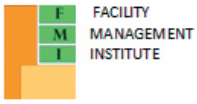
Employee Involvement In Facility Management Enterprises

RESEARCH STUDY

The present Guide has been realised by the ElforFM project partnership



EXECUTIVE SUMMARY

The Employee Involvement in Facility Management Enterprises (ElforFM) project aims at exploring the possibilities to develop a European level business structure for companies established in 5 different countries and all engaged in the sector of Facility Management. In this operation, the development of procedures for information, consultation and participation of worker representatives of undertakings in the FM sector represent a crucial point. Keeping into due consideration the EU legislation in this field both at national level and at transnational level, the project wants to approach topics such as workers information and consultation, collective redundancies and transfer company. The possibilities to implement the EU legislative tools for the Europeanisation of the economic activities entails therefore a specific focus on enhanced worker involvement.

In this sense, ElforFM project aims to promote activities designed to explore and prepare the establishment of a European Society (SE) or a European Cooperative Society (SCE) in the service sector, and in particular with the involvement of companies active in the field of Facility Management (FM). More precisely, it focuses on the necessary arrangement to establish structures and procedures for workers information, consultation and participation in the context of a new European Society or a European Cooperative Society. A specific focus, given the nature of the partner involved will be on the legislation and practices operating in worker cooperatives, and on the implementation of the related European directives. To do so, 5 countries (Italy, Spain, Hungary, Bulgaria and Greece) will be featured for the information collection and market analysis. However, the national approach is only be the starting point in order to enhance cross border knowledge and a transnational approach to business structure in the Facility Management sector. The findings related to the featured countries are put in a comparative perspective, and represent the ground for the transnational exchange.

The study is carried out by a very committed project partnership that includes business representatives' organisations, private sector enterprises, workers' unions and European networks.

The present study is composed of three main parts. The first part focuses on the European legal framework related to the European Company and the European Cooperative Society as well as on the rights of information and consultation of the workers. The Second part of the study focuses on the situation in Countries involved in the project: Italy, Spain, Greece, Hungary and Bulgaria. The third part focuses on the development training modules for the implementation of rights of information, consultation and participation of employees.

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1. EUROPEAN LEGAL FRAMEWORK

A. THE EUROPEAN COMPANY[1]

Context

The European company (SE or *Societas Europaea*) is a legal structure that allows a company to operate in different EU Countries under a single statute, as defined by the EU and Member States' legislation. Through the creation of this model, the EU facilitated the operation of companies wishing to expand their business at transnational level: the provisions of such company permit the creation and management of companies with a European dimension, free from the obstacles arising from the disparity and the limited territorial application of national company law.

The introduction of such company form is a key element in the finalisation of the Internal Market because it entails a structure of production able to fully operate at European level and not only in the local dimension.

The European legal framework for the SE is composed by:

- Regulation 2157/2001 establishing the Statute for a European Company;
- Directive 2001/86/EC supplementing the Statute with regard to the involvement of employees.
- Amending acts: Regulation 885/2004, Regulation 1791/2006, and Regulation 517/2013.
- In particular, a SE with its headquarters in an EU country, is governed:
- by the provisions of the Regulation 2157/01 as modified and integrated by the Regulations 885/2004, 1791/2006, and 517/2013;
- where expressly authorised by the Regulation, by the provisions of its statute;
- for those aspects not covered by the Regulation, by
  - the national provisions (of the Member State where a registered office is present) adopted in application of European measures targeting the SE specifically,
  - the provisions which would apply to a public limited-liability company formed in accordance with the law of the Member State in which the SE has its registered office, and
  - the provisions of its statutes, in the same way as for a public limited-liability company formed in accordance with the law of the Member State in which the SE has its registered office.

In this sense, winding-up, liquidation, insolvency and suspension of payments are in large measure governed by the applicable national law. In addition, the specific national provisions related to the nature of the business carried out by SE shall apply in full.

The Statute for a European Company was adopted in 2001 and entered into force in 2004, some 30 years after it was first proposed by the Commission[2]. Regulation (EC) No

1 For the description of every legal aspect of the SE contained in this document, the main sources are the Council Regulation 2157/2001 (and further amending acts) and the Directive 2001/86/EC.

2 The Statute for a European Company was among the measures to be adopted by the Council before 1992 listed in the Commission's White Paper on completing the internal market,

2157/2001 instigating it (the SE regulation) was supplemented by Directive No 2001/86/EC (the SE directive) establishing the rules with regard to the involvement of employees in the SE, thereby recognising their place and role in the business.

Definition

The European Company is a type of public limited-liability company with legal personality. Its subscribed capital shall not be less than EUR 120000[3] and shall be divided into shares (article 4 Reg. 2157/01). No shareholder shall be liable for more than the amount he/she has subscribed.

The registered office of an SE shall be located within the territory of the Union, in the same Member State as its head office. Furthermore, a Member State may in addition impose on SEs registered in its territory the obligation of locating their head office and their registered office in the same place.

According to the article 12 of the Regulation 2157/01, every SE shall be registered in the Country in which it has its registered office in a register designated by the law of that Member State in accordance with Article 3 of the first Council Directive (68/151/EEC) of 9 March 1968[4].

The name of an SE shall be preceded or followed by the abbreviation SE (article 11).

Formation

As for the setting up, an European company is established by at least two companies originating in different Member States. This means that it can only be created from existing companies that have to be formed under the law of a Member State, with registered offices and head offices within the Community[5].

According to the Regulation 2157/01, a SE can be created in the following ways:

- by means of a merger provided that at least two existing public limited-liability companies are governed by the law of different Member States (article 17).
- by means of an establishment of a European holding company: public and private limited-liability companies can promote the creation of a SE, provided that each of at least two of them: 1) is governed by the law of a different Member State, OR 2) has for at least two years had a subsidiary company governed by the law of another Member State or a branch situated in another Member State (article 32).

approved by the European Council that met in Milan in June 1985. The European Council that met in Brussels in 1987 expressed the wish to see such a Statute created swiftly.

3 The laws of a Member State requiring a greater subscribed capital for companies carrying on certain types of activity shall apply to SEs with registered offices in that Member State.

4 Notice of an SE's registration and of the deletion of such a registration shall be published for information purposes in the Official Journal of the European Communities after publication. That notice shall state the name, number, date and place of registration of the SE, the date and place of publication and the title of publication, the registered office of the SE and its sector of activity.

5 A Member State may provide that a company the head office of which is not in the Community may participate in the formation of an SE, provided that company is formed under the law of a Member State, has its registered office in that Member State and has a real and continuous link with a Member State's economy.

- by means of an establishment of a European subsidiary: companies and firms and other legal bodies governed by public or private law may form a subsidiary SE by subscribing for its shares, provided that each of at least two of them: 1) is governed by the law of a different Member State, OR 2) has for at least two years had a subsidiary company governed by the law of another Member State or a branch situated in another Member State (article 35).
- by means of a conversion of a public limited-liability company, if for at least two years it has had a subsidiary company governed by the law of another Member State (article 37).
- In addition, a European company can create one (or more) subsidiaries that are also European companies.

It is important to underline that a SE shall be regarded as a public limited-liability company governed by the law of the Member State in which its office has been registered (article 15). Therefore, it shall be treated in every Member State as if it were a public limited-liability company formed in accordance with the law of the Member State in which it has its registered office, subject to the provisions of the Regulation. For example, the capital of a SE, its maintenance and changes thereto, together with its shares, bonds and other similar securities shall be governed by the provisions which would apply to a public limited-liability company with a registered office in the Member State in which the SE is registered.

Structure and functioning

The statute of the European company can relate to two different organisation systems:

- the *two-tier* system that provides for a management board and a supervisory board in addition to the general meeting of shareholders (article 39 Regulation 2157/01);
- the *one-tier* system that provides simply for the general meeting and an administrative board (article 43 Regulation 2157/01).

As for the *two-tier* system, the Management organ is responsible for managing the SE.
The Management organ reports to the supervisory organ at least once every three months on the progress and foreseeable development of the SE's business and promptly passes any information on events likely to have an appreciable effect on the SE.
The members of this organ are appointed and removed by the Supervisory organ, but by national law, this task can be given to the general meeting under the same conditions foreseen for public limited-liability companies registered within the MS's territory.
No person may at the same time be a member of both the Management organ and the Supervisory organ of the same SE. The number of members of the management organ or the rules for determining it is laid down in the SE's statutes. A Member State may, however, fix a minimum and/or a maximum number.
The second organ of a SE is the Supervisory organ that supervises the work of the management organ and may not itself exercise the power to manage the SE.
The members of the Supervisory organ are appointed by the general assembly (the members of the first Supervisory organ may, however, be appointed by the statutes). The number of members of the Supervisory organ or the rules for determining it is laid down in the statutes, and a MS may, however, stipulate that number or fix a minimum and/or a

maximum.

As for the *one-tier* system, the Administrative organ manages the SE. It meets at least once every three months at intervals laid down by the statutes to discuss the progress and foreseeable development of the SE's business.

An SE's statutes list the categories of transactions which require authorisation of the management organ by the supervisory organ in the *two-tier* system, or an express decision by the administrative organ in the one-tier system.

Members of an SE's management, supervisory and administrative organs are liable, in accordance with the provisions applicable to public limited-liability companies in the Member State in which the SE's registered office is situated, for loss or damage sustained by the SE following any breach on their part of the legal, statutory or other obligations inherent in their duties.

Unless otherwise provided by the Regulation or the statutes, the internal rules relating to quorums and decision-taking in SE organs are as follows (article 50):

- quorum: at least half of the members must be present or represented;
- decision-taking: majority of the members present or represented.

Where there is no relevant provision in the statutes, the chairman of each organ has a casting vote in the event of a tie. There are no provision to the contrary in the statutes, however, where half of the supervisory organ consists of employees' representatives.

Where employee participation is provided for in accordance with Directive 2001/86/EC, a Member State may provide that the supervisory organ's quorum and decision-making are subject to the rules applicable, under the same conditions, to public limited-liability companies governed by the law of the Member State concerned.

As for the General meeting (article 52), it decides on matters for which it is given sole responsibility by the Regulation or the legislation of the Member State in which the SE's registered office is situated. Furthermore, it decides on matters for which responsibility is given to the general meeting of a public limited-liability company governed by the law of the Member State in which the SE's registered office is situated, either by the law of that Member State or by the SE's statutes in accordance with that law.

An SE holds a general meeting at least once each calendar year, within six months of the end of its financial year. General meetings are convened at any time by the management organ, the administrative organ, the supervisory organ or any other organ or competent authority in accordance with the national law applicable to public limited-liability companies in the Member State in which the SE's registered office is situated. One or more shareholders who together hold at least 10 % of an SE's subscribed capital may request the SE to convene a general meeting and draw up the agenda therefor.

The general meeting's decisions are taken by a majority of the votes validly cast, while amendment of an SE's statutes requires a decision by the general meeting taken by a majority which may not be less than two thirds of the votes cast, unless the Regulation or the law applicable to public limited-liability companies in the Member State in which an SE's registered office is situated requires or permits a larger majority.

Where an SE has two or more classes of shares, every decision by the general meeting is subject to a separate vote by each class of shareholders whose class rights are affected thereby.

Winding up, liquidation, insolvency and similar

As regards to the winding up, liquidation, insolvency, cessation of payments and similar procedures affecting the SE, the applicable provisions are the ones that would apply to a public limited-liability company formed in accordance with the law of the Member State in which its registered office is situated, including provisions relating to decision-making by the general meeting (article 63).

An SE may be converted into a public limited-liability company governed by the law of the Member State in which its registered office is situated. No decision on conversion may be taken before two years have elapsed since its registration or before the first two sets of annual accounts have been approved. The management or administrative organ of the SE draws up draft terms of conversion and a report explaining and justifying the legal and economic aspects of the conversion and indicating the implications of the adoption of the public limited-liability company for the shareholders and for the employees. The general meeting of the SE approves the draft terms of conversion together with the statutes of the public limited-liability company.

Employees involvement: Directive 2001/86/EC

One of the most important characteristic of the SE is the mandatory involvement of the employees in the decision-taking: information and consultation procedures at transnational level are ensured in all cases of creation of an SE.

This is regulated by the Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees.

Employees' engagement t has a positive impact on the working environment, in particular in establishing a good work climate, mitigating human resource problems and increasing also the companies' performance. The mentioned Directive, in particular, aimed at setting up a single European model of employee involvement applicable to the SE, not only to ensure common worker participation rules, but also to secure employees' acquired rights.

According to the Directive 2001/86/EC, a SE may not be registered unless an agreement on arrangements for employee involvement pursuant to article 4 has been concluded, or a decision pursuant to Article 3(6) has been taken (rely on the national rules about I&C rights), or the period for negotiations pursuant to article 5 has expired without an agreement having been concluded (article 7).

In practice, when a plan for the establishment of an SE is draw up, the management or administrative organs of the participating companies shall as soon as possible take the necessary steps (including providing information about the identity of the participating companies, concerned subsidiaries or establishments, and the number of their employees) to start negotiations with the representatives of the companies' employees on arrangements for the involvement of employees in the SE (article 3.1).

For this purpose, a Special negotiating body representative of the employees of the participating companies and concerned subsidiaries or establishments shall be created taking into consideration also the composition of the participating companies in a proportional way (article 3.2).

