting to dominate or rule over the other. To mention an example: the trade union should not try and prescribe or determine the opinion of its members who are, simultaneously, works council members.

2. An other discussed case refers to the individual or collective character of the participation right. Besides the theoretical aspects, this question also has a practical side and importance. If this right is a collective right then at companies with no works councils or workers representative due to the small size of the company, workers are deprived of their right to participate in the decision-making process. Formerly the science of labour law in Central and Eastern Europe had the dominating standpoint that workers' participation right is ensured by the employment status of the worker. Meaning that the worker has this right in the very moment his employment contract becomes effective. This right, however, can be enforced only collectively. This opinion complied with the practice according to which the workers are represented by the trade union, it acts on behalf of the workers when it comes to practising their participation right. A frequently used argument to support this is that the employer would find himself in an unbearable situation, should be provide information to each and every worker individually on the matters of the company or should he deal with their individual proposals. Point 21. of the European Social Charter stipulates that the right to information and consultation within the enterprise has to be provided for the workers. The signatories to this document have to take on the obligation to ensure the enforcement of this right by means of the appropriate instruments in compliance with the

national practice and laws. The exact wording in the text has "for workers or their representatives". It refers to the fact that this right can also be practised individually. The further condition that in compliance with the national practice and laws' can be interpreted in a way that this question is referred to the authority of the countries themselves. Though – in my opinion – this wording probably concerns the content, that is the extent of information and its frequency. I think however, that we have to take one step further and take two more aspects into consideration. One the one hand we have to make distinctions according to the content and volume of the information. We face a different situation if the information focuses on one particular job, position, a work unit, the entire company or one of its major units. On the other hand distinction if to be made between the simple information – consultation and other entitlements beyond this level, such as the right to agree, the right to co-decisions, the right to conclude agreements with the employer. To my mind, each and every worker has the right to have access to information on matters and changes which have an impact on his own job, working conditions, working environment. The worker furthermore should have the right to make remarks, observations related to the provided information and to have personal discussion with his employer. Further information and consultation beyond these questions and other trade union rights can only be enforced collectively.

Among the legal regulations concerning the participation rights of the workers the Slovenian law explicitly stipulates that the worker is entitled to have the participation right even individually. The Polish draft law is also based on the concept that information and consultation are two basic rights which are automatically provided by the employment contract of each worker. These rights can be practised individually as well. The Croatian science of labour law on the contrary, holds the view that the participation right can only be enforced collectively.²⁹

3. The third problem refers to the competence of the works council. The majority of the rights of the works council enumerated above show has of an informative and consultative character. These show that the works councils have a weak position, they can hardly influence the employer's decision. In my opinion in the cases of such decision which directly influence the workers work-conditions, work performance, wages must be introduced the requirement the previous works council' consent. In the same time it is necessary to study the experiences of the implementation of the agreement on the European works council in the interest of the further development of the participation-rules.

The situation described above shows that in some Central and Eastern European countries the essential legal framework necessary for the realization of the workers' right of participation has been already established. The task is the correct implementation of the rules and on basis of the experiences the preparation of the further steps in favour of the development of the protection of the workers' interest. In respect to the participation. In this field the most important factor should be the essential change of the present attitude of the actors from the employers and employees through to the trade unions and finally to the state organs. I am convinced it takes a long time for the execution of this changes. Both trade unions and employers need to provide appropriate measures, information and trainings in order to achieve a positive more. In addition to this members of works' councils must be carefully trained and prepared for the task. In this field state labour administration should have an important role.

²⁹ 29. Potozniak.

NAGY LÁSZLÓ

A MUNKAVÁLLALÓK RÉSZVÉTELE A MUNKÁLTATÓ DÖNTÉSEIBEN KÖZÉP- ÉS KELET-EURÓPÁBAN

(Összefoglalás)

I. A munkavállalók érdekei védelmének alapvető formája a szakszervezeti szervezkedés. A másik alapvető forma a munkavállalók részvétele a munkáltató döntéseiben. Ez különböző tényezők hatására a II. világháborút követően alakult ki Európában.

A közép- és kelet-európai országokban a rendszerváltást követő átmeneti időszakban a munkavállalók részvételének több formája alakult ki. Az országok egy részében – Csehország, Szlovákia, Románia, Oroszország és Ukrajna – csak a szakszervezeteken keresztül gyakorolt részvétele áll fenn. Bulgáriában, Horvátországban, Magyarországon és Szlovéniában a közvetlen részvételt is bevezették. Ilyen irányú törvényt készítenek elő Lengyelországban is.

Ezekben az országokban a részvételnek három formáját találjuk: a) a munkavállalók részvétele a döntésekben egyénileg, együttesen vagy pedig a választott testület vagy képviselők útján; b) részvétel a vállalat vezető testületeiben; c) részvétele a munkavédelmi bizottságokban.

II. A munkáltatói döntésekben való részvétele fő formája az üzemi tanács vagy üzemi megbízott útján való részvétel. A tanulmány részletesen bemutatja az üzemi tanács megválasztására, működésére és hatáskörére vonatkozó szabályokat, és az eddigi tapasztalatokat.

III. A tanulmány e része bemutatja az üzemi tanács kapcsolatát a munkáltatóval, a szakszervezettel és a munkavállalókkal.

IV. A tanulmány e része három elméleti, illetve gyakorlati vitás kérdést tárgyal. Megállapítja, hogy az üzemi tanácsok további működésének egyik előfeltétele, hogy a szakszervezet és az üzemi tanács jogkörét és tevékenységét el kell határolni egymástól. Ugyancsak megállapítja, hogy a részvételi jog minden munkavállalót munkaviszonyából folyóan megillet. Különbséget kell tenni azonban az egyszerű tájékoztatás és konzultáció és az egyéb részvételi jogok között. Az előbbi a munkavállalót a munkaköre, közvetlen környezete tekintetében egyénileg gyakorolhatja. Ezen túlmenően azonban a részvételi jog csak kollektíve, illetve a megválasztott képviselőkön keresztül gyakorolható. Végül rámutat a tanulmány, hogy bizonyos mértékig szükséges az üzemi tanács jogkörének szélesítése.