The Special negotiating body and the competent organs of the participating companies

shall determine, by written agreement, arrangements for the involvement of employees within the SE (article 3.3).
The agreement should set up a Representative body with the function of informing and consulting the employees of the SE. Instead of that body the parties can decide to establish one or more information and consultation procedures, and fix the arrangements for implementing those procedures. The legislation applicable to the negotiation procedure shall be the legislation of the Member State in which the registered office of the SE is to be situated (article 6).
In particular, the agreement specifies: the scope of the agreement; the composition (members, allocation); the functions and the procedure for the information and consultation of the Representative body; the frequency of meetings of the Representative body; the financial and material resources to be allocated to the representative body; if, during negotiations, the parties decide to establish one or more information and consultation procedures instead of a representative body, the arrangements for implementing those procedures; if, during negotiations, the parties decide to establish arrangements for participation, the substance of those arrangements including (if applicable) the number of members in the SE's administrative or Supervisory body which the employees will be entitled to elect, appoint, recommend or oppose, the procedures as to how these members may be elected, appointed, recommended or opposed by the employees, and their rights; the date of entry into force of the agreement and its duration, cases where the agreement should be renegotiated and the procedure for its renegotiation (article 4).
The Special negotiating body may decide not to open negotiations or to terminate negotiations already opened, and to rely on the rules on information and consultation of employees in force in the Member States where the SE has employees (article 3.6). In this case, the majority required is of two third of the members representing at least two third of the employees, including the votes of members representing employees employed in at least two Member States.
As for the functioning of the body, it adopts decisions by an absolute majority of its members.
Member States shall lay down standard rules on employee involvement which enter into force if the parties so agree or no agreement has been concluded (article 7).
The European legislator took care of the good relations between the different entities involved in the negotiating procedure and in the normal life of the company. In this sense it stated that the competent organs of the participating companies and the special negotiating body shall negotiate in a spirit of cooperation with a view to reaching an agreement on arrangements for the involvement of the employees within the SE (article 4.1). The competent organ of the SE and the Representative body shall work together in a spirit of cooperation with due regard for their reciprocal rights and obligations. The same shall apply to cooperation between the supervisory or administrative organ of the SE and the employees' representatives in conjunction with a procedure for the information and consultation of employees (article 9).
Attention is given also to the privacy policy of the company, in particular Member States shall provide that members of the special negotiating body or the representative body, and experts who assist them, are not authorised to reveal any information which has been given to them in confidence (article 8).

B. THE EUROPEAN COOPERATIVE SOCIETY[6]

Context

The European Union, taking into account the specific features of the cooperatives, created an European legal form for cooperatives (the European Cooperative Society or SCE), based on common principles that enables them to operate at transnational level, in all or part of the territory of the Union.

Therefore, the creation of the European Company was followed by the introduction of a structure allowing also the cooperative model to operate in the European dimension: this is essential to complete the Internal Market that requires not only the breaking down of the barriers, but also new structures that permit cross-borders businesses.

The European legal framework for the SCE is composed of:

- Regulation 1435/2003, the so-called Statute for a European Cooperative Society;
- Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.

The European Cooperative Society is governed by:

- Regulation 1435/2003;
- where expressly authorised by this Regulation, by the provisions of its statutes;
- in the case of matters not regulated by the Regulation or, where matters are partly regulated by it, of those aspects not covered by it, by the laws adopted by Member States in the implementation of Community measures relating specifically to SCEs, the laws of Member States which would apply to a cooperative formed in accordance with the law of MS in which the SCE has its registered office, the provisions of its statutes, in the same way as for a cooperative formed in accordance with the law of the Member State in which the SCE has its registered office.

Definition

First of all, the SCE is a cooperative. That means that it has particular features such as the principles of democratic structure and control and the distribution of the net profit for the financial year based on an equitable basis. Its principal object is the satisfaction of its members' needs and/or the development of their economic and/or social activities.

The SCE has to comply with the following principles:

- its activities should be conducted for the mutual benefit of the members so that each member benefits from the activities of the SCE in accordance with his/her participation;
- members of the SCE should also be customers, employees or suppliers or should be otherwise involved in the activities of the SCE;
- control should be vested equally in members, although weighted voting may be allowed, in order to reflect each member's contribution to the SCE;
- there should be limited interest on loan and share capital;
- profits should be distributed according to business done with the SCE or retained to

6 For the description of every legal aspect of the SCE contained in this document, the main sources are the Council Regulation 1435/2003 and the Directive 2003/72/EC.

meet the needs of members;
- there should be no artificial restrictions on membership;
- net assets and reserves should be distributed on winding-up according to the principle of disinterested distribution, that is to say to another cooperative body pursuing similar aims or general interest purposes.

The subscribed capital of an SCE (not less than EUR 30000) shall be divided into shares and the number of members and the capital shall be variable (article 1 Regulation 1435/2003).
The SCE has legal personality, and it acquires it on the day of its registration in the Member State in which it has its registered office, in the register designated by that State (article 18).

Formation

An European Cooperative Society can be set up within in any Member State and shall be registered in the same Country where its head office is located. A Member State may, in addition, impose on SCEs registered in its territory the obligation of locating the head office and the registered office in the same place (article 6).
An SCE may be formed as follows (article 2):
- by five or more natural persons resident in at least two Member States;
- by five or more natural persons and companies and firms and other legal bodies governed by public or private law, formed under the law of a Member State, resident in, or governed by the law of, at least two different Member States;
- by companies and firms and other legal bodies governed by public or private law formed under the law of a Member State which are governed by the law of at least two different Member States;
- by a merger between cooperatives formed under the law of a Member State with registered offices and head offices within the Community, provided that at least two of them are governed by the law of different Member States;
- by conversion of a cooperative formed under the law of a Member State, which has its registered office and head office within the Community if for at least two years it has had an establishment or subsidiary governed by the law of another Member State.

Every SCE shall be registered, in the Member State in which it has its registered office, in a register designated by the law of that Member State in accordance with the law applicable to public limited-liability companies (article 11).

Capital

The capital of an SCE shall be represented by its members' shares and it must be a minimum amount of EUR 30 000 (article 3). The laws of a Member State requiring a greater subscribed capital for legal bodies carrying on certain types of activity (such as banking, insurance activities, etc.) shall apply to SCEs with registered offices in that Member State (article 3.2).
The capital may be formed only of assets capable of economic assessment. Members' shares may not be issued for an undertaking to perform work or supply services (article 4.2).

The nominal value of shares in a single class shall be identical. It shall be laid down in the statutes. Shares may not be issued at a price lower than their nominal value (article 4.3).
The statutes shall lay down the minimum number of shares which must be subscribed for in order to qualify for membership (article 4.7).
The general meeting is to pass a resolution each year recording the amount of the capital at the end of the financial year and the variation by reference to the preceding financial year (art. 4.8).

Statute

The founder members shall draw up the statutes of the SCE in accordance with the provisions for the formation of national cooperative societies. The statutes shall be in writing and signed by the founder members (article 5.2).
It has to include at least (article 5.4): the name of the SCE (preceded or followed by the abbreviation "SCE" and, where appropriate, the word "limited"); a statement of the objects; the names of the natural persons and the names of the entities which are founder members of the SCE, indicating their objects and registered offices in the latter case; the address of the SCE's registered office; the conditions and procedures for the admission, expulsion and resignation of members; the rights and obligations of members, and the different categories of member, if any, and the rights and obligations of members in each category; the nominal value of the subscribed shares, the amount of the subscribed capital, and an indication that the capital is variable; specific rules concerning the amount to be allocated from the surplus, where appropriate, to the legal reserve; the powers and responsibilities of the members of each of the governing organs; provisions governing the appointment and removal of the members of the governing organs; the majority and quorum requirements; the duration of the existence of the society, where this is of limited duration.

Acquisition and loss of membership

The acquisition of membership of an SCE shall be subject to the approval of the management or administrative organ. Candidates refused membership may appeal to the general meeting held following the application for membership.
Where the laws of the Member State of the SCE's registered office so permit, the statutes may provide that persons who do not expect to use or produce the SCE's goods and services may be admitted as investor (non-user) members. The acquisition of such membership shall be subject to approval by the general meeting or any other organ delegated to give approval by the general meeting or the statutes (article 14).
Membership shall be lost in cases determined by the Regulation and in any other situation provided for in the statute or in the legislation on cooperatives of the Member State in which the SCE has its registered office (article 15).

Structure and functioning

With regard to its structure and functioning, a SCE shall comprise (article 36):

- a general meeting;
- either a supervisory organ and a management organ (*two-tier system*) or an administrative organ (*one-tier system*) depending on the form adopted in the statutes.

As for the two-tier system, the Management organ (article 37) shall be responsible for managing the SCE and shall represent it in dealings with third parties and in legal proceedings. A Member State may provide that a managing director is responsible for the current management under the same conditions as for cooperatives that have registered offices within that Member State's territory. The member or members of the Management organ shall be appointed and removed by the supervisory organ. However, a Member State may require or permit the statutes to provide that the member or members of the Management organ are appointed and removed by the general meeting under the same conditions as for cooperatives that have registered offices within its territory.

No person may at the same time be a member of the Management organ and of the supervisory organ of an SCE.

The number of members of the Management organ or the rules for determining it shall be laid down in the SCE's statutes. However, a Member State may fix a minimum and/or maximum number.

The Management organ shall report to the supervisory organ at least once every three months on the progress and foreseeable developments of the SCE's business and promptly communicate to the supervisory organ any information on events likely to have an appreciable effect on the SCE (article 40).

The Supervisory organ (article 39) shall supervise the duties performed by the management organ. It may not itself exercise the power to manage the SCE. The Supervisory organ may not represent the SCE in dealings with third parties. It shall represent the SCE in dealings with the management organ, or its members, in respect of litigation or the conclusion of contracts.

The members of the Supervisory organ shall be appointed and removed by the general meeting. The statutes shall lay down the number of members of the supervisory organ or the rules for determining it. A Member State may stipulate a minimum and/or a maximum. The Supervisory organ may require the management organ to provide information of any kind, which it needs to exercise supervision (article 40).

As for the *one-tier system*, the Administrative organ (article 42) shall manage the SCE and shall represent it in dealings with third parties and in legal proceedings.

The number of members of the Administrative organ or the rules for determining it shall be laid down in the statutes of the SCE. However, a Member State may set a minimum and, where necessary, a maximum. The Administrative organ shall, however, consist of at least three members where employee participation is regulated in accordance with Directive 2003/72/EC. The members of the Administrative organ, and, where the statutes so provide, their alternate members, shall be appointed by the general meeting.

The Administrative organ shall meet at least once every three months, at intervals laid down in the statutes, to discuss the progress of and foreseeable development of the SCE's business, taking account, where appropriate, of any information relating to undertakings controlled by the SCE that may significantly affect the progress of the SCE's business

(article 43).
Members of SCE organs shall be appointed for a period laid down in the statutes not exceeding six years (article 45).
Where the authority to represent the SCE in dealings with third parties is conferred to two or more members, those members shall exercise that authority collectively, unless the law of the Member State in which the SCE's registered office is situated allows the statutes to provide otherwise, in which case such a clause may be relied upon against third parties (article 47).
Acts performed by an SCE's organs shall bind the SCE vis-à-vis third parties, even where the acts in question are not in accordance with the objects of the SCE, providing they do not exceed the powers conferred on them by the law of the Member State in which the SCE has its registered office or which that law allows to be conferred on them. Member States may, however, provide that the SCE shall not be bound where such acts are outside the objects of the SCE, if it proves that the third party knew that the act was outside those objects or could not in the circumstances it have been unaware of it; disclosure of the statutes shall not of itself be sufficient proof thereof (article 47.2).
The limits on the powers of the organs of the SCE, arising under the statutes or from a decision of the competent organs, may never be relied on as against third parties, even if they have been disclosed (article 47.3).
Unless otherwise provided by the Regulation or the statutes, article 50 fixes the internal rules relating to quorums and decision-taking in SCE organs as follows:
- quorum: at least half of the members with voting rights must be present or represented;
- decision-taking: a majority of the members with voting rights present or represented.

Where there is no relevant provision in the statutes, the chairman of each organ shall have a casting vote in the event of a tie.
The General meeting shall decide on matters for which it is given sole responsibility by:
- the Regulation;
- the legislation of the Member State in which the SCE's registered office is situated, adopted under Directive 2003/72/EC.

Furthermore, the General meeting shall decide on matters for which responsibility is given to the General meeting of a cooperative governed by the law of the Member State in which the SCE's registered office is situated, either by the law of that Member State or by the SCE's statutes in accordance with that law (article 52).
The organisation and conduct of general meetings together with voting procedures shall be governed by the law applicable to cooperatives in the Member State in which the SCE's registered office is situated (article 53).
Every member shall be entitled to speak and vote at general meetings on the points that are included in the agenda (article 58).
Each member of an SCE shall have one vote, regardless of the number of shares he holds. However, it can be arranged in a different way by national law (article 59).
A general meeting shall act by majority of the votes validly cast by the members present or represented (article 61.2).
The statutes shall lay down the quorum and majority requirements which are to apply to general meetings (article 61.3).

Allocation of profits

Without prejudice to mandatory provisions of national laws, the statutes shall lay down rules for the allocation of the surplus for each financial year (article 65).

Where there is such a surplus, the statutes shall require the establishment of a legal reserve funded out of the surplus before any other allocation. Until such time as the legal reserve is equal to the capital (30000 €), the amount allocated to it may not be less than 15 % of the surplus for the financial year after deduction of any losses carried over (article 65.2).

The statutes may provide for the payment of a dividend to members in proportion to their business with the SCE, or the services they have performed for it (article 66).

Article 67 states that the balance of the surplus after deduction of the allocation to the legal reserve, of any sums paid out in dividends and of any losses carried over, with the addition of any surpluses carried over and of any sums drawn from the reserves, shall constitute the profits available for distribution.

The General meeting which considers the accounts for the financial year may allocate the surplus in the order and proportions laid down in the statutes, and in particular: carry them forward; appropriate them to any legal or statutory reserve fund; provide a return on paid-up capital and quasi-equity, payment being made in cash or shares.

The statutes may also prohibit any distribution.

Auditing

The statutory audit of an SCE's annual accounts and its consolidated accounts if any shall be carried out by one or more persons authorised to do so in the Member State in which the SCE has its registered office in accordance with the measures adopted in that State pursuant to Directives 84/253/EEC and 89/48/EEC (article 70).

Winding-up, liquidation and similar

As for winding-up, liquidation, insolvency, cessation of payments and similar procedures that may affect a SCE, the applicable provisions are the ones that would apply to a cooperative formed in accordance with the law of the Member State in which its registered office is situated, including provisions relating to decision-making by the general meeting (article 72).

An SCE may be wound up either by:

- a decision of the general meeting, in particular where the period fixed in the rules has expired or where the subscribed capital has been reduced below the minimum capital laid down in the rules;
- or by the courts, for example where the registered office has been transferred outside the EEA.

Employees involvement: Directive 2003/72/EC

The provisions of Directive 2003/72/EC reproduce the statements of Directive 2001/86/EC for the cooperatives.

A SCE may not be registered unless an agreement on arrangements for employee involvement pursuant to article 4 has been concluded, or a decision pursuant to article 3.6 has been taken (rely on the national rules about I&C rights), or the period for negotiations pursuant to article 5 has expired without an agreement having been concluded (article 7).

When a plan for the establishment of an SE is draw up by the management or administrative organs of the participating companies, a special negotiating body (SNB) representative of the employees of the participating companies and concerned subsidiaries or establishments shall be created taking into account also the composition of the participating companies in a proportional way (article 3).

The special negotiating body and the competent organs of the participating companies shall determine, by written agreement, arrangements for the involvement of employees within the SCE (article 3.3) and specify all the elements identified in article 4.

The agreement should set up a representative body with the function of informing and consulting the employees of the SCE. Instead of that body the parties can decide to establish one or more information and consultation procedures, and fix the arrangements for implementing those procedures.

The special negotiating body may decide by the majority not to open negotiations or to terminate negotiations already opened, and to rely on the rules on information and consultation of employees in force in the Member States where the SCE has employees (article 3.6).

The competent organs of the participating entities and the special negotiating body shall negotiate in a spirit of cooperation with a view to reaching an agreement on arrangements for the involvement of the employees within the SCE (article 4.1). The competent organ of the SCE and the representative body shall work together in a spirit of cooperation with due regard for their reciprocal rights and obligations. The same shall apply to cooperation between the supervisory or administrative organ of the SCE and the employees' representatives in conjunction with a procedure for the information and consultation of employees (article 11).

2. SE AND SCE ACTIVE IN EUROPE: A GENERAL OVERVIEW

A. THE EUROPEAN COMPANY

According to article 14 of the Regulation 2157/01, notice of an SE's registration and of its deletion shall be published for information purposes in the Official Journal of the European Union, with mention of the name, number, date and place of registration of the SE, the date and place of publication and the title of publication, the registered office of the SE and its sector of activity.

In the absence of a central European registry, an interesting source of data on the SEs is the ETUI's[7] European Company Database (ECDB)[8]. This database collects information from the national registries and the Supplement to the Official Journal of the European Union (TED). According to the ETUI's European Company Database there are 2453 established companies and 18 planned companies on the 20th November 2015.

As for the implementation of the SE, an interesting analysis is the one made in 2014 by the Trade Union Institute[9]

This document pointed out that, as consequence of the introduction of the SE Statute the number of new societies increased considerably (with exponential growth rates)[10]. However, it is noted that the number of real SEs is quite low taking into account that most of the new companies are without or with few employees or they are not carrying out a specific business. So only less than one-seventh of the SEs registered can be qualified "normal SEs" (with more than five employees and with business activities).

Looking at the geographical location of the SEs, they are present in 25 of the 30 countries of the European Economic Area (EEA).

However, the distribution doesn't seem to be homogeneous as the 70% is registered in Czech Republic. However here the reason is identified in the fact that in Czech Republic is common the practice of creating employee-free shelf companies to sell them to customers that wish to establish businesses quickly.

Taking into account only the number of "normal SE" the data show that Germany is home to almost half of the identified SEs (138), followed by the Czech Republic (66), France (13) and the Netherlands (13).

As for the sectors in which are actives, it appears that more than half of the SE have been set up in the service sector, mostly within financial services and commercial services. A considerable number of SEs can also be found in the metal and the chemical sectors.

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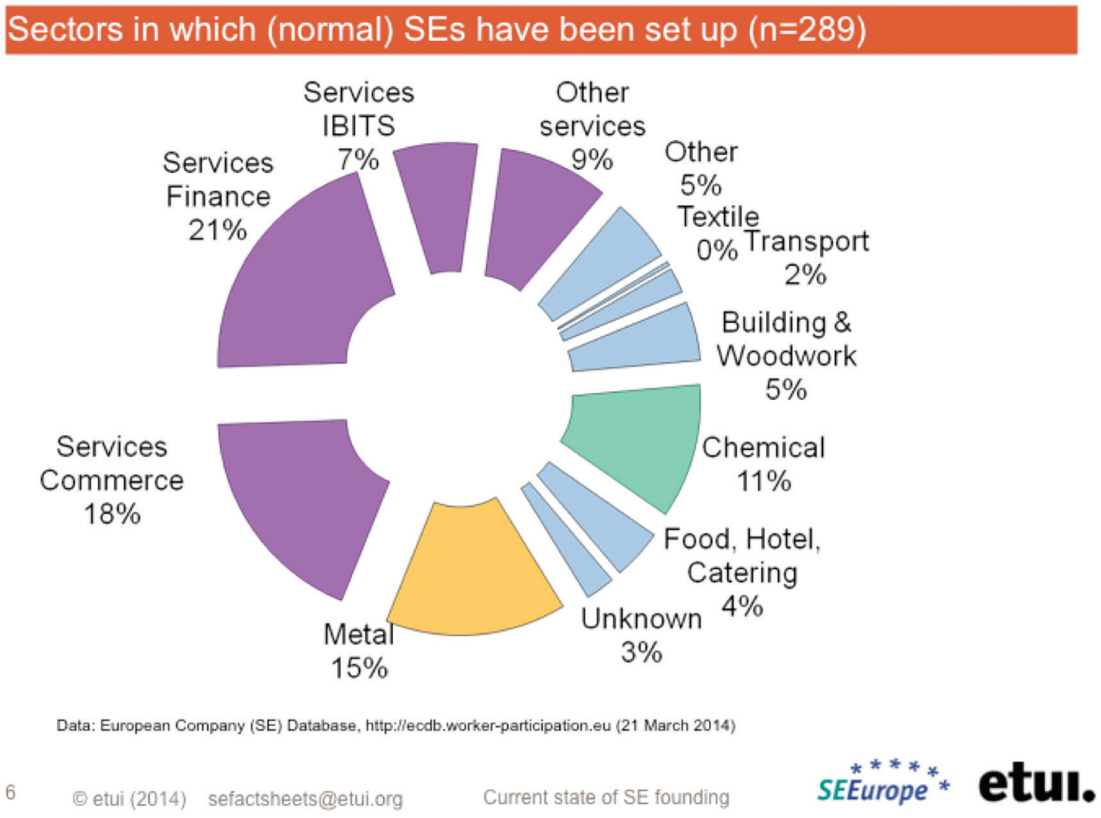
7 The European Trade Union Institute.

8 http://www.worker-participation.eu/European-Company-SE/SE-Database-ECDB

9 *Overview on current state of SE founding in EU*, edited by Anders Carlson, Melinda Kelemen and Michael Stollt with support from the SEEurope network, http://www.worker-participation.eu/European-Company-SE/Facts-Figures

10 At the beginning the setting up rate of the SE was quite low (because of the reluctance towards a completely new company form and because the implementation of the SE Directive in a number of MSs was delayed). However, in 2008 the number of new SE registrations doubled from 88 (2007) to 174 new SEs, and in 2011 362 newly set-up SEs.



Sectors in which normal SEs have been set up – ETUI-SEE Study

As described above, the structure of the SE can have a dualistic or a monistic structure. Most of the existing SEs (81%) has a dualistic structure with a Management board and a Supervisory board. This high rate can be explained as in the Countries where SEs are mostly registered(in particular Germany and Czech Republic) the national law imposes a two-tier system for public limited companies.

As for the forms of foundation, article 2 of Regulation 2157/2001 indicates four ways to set up an SE: merger, holding, subsidiary and conversion. In practice, the78% of SEs have been set up by way of subsidiary (mainly of another SE), 8% by conversion, 4% by merger and only 1% by creating a new holding company. For 9% of SEs the form of foundation is unknown[11].

This seems to be the consequence of the practice of setting up a shelf SE to sell it as "ready-made" society ready to be filled up and used by clients.

This practice is dangerous and can be a source of concern for the employees' involvement since rights to information, consultation and participation are guaranteed only at the moment of founding of SEs. It is therefore difficult to negotiate workers' rights at a later point in time, when the company has recruited its employees.

11 *Overview on current state of SE founding in EU.*

An SE cannot be registered unless an agreement on arrangements for employee involvement (article 12.2 SE Statute). This means that the agreement or the application of standard rules between the workers' representatives and the management is *conditio sine qua non* for setting up an SE is an.
ECDB data show that an Special Negotiation Body (SNB) has not been set up in the majority of the SEs. The main reason for this low number is that most of the SEs were set up by way of a subsidiary SE, which, by definition, has no employees at the moment of founding with no possibility possible to form an SNB.

Positive drivers for choosing the SE
According to the EC Report on the application of Council Regulation 2157/2001 of 8 October 2001 on the Statute for a European Company (SE), the main drivers and trends of the SE [12] can be summarised as follow.

1) European Image
In specific sectors the European label is considered more marketable than the national one. It is reported to be an advantage especially for companies in small countries, and it is used to penetrate other Member States' markets without having to set up foreign subsidiaries.
However, in many cases (especially in national-oriented markets) the national forms are still the best solution for a company.

2) Supra-National Character
The SE model allows to conduct transnational activities, in particular cross-border mergers or structural changes in a group. In this sense, this model helps to avoid the feeling of a national 'defeat' of the management and staff in the absorbed company or previous subsidiaries.

3) Possibility to transfer the registered office
The SE is the only company form that allows companies to transfer their registered office in a MS without liquidation.

4) Reorganisation and Simplification
The SE enables company groups to reorganise their European group-structure and to operate with a single company instead of a web of subsidiary companies.
The advantages are for example the presence of only one Supervisory board and the easier compliance with capital requirements.

12 http://ec.europa.eu/internal_market/company/docs/se/report112010/sec2010_1391_en.pdf.

Negative drivers for not choosing the SE[13]

1) Lack of experience, time-consuming and complex procedure, legal uncertainty

2) Insufficient awareness about SE

The management often has to explain the nature and the characteristics of the SE to business partners and employees. The SE form is still not well-known.

3) Employees involvement

The EC Report shows that the among the management board the employees involvement procedures are considered complex and time-consuming. Moreover, the requirement that registration of an SE cannot be made before the completion of negotiations on employee involvement is seen as a slowing element, in particular for listed companies for whom the certainty of procedures and of the time-frame for registration is crucial.

4) Heavy cross-border requirements

In particular the requirement for companies forming an SE to have had a subsidiary or a branch in another Member State for at least two years before the SE creation.

5) Many references to national law

The SE Statute does not provide for a uniform SE form across the EU but 27 different types of SEs. Among the many references to national laws, art. 9 (2) of the Regulation refers to "the provisions of laws by MS specifically for the SE must be in accordance with Directives applicable to public limited-liability companies [...]". This means that "the greater the number of options left by these Directives to MS, the greater the possible differences in the functioning of SE from one country to another"[14].

6) Limited methods of creation

Article 2 of the SE Statute does not mention the possibility of creating an SE directly by private limited liability companies by means of cross-border merger or transformation.

7) High minimum capital requirement

8) Same member state for registered office and head office

The real seat principle is difficult to apply in practice in a modern world where the location of the headquarters of an international company, the place where the strategic decisions are taken, is not easy to determine. Moreover, the possibility to separate the registered and head office of the SE could make it an attractive tool for simplification of the group structure.

13 According to the Report from the Commission to the European Parliament and the Council. The application of Council Regulation 2157/2001 of 8 October 2001 on the Statute for a European Company (SE) (17.11.2010) p. 4-8.

14 L. Cerioni, *The European Company Statute (SE) and the Statute for a European Cooperative Society (SCE): a comparison between the two new supranational vehicles*, in The European legal forum: Forum iuris communis Europae, 2004, p. 301.

Since the adoption of the SE Statute significant developments have occurred that have changed the approach to the question of companies' seat. In particular, the jurisprudence of the European Court of Justice has opened the way for acceptance of the principle of separation of registered and head office in the European Union.

9) Lack of clearness about employees involvement

The SE Statute does not contain a clear rule on whether a shelf SE can be registered or not, given that there are no negotiations on employee involvement as neither the SE nor the participating companies have employees at the time of the SE's creation.

This is valid for subsidiaries as well, because mechanisms for securing the workers' rights are guaranteed only at the moment of founding the SE.

B. THE EUROPEAN COOPERATIVE SOCIETY

As for the European Cooperative Society, interesting data are provided by the EC "*Study on the implementation of the Regulation 1435/2003 on the Statute for European Cooperative Society (SCE)*"[15] and by the 2014 "*Report Review of European Cooperative Societies*", carried out in the context of the SCEr project[16].

According to the EC Study, by May 2010, there were 17 established SCEs and 7 planned SCEs.

In the OJEU some SCEs (two out of 17) do not show up at all; eight appear under the SE label; another 3 under the EEIG label; only four under the SCE label. The fact that the OJEU misses many European societies is a point other researchers have already risen while investigating SE Regulation implementation. This is an issue that needs particular attention, also in terms of a specific recommendation to the Commission.

17 SCEs have been created as of 8 May 2010. Italy is the country with more registered SCEs, which is consistent with the fact that Italy is a country where cooperatives are well developed and promoted by the state pursuant to the constitutional provision of art. 45 of the Italian Constitution. The absence of a national implementation law has not discouraged people to set up an SCE in Italy. Slovakia ranks second with three registered SCEs. Belgium and Hungary follow. In 21 countries (19 MSs and 1 EEA country) no SCEs have been established.

As to the 14 SCEs on which there are available data in this regard, all of them have been formed *ex novo* (or *ex nihilo*) in accordance with the first, second and third indents of art. 2, par. 1, SCE Regulation.

The project "Review of European Cooperative Societies (SCEr)" represents another excellent source to analyse the SCEs implementation.

It is particularly significant because it involved several SCEs that described their concrete experience in managing this form of cooperative.

15 http://bookshop.europa.eu/uri?target=EUB:NOTICE:NB0414182:EN. The study has been carried out by Cooperatives Europe, EURICSE and EKAI Centre as contractors of the European Commission.

16 http://scer.eu/download-research-and-materials/download-research-and-materials

The result of this review is a database with 45 SCE, within which 10 have proper business activities. The others are not actives yet or they are not business oriented.

Positive drivers for choosing the SCE[17]

1) Possibility to transfer the registered office

2) Easier cross-border mergers and activities (supranational character)
The SCE permits to conduct activities at EU level and also promotes greater know-how, innovation and teamwork.

3) Marketing value
An SCE gives advantages in terms of visibility and accountability at the European level. It gives a certain reconnaissance from other European organisations and permits the access to specific EU projects.

4) Larger possibility of foundation
The SCE can be created not only by means of reorganisation or by restructuring, but directly by the foundation of a new company.

5) More statute flexibility
A comparison between Regulation 2157/20021 and Regulation 1435/2003 shows that the later offers a better match of supra-nationality and flexibility than the SE Regulation[18].
For example, art. 4 and 64 SCE Reg. give a lot of space to the Statute for the regulation of the shares, in the opposite direction see art. 5 SE Reg.

6) Costs and management
Having one unique structure reduces dramatically the administrative work. Furthermore, it permits to save money in terms of purchase of material, as only one company makes the orders.
The expertise of member companies with their different specialisations can be integrated through the cooperative in getting grants from banks.
The SCE statute permits to ask for funding in different European states, and not only in the MS.

17 On the basis of the "Study on the implementation of the Regulation 1435/2003 on the Statute for European Cooperative Society (SCE)" and of the interviewed SCEs in the "Review of European Cooperative Societies (SCEr)".
18 L. Cerioni, The European Company Statute (SE) and the Statute for a European Cooperative Society (SCE): a comparison between the two new supranational vehicles, in The European legal forum: Forum iuris communis Europae, 2004, p. 300.

Negative drivers for not choosing the SCE[19]

1) Lack of experience, time-consuming and complex procedure, legal uncertainty
Some examples are the difficulties in understanding of the administrative paths to follow at the national level; putting together companies with different structures; financial and economic difficulties to organize physical meetings.

2) Insufficient awareness about SCE
The administrative authorities did not know how to register this new entity in their databases.
Clients and providers are suspicious to join the SCE as member, probably because they do not know the statute.
The same undertakings are suspicious with this new form of cooperative and create obstacles at the moment of the foundation.

3) Many references to national law
Although the SCE Regulation gives more regulatory power to the company statutes, the references to national law are still broad.
The SCE is not a harmonized form, but a resemble company form in the national legal order of MS[20].This is a source of concern not only because of the absence of a clear and well defined SCE, but also because this situation can boost the so-called race to the bottom in the national legal orders.

4) Lack of need and small scale of coop activities and limited cross-border operations

19 On the basis of the "Study on the implementation of the Regulation 1435/2003 on the Statute for European Cooperative Society (SCE)" and of the interviewed SCEs in the "Review of European Cooperative Societies (SCEr)".
20 D. Duinslaeger, The European Cooperative Society, in Comparative Law Yearbook of International Business, 2009, p. 269.

3. GOVERNANCE AND THE WORKER PARTICIPATION IN THE SE AND SCE

Employee involvement is regulated by the Directive 2001/86/EC that ensures the right of the employees to take part to the decision-making of the company. The system is based on the negotiations of the parties involved, even though the initial plan was to create a unitary representation system. The employee involvement is defined as "*any mechanism, including information, consultation and participation, through which employees' representatives may exercise an influence on decisions to be taken within the company*" (art.2 (h) Directive 2001/86/EC).

Condition for the registration of an European Company is the achievement of an agreement on the employees' involvement. In the case of the impossibility to achieve this agreement, the so called Standard Rules apply (laid down by MS according to the provisions set out in the Annex of the Directive).

The management has to negotiate an agreement with the "special negotiation body" (SNB) made up of workers' representatives in accordance with specific geographical and proportional criteria.

Art. 3 Directive states that "*in electing or appointing members of the special negotiating body, it must be ensured:*

(i) that these members are elected or appointed in proportion to the number of employees employed in each Member State by the participating companies and concerned subsidiaries or establishments, by allocating in respect of a Member State one seat per portion of employees employed in that Member State which equals 10 %, or a fraction thereof, of the number of employees employed by the participating companies and concerned subsidiaries or establishments in all the Member States taken together;

(ii) that in the case of an SE formed by way of merger, there are such further additional members from each Member State as may be necessary in order to ensure that the special negotiating body includes at least one member representing each participating company which is registered and has employees in that Member State and which it is proposed will cease to exist as a separate legal entity following the registration of the SE, in so far as:

- the number of such additional members does not exceed 20 % of the number of members designated by virtue of point (i), and

- the composition of the special negotiating body does not entail a double representation of the employees concerned.

If the number of such companies is higher than the number of additional seats available pursuant to the first subparagraph, these additional seats shall be allocated to companies in different Member States by decreasing order of the number of employees they employ; Member States shall determine the method to be used for the election or appointment of the members of the special negotiating body who are to be elected or appointed in their territories. They shall take the necessary measures to ensure that, as far as possible, such members shall include at least one member representing each participating company which has employees in the Member State concerned. Such measures must not increase the overall number of members".

The outcome of this negotiation is completely free that means that the management and

the employees' representatives can create any kind of mechanism considered adequate for the implementation of the workers' involvement. However, where an SE (or an SCE) is established by means of transformation, the agreement has to provide for at least the same level of all elements of employee involvement as those which exist within the company to be transformed into an SE (art. 4.4 SE Directive).
The agreement must precisely define the participation rights of the workers and the rights of the employees' representatives.
In general, the first draft of the agreement is made by the management, and the following negotiations are based on it[21].
A problem affecting the SNB that emerged from the practice is the lack of appropriate knowledge of the different industrial relations systems or the lack of mutual trust between the members. As a consequence, most of the SE agreements repeat the list of the I&C rights contained in the standard rules[22].
As described in the book "A decade of experience with the European Company" (p. 175),

The SE Works Council

The "natural" outcome of the negotiation is the definition of the measures for the involvement of the employees by means of a SE Works Council.
The SE agreement generally contains detailed provisions about the structure of the council, the conduct of the meeting, how many meeting per year, relevant documents.
The member of the council can be elected by the employees or appointed by the national representative bodies.
Information and consultation by the SE management is the key function of the SE Works Council. Usually two types of procedures are regulated: one for ordinary information, one for extraordinary circumstances.

The board-level representation

The involvement of the employees can be guaranteed also by means of the board-level representations. It means that workers representatives sit down in the management or supervisory board. This is a key factor of the Directive because it introduces a concrete form of participation in the decision making of the undertaking.
In some cases, when the employees do not have seats at the board level the SE Works Council receives enlarged information rights[23].
Whether a model of worker participation in the supervisory board is laid down is a key question at the moment of founding of an SE. Decisive in this regard is the model adopted in the SE's predecessor company[24].

21 J. Cremers, M. Stollt, S. Vitols, A decade of experience with the European Company, ETUI, 2013, p. 168.
22 *Idem*
23 J. Cremers, M. Stollt, S. Vitols, A decade of experience with the European Company, ETUI, 2013, p. 179.
24 J. Cremers, M. Stollt, S. Vitols, A decade of experience with the European Company, ETUI, 2013, p. 221.

As for the composition of the supervisory board, usually one-third of members are employees' representatives or the seats are equally distributed among management and employees.
In most of the cases only members of the SE Works Council can sit in the board, but it can be decided differently.

Procedures instead of a representative body
In alternative, the negotiators can agree in the establishment of special procedures for the workers involvement instead of a permanent representative body (art. 4 (f) Directive).

National law
The SNB may decide by the majority (two third of the members representing at least two third of the employees, including the votes of members representing employees employed in at least two Member States) not to open the negotiations or to terminate negotiations already opened, and to rely on the rules on I&C of employees in force in the MS where the SE has employees (art. 3.6 Directive).

Standard Rules
If the negotiators so agree, or the negotiations do not respect the time limitation (six months), the Standard Rules apply (art. 7.1 Directive).
In the latter case, the application of the Standard Rules is not automatic, but other conditions are stated:

- the competent organ of each of the participating companies decides to accept the application of the standard rules in relation to the SE and so to continue with its registration of the SE;
- the SNB has not taken the decision provided in art. 3.6 (not to open or to terminate the negotiations).

The Standard Rules for guaranteeing the workers' involvement are laid down by the MS according to the provisions of the Annex of the Directive.

The European Cooperative Society
As mentioned above, the SCE normative for the employees' involvement (Directive 2003/72/EC) traces the SE Directive (2001/86/EC).
For this reason, the considerations expressed with regard of the SE can be proposed for the SCE as well.

4. OTHER PROVISIONS RELATED TO EMPLOYEES' INVOLVEMENT

The EU legal framework on the employees' involvement is broader than what is stated about the SE and SCE.
Apart from the legislation related to the SE and SCE, the EU has produced several legislative acts in order to ensure the involvement of the employees in the most important decisions of the enterprises. The idea is to promote a new model of corporate governance: through more participation of employees and other stakeholders, for more social integration and an integrated development of the whole society.
A deeper workers' participation has a positive impact on the development of a good work climate and contributes to the mitigation n of human resource problems contributing at the same time to the improvement of the company's performance.
Information and consultation impact on social dialogue in a way that enhances a participative approach responding to need of change and innovation.
In this field it is possible to find several provisions at International, EU and National level.
These rights are recognised at international level in the Article 21 of the European Social Charter (Council of Europe) where it is affirmed that "*Workers have the right to be informed and to be consulted within the undertaking*".
At European Union level these rights are recognised in the Community Charter of the Fundamental Social Rights (1989) and also in the Charter of Fundamental Rights of the European Union (2000), where it is stated (Article 27) that "*Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices*".
Even though their recognition in the Community Charter of the Fundamental Social Rights, a proper legal basis for information and consultation has been introduced only with the Treaty of Amsterdam in 1998 that incorporated the Agreement on Social Policy into the text of the treaty. The legal basis is nowadays represented by the articles 151 and 153 of the Treaty on the Functioning of the European Union (TFEU) where it is given to the Council and to the European parliament the power to act. In particular, article 153 TFEU is particularly interesting because it represents the legal basis for the European action, entrusting the Parliament and the Council to adopt measures designed to encourage cooperation between Member State; and Directives setting out minimum requirements for gradual implementation.

During the years, the European Institutions laid down many Directives to implement the new approach based on the participation of the employees in the undertaking's life and on social dialogue. Certainly, the European intervention is wide, but, in general, the *acquis* concerning the sector is considered disjointed and not organic.
A homogeneous dissertation of the legal framework is not possible and so the description has to divide the whole subject in three different groups.
A first group of directives concerns employee involvement in relation to certain situations, which are often an effect of the internal market. In particular this group of directives deals

with the right of workers to be informed and consulted at national level on a number of important issues relating to a company's economic performance, financial soundness and future development plans which could affect employment.

The first group of directives includes:

- Directive 75/129/EEC on collective redundancies, as amended by Council Directives 92/56/ EEC and 98/59/EC, under which employers must enter into negotiations with workers in the event of mass redundancy, with a view to identifying ways and means of avoiding collective redundancies or reducing the number of workers affected and mitigating the consequences. The Directive also provides for a notification procedure for public authorities;
- Directive 2001/23/EC on the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (consolidating Council Directives 77/187/EEC and 98/50/EC), under which workers must be informed of the reasons for such a transfer and its consequences; it also contains material provisions on safeguarding employees' jobs and rights in the event of transfer;
- Directive 2002/14/EC, which set up a general framework for informing and consulting employees in the European Community, which lays down minimum procedural standards protecting the right of workers to be informed and consulted on the economic and employment situation affecting their workplace;

The second group concerns the transnational dimension and addresses different issues related to cross-border companies foreseeing form of workers representations:

- Directive 94/45/EC (amending acts Directives 97/74/EC and 2006/109/EC) on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees. The Directive applies to all companies with 1,000 or more workers, and at least 150 employees in each of two or more EU Member States. The setting up of the Works Council may be done on the basis of an agreement between the central management and a special negotiating body. The central management:
  - is responsible for the creation of the conditions and means necessary for the setting up of a European Works Council or an information and consultation procedure;
  - initiates the negotiations on its own initiative or at the written request of at least 100 employees or their representatives in at least two undertakings or establishments in at least two Member States.

This Directive was repealed by Directive 2009/38/EC with effect from 6 June 2011 when the latter enters into force. The mentioned act brings a modernisation of the sector in order to strengthen the existing rights: it aims to ensure the effectiveness of employees' transnational information and consultation rights, to increase the number of European Works Councils and to enable the continuing functioning of their constituent agreements. These provisions also aim to strengthen legal certainty for the establishment and functioning of European Works Councils[25].

- Directive 2004/25/EC on takeover bids.

25 http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:c10805&from=EN

- Directive 2011/35/EU on mergers of pubic limited companies.
- A third group of directives lays down rules applicable to situations with a transnational component, granting partial rights to participation in the corporate governance:
- Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees: the Statute for a European public limited liability company, adopted by Council Regulation (EC) No 2157/2001, is complemented by a directive establishing rules on the participation of workers in decisions concerning the strategic development of the company. Not only are employees informed and consulted through a body similar to a European Works Council, but provision is made for board-level employee participation where this form of participation was applied in the national founding companies, as is the case in the national systems of many Member States (the so-called 'before-and-after' principle);
- Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society (Council Regulation (EC) No 1435/2003) with regard to the involvement of employees: this directive sets rules on the mechanisms to be provided for in European Cooperative Societies (ECSs) in order to ensure that employees' representatives can exercise influence on the running of the undertaking. Cooperatives have a specific governance model based on joint ownership, democratic participation and control by members;
- Directive 2005/56/EC on cross-border mergers of limited liability companies also contains rules on determining the employee participation regime to be applied to the merged company.

The core of the EU framework can be found in the EU Directive 2002/14/EC that sets minimum principles, definitions and arrangements for information and consultation of employees at the enterprise level within each country. Given the range of industrial relations practices across the Member States, they enjoy substantial flexibility in applying the Directive's key concepts (employees' representatives, employer, employees etc.) and implementing the arrangements for information and consultation. Management and labour play a key role in deciding those arrangements.
Information and consultation are required on:

- the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- the situation, structure and probable development of employment within the undertaking or establishment and any anticipatory measures envisaged, in particular where there is a threat to employment;
- decisions likely to lead to substantial changes in work organisation or in contractual relations.

To avoid undue burdens on small and medium-sized enterprises, the Directive applies only to undertakings employing at least 50 employees, or to establishments employing at least 20 employees, according to the choice made by the Member State[26].

26 http://ec.europa.eu/social/main.jsp?catId=707&langId=en&intPageId=210

It is important to mention that a recent development in the practice has seen the conclusion, between companies and workers' representatives, of transnational company agreements (TCAs). This is appending against the background of the growing international dimension of company organisation and the increasing emphasis on corporate social responsibility, including new approaches to dialogue between management and employees. In its resolution of 12 September 2013 on cross-border collective bargaining and transnational social dialogue, Parliament proposes that the Commission gives consideration to the need, in the interests of greater legal security and transparency, for an optional European legal framework for European TCAs, which would include clauses designed to ensure that the conclusion of a TCA does not result in an evasion of national collective agreements[27].

27 http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_5.10.6.html

INVENTORY OF NATIONAL SITUATIONS

The EIforFM Project aims to promote activities designed to explore and prepare the establishment of a European Society (SE) or a European Cooperative Society (SCE) in the service sector, and in particular with the involvement of companies active in the field of Facility Management (FM) active in the 5 countries involved.
Therefore, after having analysed the legislation at EU level concerning SE, SCE and employee involvement, it is time to focus on the situation in Italy, Spain, Greece, Hungary and Bulgaria focusing on the Facility Management sector and on the workers participation in FM industry at National level.
Facility Management (FM) is an "integration of processes within an organisation to maintain and develop the agreed services which support and improve the effectiveness of its primary activities" (EN15221-1: 2006 Facility Management – Part 1: Terms and definitions). According to IFMA (International Facility Management Association), the Facility Management is the "practice (system of knowledge, methods, tools) of coordination of space / equipment and work with human resources and the overall organization (goals-responsibility); it integrates principles of administration, property management, architecture, psychology and knowledge of group behaviour and engineering".
In other words, Facility management is an interdisciplinary field devoted to the coordination of space, infrastructure, people and organization. It represents a wider range of activities that are referred to as non-core functions. This sector is subject to continuous innovation and development, under pressure to reduce costs and to add value to the core business of the public or private sector client organisation.
In the early 1970's, two significant simultaneous events helped set the evolutionary course of facility management (FM) in the United States of America:

- the use of independent, freestanding dividing screens in the office environment gradually faded in favour of today's sophisticated systems furniture, commonly known as cubicles;
- the introduction of the computer terminal into the workstation.

In 1982 David Armstrong, one of the founders of the FM Institute, wrote his famous article describing the core value of FM: integrating people, process and place.
The Facility Management and the service sector, has grown a lot since the 1990s: the undertakings have new needs brought by the new technologies and regulations (build management, gardening, computers, internet access, fire prevention and more).
The continuous increase in the costs of management, the need to use for its business activities not only space, but also to a wider and wider range of services to make the space suitable for the needs of the office work, everything has increased the complexity the management process of real estate making it also more expensive.
This has forced companies to face the problem of moving from internal management (or at least the maintenance and major services) to external management and this created a new professional figure: the Facility Manager.
The FM is not only the externalisation of the services management, but it is also a new, more advanced method of integrated management of all activities related to the optimal functioning of a building / real estate.

A. FACILITY MANAGEMENT MARKET

ITALY

The Italian FM market is one of the 'developed markets' and in the last years it has experimented a remarkable evolution. It is still changing on the demand-side as well as on the supply-side: the cultural growth is continuing and the supply is quickly reorganizing itself to adequately answer clients' needs. Even if the Italian companies are mostly small and medium-sized firms, that like better (for economic and cultural reasons) a traditional approach to the management and delivery of facility services, nevertheless the number of companies that choose a model shaped on the US one is increasing.

State of the FM discipline in Italy.

In Italy is widespread the EN15221-1's definition of FM: *"Integration of processes within an organization to maintain and develop the agreed services which support and improve the effectiveness of its primary activities.* (EN15221-1: 2006 Facility Management – Part 1: Terms and definitions). Often the IFM is referred to as 'Global service', a contract that implies the outsourcing of the integrated management of all the facility service to a unique provider. Facility services can be grouped into 4 areas:

1. Building related services: systems maintenance, landscaping, cleaning services, surveillance, security, waste management
2. Space related services: space management, moves
3. People related services: mail service, archives, telecom, transport and logistic, reception, reprographics, travels and pubic catering
4. Management services: administration, insurance, tax and sub-contracts manager.

The FM market in Italy: the demand side.

The presence of Facility manager function in the Italian companies is increasing along with the wide spreading of the Anglo-Saxon model thanks to foreign multinational companies' experience. The Facility manager (FM) may be found mainly in medium and large-sized companies, as in the smaller ones its function is shared among different areas of responsibilities.

In the large-sized companies the Facility manager heads an internal department made up of around 50 people or, more often, manages facility services partly in-house and partly by sub-contracting. Few big companies use to outsource the entire Facility Department, keeping in-house just the Fm.

Often the FM shares with the Procurement department purchase responsibility and processes related to the facility area: even when the outsourcing is complete, the selection through tender is carried out by the FM, while the negotiation of the final price with the future provider and sometimes also the final decision are carried out nu the Procurement function. The FM often experiences many years of work in the Maintenance or Procurement areas, but also the importance of education programs at university level is increasing, as well as of specialization courses attended by professionals who already work in the sector.

The FM market in Italy: the supply side.

The FM operators in the Italian market may be grouped into 3 classes:

1. **Single and multi-services providers** (the most numerous): supply the delivery of services and establish with the client a relationship aimed at the execution of a task. They offer labour intensive services (such as cleaning) and technology intensive services (such as special systems maintenance)
2. **Specific services providers**: specialize in the delivery and management of a single serviced or an area of services (such as design and space management, document management, car fleet management, travels, public catering, etc.) As they are strongly vertically integrated, they are able to serve the client from the first phases of design and planning of the service, through the delivery, to the control, performance measurement and reporting of the service
3. **Global outsourcers** supply many different areas of services and establish with the client a relationship aimed at sharing objectives and results. They offer managerial services, complying with a priori agreed quality standards. They manage not only Integrated Facility Management (IFM) contracts but also single service and services' package contracts.

Global outsourcers have many origins, they are:

- Energy and technical companies that expanded their offer to include new services and exploited their experience to acquire managerial skills;
- Spin-off of big groups that moved from the captive market to competition;
- Foreign multinational companies that entered the Italian market by acquiring local firms;
- Consortia of small-sized local firms with strong territorial presence that expanded their offer to IFM contracts;
- Big real estate portfolios management companies that associate to the property the facility management offer;
- Construction companies that associate to the design and engineering services the follow up of the building after the sale or lease.

Size of the FM market in Italy.

The Italian economy was hit by the international crisis more quickly than other ones, but the some expectation of recovering were met since 2010. The unemployment rate, which has decreased last years, reached again a high value (44.3%, ISTAT 2014). According to IFMA Italia estimates, the potential FM market in Italy in 2010 amounts to about 42.8 billion € and employs approximately 272,000 people. The outsourced market (27.4 billion €) totals around 64% of the potential market.

BULGARIA

The Facility Management market in Bulgaria is relative young, but at the same time pretty well developed. Many famous international facility management companies have established subsidiaries in this country, but, at the same time, many local companies were created. Another very strong influence on the development of the facility management market in Bulgaria have the in-company facility management teams of strong international

companies in the fields of the industry, financial and insurance services, etc. At the same time, there are still a lot of investors that have to be sensitized about the advantages of the professional facility management.

The establishment of the Bulgarian Facility Management Association – BGFMA in 2007 was a natural result of the development of the Bulgarian facility management market and at the same time of the need for the facility management professionals and managers. As a voluntary organisation and platform of the facility management business, BGFMA is an important driver of the sustainable development of this business. Many positive results related to the increase of the facility management services were reached during the last years thanks to the initiative and direct involvement of BGFMA such as:

- creation of Master Degree Programs in the field of the Facility Management in some of the Bulgarian universities;
- inclusion of the profession "Facility Manager" in the National Classification of the Professions and Occupations;
- creation of National Information System concerning the competences of the work force;
- organisation of many and different of kind VET courses;
- support the integration of the European FM Standards EV 15221-(1-7) with the daily operations of facility management companies and professionals in the country, etc.

HUNGARY

This chapter summarises the situation of the FM services market in the CEE region based on a study published by Reality Consult GmbH in 2014[28].

The increasingly interconnected economies in Europe have dramatically raised interest in an international approach to Facility Management (FM). The market for externally provided and integrative managed Facility Services in Western Europe, which is quite mature, is today dominated by companies that offer their services in many countries across Europe. Owing to eastward expansion of the EU and to the enlargement of the Eurozone, this development now also touches Central and Eastern Europe (CEE).

Currently, the national markets in Central and Eastern Europe (CEE) are characterised by two very different provider profiles: Local Facility Management companies which operate only in their home market (often even limited to individual regions of the country), and (Western) European-based international players which continue their expansion into the CEE region.

The period between 2010 and 2014 has seen significant service provider market development in the CEE region, Whereas all regionally active FM service provider companies had a total of 133 subsidiaries in the region in 2010, this number more than doubled to 304 in 2014. This improved market dynamic has occurred in almost all CEE countries.

However, outsourced Facility Services, especially in less developed countries, are still

28 Market Study Facility Management in Central and Eastern Europe. Reality Consult GmbH. 2014

under control of local companies carrying out these services locally or regionally. Even where local FM companies are well available, the tradition to employ personnel providing technical or infrastructural services such as cleaning or housekeeping within a company (self-delivery) is still common. In Hungary, the share of internal FM volume is much higher than the external one. This can be considered as an indicator. The level of outsourcing is still low and own personnel carrying out FM services (self-delivery) is preferred. As markets and professionals keep on maturing, it can be assumed that external services are getting increasingly important. Facility Management in the sense of service provision by specialized companies is still a young industry in Hungary. On average for the Mid-European region and also in Hungary 39% of services are carried out by professional FM service providers.

SPAIN

The Facility Management market in Spain is considered an emerging market. The first services that were introduced in the second half of the 80's were related to the outsourcing of cleaning and maintenance, which were followed, a decade later, by the contracting out of services' packages.

In general, there are not many FM providers in the Spanish market as the majority of the facility services are managed and delivered in-house (with the exception of the cleaning service, which is outsourced in almost all cases). In particular, large companies in Spain have mostly included facility management among their policies and strategies and a high percentage of the largest companies have at least one employee in charge of the Facility Management tasks. However this does not affect small and medium size enterprises (SMEs), segment where cooperatives, sociedades laborales and other companies from the Social Economy fall. Here Facility Management is not clearly and neatly represented by entities implementing it holistically, but it is rather possible to identify companies that offer specific services that are part of the FM sector.

The 13% of the cooperatives represented by COCETA are involved in the provision of services that can be included in Facility Management (FM) sector. These are mostly SMEs with qualified and professional employees who operate in a wide range of services that can be considered part of the FM sector. Similar considerations can be made for the sociedades laborales. They offer a great potential however, as they can join efforts (joint ventures) and provide the FM services required to the company. Thus, in the context of sociedades laborales in Spain it is possible to identify companies that through consortia could develop Facility Management services.

In the field of labour companies, Facility Management is not clearly represented by entities implementing it holistically, but in the services sector are labour companies who do develop some of the activities included in the concept of FM. In Spain there are about 11,000 jobs in the field of related labour companies involved in some way with the Facility Management activities. Keep in mind that 64% of labour companies working in the services sector.

GREECE

The area of Facility Management is considered to be relatively new in Greece but the entire sector seems quite developed with not only local small medium enterprises but also many multinational companies having established subsidiaries in Greece. Staff employed in the Facility Management services is a combination of many other activity sectors, the trade unions involved are limited to existing structures of these sectors, e.g. cleaning, storage, industrial etc.

According to a recording made by a huge multinational company on FM sector for the Greek market, based on figures from balance sheets of Greek FM companies on 2012 showed that at that time the total market of Greek FM sector was approximately 1,3 billion €. In terms of workforce the total number employed in FM sector was over 10,000. Latest indications point out that in Greece nowadays operate more than 100 companies and sole proprietors providing related services, whose turnover reaches almost 2% of the Greek GDP.

During the last five years, the sector of Facility Management in the domestic market is constantly expanding as more and more customers are looking for receiving services being outside of their basic scope from companies specialized in those specific fields The continuous development of the sector in Greece and the important evolution occurred in this area, along with the new procedures adopted in the daily lives of companies require a very qualified staff, which will be ready to take over the management of complicated and demanding projects.

As a consequence of this rapid growth in April 2013 the Association called “Greek Association for Integrated Facility Management - Hellenic Facility Management Association” was established, having as founding members 22 of the largest service companies (“Facility Management”) of the country. The aim of the association is to spread the concept of Facility Management, highlighting the value and the multifaceted benefits that can be derived from these services to companies of public, private sector and workers in the Facility management sector as well. The Board of HFMA consists of executives of the largest and most prestigious companies of the sector, which actively invest in the development of the sector in the country.

Among the association’s responsibilities include ensuring orderly and legitimate operation of the services market, which is also achieved through public procurements control of technical maintenance, cleaning and security services contracts. For this reason, the HFMA prepared a table with the analytical determination of the minimum labour cost. At the same time HFMA tries to provide and promote theoretical and practical training and training of participants in the field, so they can respond in market requirements, as managers and as sole proprietors.

B. STATUS EMPLOYEE INVOLVEMENT

ITALY

The legal forms of the companies that relate to the employee involvement in Italy are:

1. European Society (Società Europea - SE)
2. European Cooperative Society (Società Cooperativa Europea - SCE)
3. European Economic Interest Grouping (Gruppo Europeo di Interesse Economico - GEIE)
4. Private Limited Liability Company (Società a responsabilità limitata – Srl)
5. Public Limited Liability Company (Società per Azioni – SpA)
6. Cooperative (Società Cooperativa – Soc Coop arl)
7. Social Cooperative (Società Cooperativa Sociale - Soc Coop Soc arl)
8. Consortium (Società Consortile)
9. Sole propriertorship (Società Semplice – SS)
10. General Partnership (Società in nome collettivo – Snc)
11. Limited Partnership (Società in accomandita semplice – Sas)

The most important partner of the employers in every kind of the companies legal form and in every area of involvement are the Trade Unions respectively the official representatives of the employees (RSU – Rappresentanza Sindacale Unitaria / RSA Rappresentanza Sindacale Aziendale). This has universal importance especially in the cases when there are not legal definitions for employee involvement.
The most relevant areas of employee involvement are:

General Assembly

The employees may not vote in the General Assembly. When the company legal form is “Limited Liability Company” or “Joint-Stock Company / Public Limited Company” and the employees of the company are over 50, they are represented in the General Assembly by an authorized employee, whose vote is advisory only. When the employees are at the same time members of cooperatives they may vote in the General Assembly.

Board of Directors Election

The employees may not vote in the Board of Directors Election. When the company legal form is “Private Limited Liability Company” or “Public Limited Company (Srl – SpA)” and the employees of the company are over 50, they are represented in the Board of Directors Election by an authorized employee, whose vote is advisory only. When the employees are at the same time members of cooperatives they may vote in the Board of Directors Election.

Turnover Approval

The employees may not vote in the Turnover Approval. When the company legal form is “Limited Liability Company” or “Joint-Stock Company / Public Limited Company” and the employees of the company are over 50, they are represented in the Turnover Approval by an authorized employee, whose vote is advisory only. When the employees are at the same time members of cooperatives they may vote in the Turnover Approval.

Labour and insurance rights

The employees may appoint their own representatives for any kind of companies' legal form, elected by the general assembly of employees, to represent them in front of the employer with regard to any labour or insurance issues. Said representation is a form of social dialogue. The above representatives do not participate in the establishment of any commercial policy of the company. The employer is obliged to notify the representatives in case of: any change in the activity or economical condition of the company, or changes in its personnel; when applying any measures which may affect employment, such as mass layoffs; for any substantial changes in the organization of employment. The employee representatives are entitled to express their opinion on the above actions, whereas the employer is obliged to consult with them. However, the employer is not obliged to observe their opinion.

Collective agreement

A collective agreement may govern any labour or insurance issues which are not imperatively governed by the law. Draft collective agreements are prepared by the respective trade union and proposed to the employer. The employer is obliged to participate in negotiations with regard to the agreement. The employer is not obliged, however, to accept any clause they do not agree on, but in the most cases there is common agreement. This approach is valid for any kind of companies' legal form.

Participation in the preparation of company internal acts

The employer is obliged to invite the union representatives to participate in the preparation of any internal acts of the company (such as rules for internal order, rules for determining salary, etc.) The employer is not obliged to observe the opinion of the trade union representatives, but in the most cases there is common agreement. This approach is valid for any kind of companies' legal form.

Collective labour disputes

The union (or where unavailable, the employee representatives) is entitled to negotiate amicable resolution of collective labour disputes. When such agreement is not possible, they are entitled to refer to the National institute for conciliation and arbitration or other authorities of arbitration. This approach is valid for any kind of companies' legal form.

Healthy and safe labour conditions

The employer is obliged to consult the union and the employee representatives with regard to establishing healthy and safe labour conditions. Health and safety groups and committees, including representatives of the employer and the employees, are formed within the company. Said groups and committees observe the labour conditions in the company and propose measures for their improvement. In case of risk, they notify the employer immediately in order to take preventive measures, or when such measures are not promptly taken, said groups and committees are entitled to notify the government bodies and officials. This approach is valid for any kind of companies' legal form.

As a rule the employers are interested to have motivated employees so that they keep an active dialog with the employees and their representatives.

BULGARIA

The legal forms of the companies that relate to the employee involvement in Bulgaria are:
European Society (Европейско дружество - SE)
European Cooperative Society (Европейско кооперативно дружество - SCE)
European Economic Interest Grouping (Европейско обединение по икономически интереси - ЕОИИ)
Limited Liability Company (Дружество с ограничена отговорност - ООД)
Joint-Stock Company / Public Limited Company (Акционерно дружество - АД)
Cooperative (Кооперация)
Cooperative Union (Кооперативен съюз)
Consortium (Консорциум)
General Partnership (Събирателно дружество - СД)
Limited Partnership (Командитно дружество - КД)
Limited Partnership by Shares (Командитно дружество с акции - КДА)

The most important partner of the employers in every kind of the companies legal form and in every area of involvement are the trade unions, respectively the official representatives of the employees. This has universal importance especially in the cases when there are not legal definitions for employee involvement.

General Assembly

The employees may not vote in the General Assembly. When the company legal form is "Limited Liability Company" or "Joint-Stock Company / Public Limited Company" and the employees of the company are over 50, they are represented in the General Assembly by an authorized employee, whose vote is advisory only. When the employees are at the same time members of cooperatives, they may vote in the General Assembly.

Board of Directors

The employees may not vote in the Board of Directors Election. When the company legal form is "Limited Liability Company" or "Joint-Stock Company / Public Limited Company" and the employees of the company are over 50, they are represented in the Board of Directors Election by an authorized employee, whose vote is advisory only. When the employees are at the same time members of cooperatives, they may vote in the Board of Directors Election.

Turnover Approval

The employees may not vote in the Turnover Approval. When the company legal form is "Limited Liability Company" or "Joint-Stock Company / Public Limited Company" and the employees of the company are over 50, they are represented in the Turnover Approval by an authorized employee, whose vote is advisory only. When the employees are at the same time members of cooperatives, they may vote in the Turnover Approval.

Labour and Insurance rights

The employees may appoint their own representatives for any kind of companies' legal form, elected by the General Assembly of employees, to represent them in front of the

employer with regard to any labour or insurance issues. Said representation is a form of social dialogue. The above representatives do not participate in the establishment of any commercial policy of the company. The employer is obliged to notify the representatives in case of: any change in the activity or economical condition of the company, or changes in its personnel; when applying any measures which may affect employment, such as mass layoffs; for any substantial changes in the organization of employment. The employee representatives are entitled to express their opinion on the above actions, whereas the employer is obliged to consult with them. However, the employer is not obliged to observe their opinion.

Collective agreement/bargaining

A collective agreement may govern any labour or insurance issues, which are not imperatively governed by the law. Draft collective agreements are prepared by the respective trade union and proposed to the employer. The employer is obliged to participate in negotiations with regard to the agreement. The employer is not obliged, however, to accept any clause they do not agree on, but in the most cases there is common agreement. This approach is valid for any kind of companies' legal form.

Participation in the preparation of company internal acts

The employer is obliged to invite the union representatives to participate in the preparation of any internal acts of the company (such as rules for internal order, rules for determining salary, etc.). The employer is not obliged to observe the opinion of the trade union representatives, but in the most cases there is common agreement. This approach is valid for any kind of companies' legal form.

Collective labour disputes

The Union (or where unavailable, the employee representatives) is entitled to negotiate amicable resolution of collective labour disputes. When such agreement is not possible, they are entitled to refer to the National institute for conciliation and arbitration or other authorities of arbitration. This approach is valid for any kind of companies' legal form.

Health and Safety

The employer is obliged to consult the Union and the employee representatives with regard to establishing healthy and safe labour conditions. Health and safety groups and committees, including representatives of the employer and the employees, are formed within the company. Said groups and committees observe the labour conditions in the company and propose measures for their improvement. In case of risk, they notify the employer immediately in order to take preventive measures, or when such measures are not promptly taken, said groups and committees are entitled to notify the government bodies and officials. This approach is valid for any kind of companies' legal form.

As a rule, the employers are interested to have motivated employees so that they keep an active dialog with the employees and their representatives.

HUNGARY

The legal forms of the companies that relate to the employee involvement in Hungary are:

1. European Society (The Hungarian law theoretically allows to establish one, but in practice this is by far not a typical organisational form)
2. European Cooperative Society (The Hungarian law theoretically allows to establish one, but in practice this is by far not a typical organisational form)
3. European Economic Interest Grouping (The Hungarian law theoretically allows to establish one, but in practice this is by far not a typical organisational form)
4. Limited Liability Company (*korlátolt felelősségű társaság – Kft.* the most common form for SME companies)
5. Private Limited Company (*zártkörű részvénytársaság* – Zrt. -a common form for bigger service provider companies)
6. Public Limited Company (*nyilt részvénytársaság*- Nyrt. – common form for bigger companies, in the FM sector the LLC and PLC are typical)
7. Cooperative (*szövetkeze*t) – an existing legal form, but not typical in the FM sector
8. Consortium (an existing legal form of enterprises with limited liability, not typical in the FM sector)
9. Sole Proprietorship (*egyéni vállalkozó*) – a common form for small enterprises

Workplace representation in Hungary is provided by both local trade unions and elected works councils with the balance between the two varying over time. Under the new labour code, unions have negotiating rights but have lost their monitoring powers and their right to be consulted. Works councils have information and consultation rights but in practice often find it difficult to influence company decisions. The workplace trade union representatives have a range of rights, although the new labour code has given many of them to the works council. The union continues to have the sole right to negotiate collective agreements covering wages, although works councils have more limited negotiating rights where there are no trade unions present. Union representatives only have a right to request information and express their views; there is no longer an obligation for them to be consulted. The local union representative is no longer responsible for monitoring compliance with the provisions of employment regulations. Under the terms of the new labour code, this responsibility passes to the works council.

The employer must provide the works council (if any) with information about the following issues:

- the basic economic situation of the employer (at least twice a year);
- about plans for important changes in activity and investments;
- about developments in wage and salary payments,
- the impact of these payments on the company's cash position,
- the characteristics of the workforce,
- the use of working time and working conditions.

The works council can ask for documents relating to these issues and more generally about concerns relating to the economic and social interests of the employees.

The employer must also consult the works council in advance about the following issues:

- plans for measures that will have an impact on a large number of employees, such as restructuring, outsourcing or privatisation;
- the introduction of new investment, including new technology;
- the processing and protection of personal data on employees;
- the implementation of employee surveillance;
- health and safety issues;
- new methods of work organisation and the setting of performance norms;
- training and education plans;
- job assistance subsidies;
- rehabilitation for disabled workers;
- working arrangements;
- pay principles;
- measures to protect the environment;
- measures to support equal treatment and the coordination of work and family life.

However, while there is an obligation to consult on these issues and the labour code states that consultation should take place "with a view to reaching agreement"; there is no obligation to reach agreement.
The employee's representation in companies is not obligatory in most legal forms. For establishing a company to choose a legal form is obligatory and also to adhere to national laws and regulations.
The adoption of some quality standards is obligatory, like OHS, National Fire Code and the environment protection standards.
Hungary has a relatively low level of union density (about 12%) and with six competing confederations (MSZOSZ, ASZSZ, SZEF, ÉSZT, LIGA and MOSZ) trade unionism is fragmented, although in 2013 three of them announced their planned to merge. There is currently competition between unions both in industries and in individual companies, particularly in large state-owned companies.
Figures from the 2009 Hungarian labour force survey indicate that some 380,000 of the employed workforce are in trade unions, equivalent to 12.0% of all employees.
Competition between the confederations means that accurate figures of their membership are difficult to obtain and to reconcile with the labour force survey figures. But it is clear that in terms of employed members the two largest are SZEF, with 225,000, and MSZOSZ, with 205,000. ASZSZ is in third position with around 120,000; the LIGA has 101,000 members following recent mergers. ÉSZT and MOSZ are smaller: ÉSZT has 85,000 and MOSZ 50,000. (All these figures are those reported by the unions themselves in February 2009.)
The trade unions in fact do not play any role in the life of the FM enterprises.

General Assembly
In general, the employees or employee's representatives do not vote in the General Assembly.
In Limited Liability Companies and Public Limited Companies with more than 50 employees, the employees have to be represented in the General Assembly, but their vote is advisory only.

Board of Directors

Employees or employee's representatives do not vote in Board of Directors Election and usually are not even asked. In companies with a two tier board system – both a supervisory and a management board – the works council has the right to nominate one third of the members of the supervisory board in companies with more than 200 employees. The one exception is where there is an agreement between the works council and management to the contrary. The current legislation leaves the procedures of both the supervisory and management board to companies themselves to regulate. In companies with a single tier board system – just a board of directors – employee participation at board level must be regulated by an agreement between the works council and the company, but there are no minimum requirements.

Turnover Approval

Employees or employee's representatives are not asked in the turnover Approval process. There is at present no overall initiative on the part of the Hungarian government to promote employee share ownership. Although all political parties are expressing their support for the subject, no concrete political decisions have been taken. Cooperatives, especially credit cooperatives, played a very important role in the period between the two world wars. After the 1948 communist takeover the cooperative sector was artificially inflated, with about one quarter of all employees working in cooperatives by 1986. This changed rapidly with the decline of the regime, and by 2000 only 0.2% of all employed were income earning cooperative members.

Labour and Insurance rights

In Hungary federations may be set up and operated in order to protect the economic and social rights of employees, and to assert their interests more effectively. The two relevant forms are trade unions and works councils. Employees are free to join or leave any organisation of their choosing. In addition, chambers have been established by law in many sectors, membership of which is compulsory, i.e. performance of the given economic activity is not possible without being a member of the chamber.

The above are also relevant for the FM services sector; however in this sector the presence of trade federations and trade unions is my far not typical.

Trade unions and employer organisations take part in the National Societal and Economic Council which has a consultative role as regards employment issues.

Pursuant to the Constitution, employees have the right to strike in defence of their economic and social interests. Participation in strikes is voluntary, and no one may force participation therein or abstention thereof. In exercising the right to strike, employers and employees are subject to a cooperation obligation under the law. Initiating a strike, or participating in a lawful strike, is not deemed to be a violation of employment obligations and may not be grounds for discriminatory measures against the employee.

Collective agreement/bargaining

Collective bargaining primarily takes place at company/organisational level, despite considerable efforts by both unions and previous governments to encourage industry level bargaining. Around one third of employees are covered by collective bargaining of any sort.

The vast majority of the agreements – 2,701, covering 668,000 employees – were for a single employer. Almost two-thirds of these agreements were for employers in the public sector, although, in terms of the numbers of employees covered, the proportions are reversed. There are only 19 genuine industry level agreements. The prevailing attitude of employers is a reluctance to join employers' organisations or to authorise them to conclude industry agreements.
The figures on agreements registered with the Centre for Social Dialogue indicate that collective bargaining coverage fell by 14 percentage points between 2001 and 2012 – from 47% to 33%.
Negotiations at both company and industry level are between employers or employers' associations and the unions in most cases. However, in this area, as in others, the labour code, which came into effect in 2012, has introduced changes. Works councils (which cannot organise strikes and have a very limited ability to influence employers – see section on workplace representation), can now negotiate agreements with the employer, where there is no union at the workplace and it is not covered by a collective agreement. The one important exception is that these agreements cannot cover pay. Agreements typically cover pay, working conditions and procedural issues. However, since 2001 negotiations have concentrated on working time and work organisation because legislative changes have made it possible to have greater flexibility in working time arrangements, provided that it is negotiated. In the public sector, the new labour code has introduced significant restrictions on what can be negotiated. In many areas, it is impossible for a collective agreement to include terms, which improve on the minimum set out by law.

Participation in the preparation of company internal acts

If there is a trade federation or a work council already established, the employer is obliged to invite their union representatives to participate in the preparation of any internal acts of the company, however the employer is not obliged to observe the opinion of the trade union or work council representatives.

Collective labour disputes

In the Hungarian Labour Code in force there is no general prohibition of negotiating worst work conditions for employees. After every Chapter of code, it is stated which articles might not be negotiated and which might be negotiated positively for the employee. It can be concluded that all the rights and obligations not enumerated by the special provision van be negotiated downwards for workers. The Labour Code does not act entirely as a minimal requirements setter. On certain parts collective agreements can set lower standards, than those included in law, however a lower level (company) collective agreement can be negotiated only as setting better work conditions as a higher level (sectorial) collective agreement.

Health and Safety

Elected health and safety representatives are the main way that the interests of employees are represented in the area of health and safety in Hungary. However, in larger employers there is also a joint health and safety committee, made up of representatives of both sides. The employer has a duty to ensure the existence of healthy and safe working conditions.

However, employee health and safety representatives should cooperate with the employer in order to achieve this.
The main structures representing employees in the area of health and safety are health and safety representatives (munkavédelmi képviselő), who can come together in their own employee-only health and safety committee (munkahelyi munkavédelmi bizottság), and, in larger employers, the joint health and safety committee (paritásos munkavédelmi testület) made up of representatives of both employees and the employer. There is an obligation to have health and safety representatives in all organisations with 50 or more employees. In smaller organisations health and safety representatives must be elected if the local union organisation, the works council or a majority of employees want this. If there are no health and safety representatives, the employer should inform and consult the employees directly on health and safety issues. The health and safety representatives or members of the employee-only health and safety committee have the right to monitor compliance with the appropriate health and safety obligations. They can also discuss health and safety issues with the labour inspectorate and, subject to the employer's agreement, ask for experts for advice. Where there are 50 or more employees an election by secret ballot must be organised to choose one or more health and safety representatives. In organisations with fewer than 50 employees an election to choose a safety representative must be organised if this is requested by the local union or by the works council or by the majority of the employees.

KEY LEGISLATION

Act No. 93 of 1993 on Occupational Safety and Health, as amended
1993. évi XCIII. Törvény a munkavédelemről a végrehajtásáról szóló 5/1993. (XII. 26.) MüM rendelettel egységes szerkezetben

SPAIN

The legal forms of the companies that relate to the employee involvement in Spain are:

1. European Society
2. European Cooperative Society
3. Private European Society
4. European Economic Interest Grouping
5. Cooperativa de Trabajo Asociado
6. Empresario individual
7. Sociedad Civil
8. Comunidad de Bienes
9. Sociedad Anónima
10. Sociedad Limitada
11. Sociedad Limitada nueva empresa
12. Sociedad Anómica Laboral
13. Sociedad Limitada Laboral
14. Sociedad Participada

Workers representation in Spain is regulated by the Workers' Statute (1980) and by the Law on Freedom of Association (1985). The legislation foresees the election of representatives

of the whole workforce in all but the smallest companies as employee delegates or works council. Here the main channel of representation are the elected works councils that are competent to negotiate on pay and working conditions at company level as well as information and consultation rights.
In this context trade unions play an important role, even though workplace representation structure of employee delegates and works councils does not depend on their involvement. In particular, the majority of elected representatives are proposed by the unions and around three quarters of them come from the CCOO and the UGT[29]. From an organisational point of view the joint representation of CCOO (Confederación Sindical de Comisiones Obreras) and UGT (Unión General de Trabajadores) has increased significantly over the years, from 56.2% in 1978 to 72.9% in 2012, even though it has reduced in recent years. According to current regulations, only CCOO and UGT reach the status of "most representative" organisations having more than 10 percent of the elected delegates, and accumulating together 72.9% of the representativeness.
Since the first call for union elections in 1978, before the Workers' Statute entered into force, the evolution of the elections results reflected both coverage and fluctuations of the economic and occupational change. After every phase of the recession, union representation has experienced a fall followed by a considerable growth.

Collective agreement/bargaining

Negotiations between social partners take place at three levels: national, industry and company level. The national agreements cover both major non-pay issues and guidelines on pay increases and are legally binding on all employees in the area they cover.
At the company level the appropriate bodies are the employer and the works council. But at higher levels the only trade unions who can sign the agreement on behalf of all the employees are the "most representative unions" at national or regional level or unions which can show that they have a specific level of support in the area covered by the negotiations.

Health and Safety

In Spain health and safety representatives should be present in all companies and workplaces employing more than five people (Law 31/1995 on Prevention of Occupational Risks). They are chosen by the existing employee representatives and have substantial consultation rights. In larger companies with 50 or more employees they work with the employer in health and safety committees.

Board level representation

In general, there is no general right for workers to be represented at board level. However, a 1986 national agreement foresees for minority union representation on the boards of public sector companies with more than 1,000 employees or for the establishment of monitoring and information committees with equal representation of the unions and employers.

29 Workers representation in Spain, ETUI paper, http://www.worker-participation.eu/National-Industrial Relations/Countries/Spain/Workplace-Representation

Employee involvement at company level becomes deeper in social economy enterprises. In cooperatives, participation of employees in the company decisions is regulated by law (Law 27/1999). In this sense, when the number of employees exceeds 50 units and has formed a working council, one representative from this council participates in the governing body of the cooperative (Council Rector). However, it is a common practice in worker cooperatives, regardless of the size they have and of the number of workers, to voluntarily take measures aimed at providing workers with necessary information on the company activity and involve them in the decision making process.

As for the worker-owned companies known as sociedades laborales, the new regulations approved on 1 October 2015, which reformed the 1997 law, provides more participation and protection of the labour member workers. It gives them a greater power of participation in the decision making process, and facilitates the operation to become a member. Moreover, it will be now easier for workers with permanent contracts to acquire shares and participating interests

Staff delegates

The representation of employees in the company or workplace who are under 50 and more than 10 employees up to the delegates. It may also be a staff delegate in companies or centres that have between six and ten workers, if they decide this by a majority. The workers elected by free, personal, secret and direct staff representatives vote in the following amount: Up to 30 workers, one; 31 to 49 three. The staff representatives to exercise jointly representing the employer for which they were elected, and have the same powers provided for councils.

Councils (Comités de empresa)

The council is the representative body and referee of all workers in the company or workplace, to defend their interests, becoming every workplace for which the population is 50 or more workers. The company has in the same province, or in neighbouring municipalities, two or more workplaces which do not meet the 50 census workers, but as a whole I join a group works council will be constituted. When centres have about 50 workers and others not in the same province, in the first committees will be set up own company and every second one is retained.

Only by collective agreement may be agreed the establishment and operation of a works council with a maximum of 13 members who shall be appointed from among the members of the various committees of centre.

In the constitution of the works council of trade unions proportionality will be saved according to the election results taken together.

Intercentros such other committees may not assume roles that they are expressly granted by the collective agreement in its creation remember.

The number of council members is determined according to the following scale:

a) From fifty to one hundred workers five.

b) one hundred and one to two hundred and fifty workers nine.

c) two hundred and fifty and one hundred workers, thirteen.

d) five hundred and one to seven hundred and fifty workers, seventeen.

e) seven hundred and fifty and one thousand workers, twenty.
f) One thousand on, two per thousand or fraction thereof, with a maximum of seventy-five..

GREECE

The legal forms of the companies that relate to the employee involvement in Greece are:

1. European Society (Ευρωπαϊκή Επιχειρηση)
2. European Cooperative Society (Ευρωπαϊκή Συνεταιριστική Επιχείρηση)
3. Private European Society (Ιδιωτική Ευρωπαϊκή Επιχειρηση)
4. European Economic Interest Grouping (Ευρωπαϊκός Όμιλος Οικονομικού Σκοπού - ΕΟΟΣ)
5. Private Limited Company Ltd (Ιδιωτική Επιχείρηση Περιορισμένης Ευθύνης - Ε.Π.Ε)
6. Cooperative Ltd (Συνεταιρισμός Περιορισμένης Ευθύνης)
7. Social cooperative enterprise (Κοινωνική Συνεταιριστική Επιχείρηση - ΚΟΙΝ.Σ.ΕΠ)
8. Consortium (Κοινοπραξία)
9. Sole Proprietorship 1 (Ατομική Επιχείρηση)
10. Sole Proprietorship 2 (Ομόρρυθμη εταιρεία)
11. Sole Proprietorship 1 (Ετερόρρυθμη εταιρεία)
12. Societe Anonym – (SA) (Ανώνυμη Εταιρεία – Α.Ε.).

In Greece there are two main trade union confederations: GSEE, which organises private sector employees and employees in firms and sectors under public control (such as banks and transport and utilities like electricity and water-supply) and ADEDY, whose membership is only civil servants, although these include teachers as well as those working in ministries and local authorities. Employees can be involved in primary (occupationally based and often limited to a small geographic area) , or second level union organisations (industry or occupational federations, or regional organisations, known as labour centres) before joining the third level bodies, the confederations such as the GSEE, composed of second level organisations. The GSEE is made up of around 150 second level organisations, and its website lists 73 industry/occupationally-based federations and 81 regional labour centres.

<u>The General Assembly</u>

The employees usually are not allowed to vote in the General Assembly but can participate free as observers. In Social Cooperative Enterprises though all employees being members of the General Assembly as well have the right to vote and participate.
When companies have more than 50 employees have the right to operate work councils which elect representatives in order to participate in the General Assembly.

<u>Board of Directors</u>

The employees are not allowed to participate in the Board of Directors meeting but can be represented by their delegates of the work council (in case that the company has more than 50 employees). In Social Cooperative Enterprises employees being members have the right to vote and participate on it.

Turnover Approval

The employees are not allowed to vote in the Turnover Approval but can be represented by their delegates of the work council (in case that the company has more than 50 employees). In Social Cooperative Enterprises employees being members have the right to vote and participate.

Labour and Insurance rights

The standards which apply to employment relationships and the terms and conditions under which an employee serves are laid down within a framework of rules created by the Constitution, laws, collective agreements, internal regulations and custom. Labour law regulates matters such as pay, benefits, allowances and other working conditions. Collective agreements and other internal regulations, on the other hand, provide regulations on other issues such as annual wage increases, cost of living adjustments, allowances and benefits increases, equal access to and promotion at work etc.

The majority of Greek employees working on the Facility Management Sector are covered for basic social security benefits by the Social Insurance Institute (IKA), which covers industrial and commercial workers. Fairly generous cover is given in respect of retirement, survivors and disability benefits as well as health care and sickness benefits. Social security contributions are compulsory and payments are collected by IKA from both employers and employees.

Collective agreement/bargaining

Collective agreement/bargaining, in most cases, takes place between employers' federations or individual employers on one side and the unions on the other. The national level EGSSE agreement is signed on the union side by GSEE, although this no longer sets the minimum wage. Negotiations can cover a wide range of topics, including issues like training or works regulations. Greece has a national minimum wage. This used to be fixed by agreement between the unions and the employers at national level. However, this has changed as a result of the crisis.

The Greek Mediation and Arbitration Service (OMED) was established by Law 1876/1990, as an independent and self-administered legal person under private law with registered office in Athens. The purpose of OMED is to support collective bargaining by providing independent mediation and arbitration services, such as drawing up work rules, industrial relations, public dialogue, working time etc. Its purpose is to support free collective bargaining between unions and employers or individual employers by providing mediation and arbitration services.

Participation in the preparation of company internal acts

Workers' council has the right to participate along with the employer on issues concerning the quality of work within the company. Nevertheless the co-decision does not extend to matters relating to the collective agreement or regulated by law. Topics that can be co decided can be the Rules and Procedures in the business, Health and Safety Regulations, Information programs when the company adopted new methods of organization, especially for the use of new technologies, staff training through continuing education and retraining, the use of media, always keeping in mind the protection of personal data of employees,

reintegration methods in business, workers after occupational accident, disabled left. It should be preceded by consultation between employers and workers to find a viable solution, making cultural, recreational and social events for the company's employees. The agreement on the above issues shall be in writing and posted on the bulletin board of directors. Moreover employees can propose through their working council's ways to improve the working conditions in their businesses. They also propose ways to improve the company's productivity. Employers on the other hand are obliged to promptly inform their employees on a range of issues, such as: 1) Changing the legal status of the company. 2) Total or partial transfer, extension or restriction of the business premises or a specific part of it. 3) Introduction of new technological methods and techniques in business. 4) Dismissal or recruitment cases. The same applies to any placement workers in availability status or job rotation. 5) Annual investment planning for health and safety measures of the company.

Collective labour disputes

The Greek Mediation and Arbitration Service (OMED) was established by Law 1876/1990, as an independent and self-administered legal person under private law with registered office in Athens. The purpose of OMED is to support collective bargaining by providing independent mediation and arbitration services, such as drawing up work rules, industrial relations, public dialogue, working time etc. Its purpose is to support free collective bargaining between unions and employers or individual employers by providing mediation and arbitration services.

Health and Safety

Health promotion in the workplace is a coordinated effort of employers, employees and society to improve the health and wellbeing of people in the workplace. Employers are obliged to follow all the necessary legislations and standards regulations in order to implement them on their organizations and take into consideration any feedback that comes from the employees for improving their everyday health and safety issues.

Employee involvement policies in Greece beyond binding rules can be summarized as followed:

- in Social Cooperative Enterprises it is the case where all the employees have the chance to involve themselves into the processes and procedures of the facility management companies in a high degree. This basically means that employees have the opportunity to acquire information, to consult or even participate in agreements in every major aspect of the company.
- on the other hand companies such as Societe Anonym (SA)/Private Limited companies offer much less opportunities for the employees to get involved into the processes of the company. They may be able to acquire information but they are not in position to consult or participate in agreements with the employers apart from certain fields that directly affects employees such as health and safety issues.

C. NATIONAL LEGISLATION AND REGULATION

ITALY

The Italian framework of legislations and regulations is divided into two sets of information:

1. The most important standards applicable to the FM Italian sector;
2. The National and sectoral Collective Agreements that are relevant in the FM Italian sector.

The relevant standards applicable to the Italian FM market are:

• ISO 50001 - Energy management systems. ISO 50001:2011 specifies requirements for establishing, implementing, maintaining and improving an energy management system, whose purpose is to enable an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, energy use and consumption.

• EN 15221-1:2006 - This European standard provides guidance on the preparation of agreements for Facility Management work.

• EN 15221-2:2006 - This European standard provides guidance on the preparation of agreements for Facility Management work. This European standard is applicable to: Facility Management agreements for both public and private European Union cross-border, as well as domestic, client/Facility Management service provider relationships; full range of facility services; both types of Facility Management service providers (internal and external); all types of working environments (e.g. industrial, commercial, administration, military, health etc.). This European standard is applicable to services that are primarily characterised by the following properties: business to business services; managed by the Facility Management service provider; recurring type operations greater than a one year duration; performance oriented; prices or mechanisms to determine prices for services, which are closely linked to performance. In EN 15221-1 the scope of Facility Management is described. This standard is primarily written for Facility Management agreements between a client and an external Facility Management service provider.

• EN 15221-3:2011 - This European Standard provides a guideline how to measure, achieve and improve quality in FM. It gives complementary guidelines to EN ISO 9000, EN ISO 9001 and EN 15221-2 within the framework of EN 15221 1. The standard provides a link into management methods and management theories.

• EN 15221-4:2011 - FM covers and integrates a very broad scope of processes, products / services, activities and facilities. The approach of this standard is to consider the added value provided to the primary activities by adopting a product perspective as recognized by the primary processes or core business in the organisation. This standard therefore introduces the concept of standardized (classified) facility products. The scope of this standard is to provide taxonomy for FM which includes: - relevant interrelationship of elements and their structures in FM; - definitions of terms and contents to standardize facility products which provide a basis for cross border trade, data management, cost allocation and benchmarking; - a high level classification and hierarchical coding structure for the standardized facility products; - expanding the basic FM model given in EN 15221-1 by adding a time scale in the form of the quality cycle called PDCA (Plan, Do, Check, Act);

- a linkage to existing cost and facilities structures; - alignment with the primary activities requirements. Additional benefits from this standard are: - Introducing a client rather than a specifically asset oriented view; - harmonization of different existing national structures (e.g. building cost codes) on an upper level relevant for the organization and its primary activities.

• EN 15221-5:2011 - This European standard provides guidance to FM organizations on the development and improvement of their processes to support the primary processes. This standard also sets out basic principles, describes high-level generic FM processes, lists strategic, tactical and operational processes and provides examples of process workflows. This standard is written from a primary processes, demand perspective for an audience of all stakeholders in FM processes.

• EN 15221-6:2011 - This European Standard establishes a common basis for planning and design, area and space management, financial assessment, as well as a tool for benchmarking in the field of Facility Management. This standard covers area and space measurement for existing owned or leased buildings as well as buildings in state of planning or development. This standard presents a framework for measuring floor areas within buildings and areas outside of buildings. In addition, it contains clear terms and definitions as well as methods for measuring horizontal areas and volumes in buildings and/or parts of buildings, independent of their function.

• EN 15221-7:2012 - This European Standard gives guidelines for performance benchmarking and contains clear terms and definitions as well as methods for benchmarking facility management products and services as well as facility management organisations and operations. This European Standard establishes a common basis for benchmarking facility management costs, floor areas and environmental impacts as well as service quality, satisfaction and productivity. This European Standard is applicable to Facility Management as defined in EN 15221-1 and detailed in EN 15221-4.

• EN ISO 9001:2008 - ISO 9001:2008 specifies requirements for a quality management system where an organization needs to demonstrate its ability to consistently provide product that meets customer and applicable statutory and regulatory requirements, and aims to enhance customer satisfaction through the effective application of the system, including processes for continual improvement of the system and the assurance of conformity to customer and applicable statutory and regulatory requirements.

• EN ISO 14001:2004 CEN/SS S26 - ISO 14001:2004 specifies requirements for an environmental management system to enable an organization to develop and implement a policy and objectives which take into account legal requirements and other requirements to which the organization subscribes, and information about significant environmental aspects. It applies to those environmental aspects that the organization identifies as those which it can control and those which it can influence. It does not itself state specific environmental performance criteria.

• BS OHSAS 18001:2007 - BS OHSAS 18001:2007 helps organizations to implement a sound occupational health and safety management system, so they can reduce risks to personnel and put the right safety measures in place. The standard also looks at the best ways to improve and maintain occupational health and safety systems, while perform in line with the company's policy. By complying with BS OHSAS 18001: 2007, organizations can improve their overall working environment and the conditions of employment.

• ISO/IEC 20000-1:2012 - ISO/IEC 20000-1:2011 is a service management system (SMS) standard. It specifies requirements for the service provider to plan, establish, implement, operate, monitor, review, maintain and improve an SMS. The requirements include the design, transition, delivery and improvement of services to fulfil agreed service requirements. ISO/IEC 20000-1:2011 can be used by: an organization seeking services from service providers and requiring assurance that their service requirements will be fulfilled; an organization that requires a consistent approach by all its service providers, including those in a supply chain; a service provider that intends to demonstrate its capability for the design, transition, delivery and improvement of services that fulfil service requirements; a service provider to monitor, measure and review its service management processes and services; a service provider to improve the design, transition, delivery and improvement of services through the effective implementation and operation of the SMS; an assessor or auditor as the criteria for a conformity assessment of a service provider's SMS to the requirements in ISO/IEC 20000-1:2011.
• ISO/IEC 27001:2014 - The ISO 27000 family of standards helps organizations keep information assets secure: such as financial information, intellectual property, employee details or information entrusted to you by third parties. ISO/IEC 27001 is the best-known standard in the family providing requirements for an information security management system (ISMS).

National collective agreements

The most important National and sectoral Collective Agreements relevant for the FM Italian market are:

- Laundry: national collective labour contract for employees of Industrial Companies operating in laundry, dry cleaning, dry clothes cleaning, stain removers and ironing.
- Multi-services: labour relations between companies in the cleaning sector and integrated / multi-services and its employees
- Private security and Trust services: for employees of institutes and private security firms and fiduciary services
- Transport and Logistic: shipping companies; road transport of goods for third parties; logistic companies and transport auxiliaries; combined transport companies; companies pursuing the e-commerce business; air agencies and maritime public mediators; refrigerant energy companies; logistic services companies, even integrated services (excluded companies applying the National Labour Contract of port workers)
- Catering: hotels; camping; beach resorts; tourism-related companies/agencies; touristic ports; alpine huts.
- Facility Management: for employees of artisan business, SMEs and cooperatives delivering "Facility Management" activities.

BULGARIA

The most important standards applicable to the Bulgarian FM business and officially accepted by the Bulgarian standardization institute, as the government institution in charge of the standards regulatory framework, are:

- ISO 50001 - Energy management systems - ISO 50001:2011 specifies requirements for establishing, implementing, maintaining and improving an energy management system, whose purpose is to enable an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, energy use and consumption.
- EN 15221-1:2006 - This European standard provides guidance on the preparation of agreements for Facility Management work.
- EN 15221-2:2006 **-** This European standard provides guidance on the preparation of agreements for Facility Management work. This European standard is applicable to: Facility Management agreements for both public and private European Union cross-border, as well as domestic, client/Facility Management service provider relationships; full range of facility services; both types of Facility Management service providers (internal and external); all types of working environments (e.g. industrial, commercial, administration, military, health etc.). This European standard is applicable to services that are primarily characterised by the following properties: business to business services; managed by the Facility Management service provider; recurring type operations greater than a one year duration; performance oriented; prices or mechanisms to determine prices for services, which are closely linked to performance. In EN 15221-1 the scope of Facility Management is described. This standard is primarily written for Facility Management agreements between a client and an external Facility Management service provider.
- EN 15221-3:2011 - This European Standard provides a guideline how to measure, achieve and improve quality in FM. It gives complementary guidelines to EN ISO 9000, EN ISO 9001 and EN 15221-2 within the framework of EN 15221-1. The standard provides a link into management methods and management theories.
- EN 15221-4:2011 - FM covers and integrates a very broad scope of processes, products / services, activities and facilities. The approach of this standard is to consider the added value provided to the primary activities by adopting a product perspective as recognized by the primary processes or core business in the organisation. This standard therefore introduces the concept of standardized (classified) facility products. The scope of this standard is to provide taxonomy for FM which includes: relevant interrelationship of elements and their structures in FM; definitions of terms and contents to standardize facility products, which provide a basis for cross border trade, data management, cost allocation and benchmarking; a high level classification and hierarchical coding structure for the standardized facility products; expanding the basic FM model given in EN 15221-1 by adding a time scale in the form of the quality cycle called PDCA (Plan, Do, Check, Act); a linkage to existing cost and facilities structures; alignment with the primary activities requirements. Additional benefits from this standard are: introducing a client rather than a specifically asset oriented view; harmonization of different existing national structures (e.g. building cost codes) on an upper level relevant for the organization and its primary activities.
- EN 15221-5:2011 - This European standard provides guidance to FM organizations on the development and improvement of their processes to support the primary processes. This standard also sets out basic principles, describes high-level generic FM processes, lists strategic, tactical and operational processes and provides examples of process workflows. This standard is written from a primary processes, demand perspective for an audience of all stakeholders in FM processes.

• EN 15221-6:2011 - This European Standard establishes a common basis for planning and design, area and space management, financial assessment, as well as a tool for benchmarking in the field of Facility Management. This standard covers area and space measurement for existing owned or leased buildings as well as buildings in state of planning or development. This standard presents a framework for measuring floor areas within buildings and areas outside of buildings. In addition, it contains clear terms and definitions as well as methods for measuring horizontal areas and volumes in buildings and/or parts of buildings, independent of their function.
• EN 15221-7:2012 - This European Standard gives guidelines for performance benchmarking and contains clear terms and definitions as well as methods for benchmarking facility management products and services as well as facility management organisations and operations. This European Standard establishes a common basis for benchmarking facility management costs, floor areas and environmental impacts as well as service quality, satisfaction and productivity. This European Standard is applicable to Facility Management as defined in EN 15221-1 and detailed in EN 15221-4.
• EN ISO 9001:2008 - ISO 9001:2008 specifies requirements for a quality management system, where an organization needs to demonstrate its ability to consistently provide product, that meets customer and applicable statutory and regulatory requirements, and aims to enhance customer satisfaction through the effective application of the system, including processes for continual improvement of the system and the assurance of conformity to customer and applicable statutory and regulatory requirements.
• EN ISO 14001:2004 CEN/SS S26 - ISO 14001:2004 specifies requirements for an environmental management system to enable an organization to develop and implement a policy and objectives, which take into account legal requirements and other requirements to which the organization subscribes, and information about significant environmental aspects. It applies to those environmental aspects that the organization identifies as those, which it can control and those, which it can influence. It does not itself state specific environmental performance criteria.
• BS OHSAS 18001:2007 - BS OHSAS 18001:2007 helps organizations to implement a sound occupational health and safety management system, so they can reduce risks to personnel and put the right safety measures in place. The standard also looks at the best ways to improve and maintain occupational health and safety systems, while perform in line with the company's policy. By complying with BS OHSAS 18001: 2007, organizations can improve their overall working environment and the conditions of employment.
• ISO/IEC 20000-1:2011 - ISO/IEC 20000-1:2011 is a service management system (SMS) standard. It specifies requirements for the service provider to plan, establish, implement, operate, monitor, review, maintain and improve an SMS. The requirements include the design, transition, delivery and improvement of services to fulfil agreed service requirements. ISO/IEC 20000-1:2011 can be used by: an organization seeking services from service providers and requiring assurance that their service requirements will be fulfilled; an organization that requires a consistent approach by all its service providers, including those in a supply chain; a service provider that intends to demonstrate its capability for the design, transition, delivery and improvement of services that fulfil service requirements; a service provider to monitor, measure and review its service management processes and services; a service provider to improve the design, transition, delivery and improvement

of services through the effective implementation and operation of the SMS; an assessor or auditor as the criteria for a conformity assessment of a service provider's SMS to the requirements in ISO/IEC 20000-1:2011.

• ISO/IEC 27001:2014 - The ISO 27000 family of standards helps organizations keep information assets secure: such as financial information, intellectual property, employee details or information entrusted to you by third parties. ISO/IEC 27001 is the best-known standard in the family providing requirements for an information security management system (ISMS).

National collective agreements

BGFMA as a representation of the employers in the Facility Management sectors on national level, does not apply collective bargaining yet.

The presented practical examples are from stakeholder / partners in national level which are Confederation of the Independent Trade Unions in Bulgaria "KNSB" and Confederation of the Trade Unions "Podkrepa".

Contract signed on January 2011 between 1."FEDERATION OF INDEPENDENT TRADE UNIONS BUILDING " as a part of "Confederation of the Independent Trade Unions in Bulgaria „KNSB as Representation of the employees on national level, 2. FEDERATION "CONSTRUCTION, INDUSTRY AND WATER" as a part of "Confederation of the Trade Unions "Podkrepa" and 3. Bulgarian Construction Chamber (BCC).

Quality standards procedure(s): Bulgarian legislation, government regulations, state norms and European Social Charter.

Description:

Subject of the contract: Chl.51b on the basis of the Labour Code (LC) and in accordance with the principle of voluntary negotiations between the parties pursuant to Art. №4 of Convention 98 of the ILO, ratified by the Republic of Bulgaria (DV pcs. 35 of 02. 05. 1997) and Art. 6 of the European Social Charter (DV pcs. 43 of 04. 05. 2000).

Sectoral collective agreement is a legal act within the fixed relationship between the parties and ensure compliance with socio-economic rights and interests of members of organizations which are parties to it.

Article 1. (1) The employer recognizes the right of unions to represent and protect the interests of employees in many businesses.

(2). The unions recognize the right of the employer to represent and protect the interests of owners and managers of businesses in the industry.

Article 2. The Parties recognize the legitimacy and the right of its members to enter into a collective bargaining agreement (CBA) in businesses and representative organizations in the industry.

HUNGARY

The most important standards applicable to Hungarian organisations are:

- MSZ ISO 50001 - Energy management systems - This standard specifies requirements for establishing, implementing, maintaining and improving an energy management system. The implementation of this standard is optional.
- MSZ EN ISO 9001:2008 - It specifies requirements for a quality management system where an organization needs to demonstrate its ability to consistently provide product that meets customer and applicable statutory and regulatory requirements, and aims to enhance customer satisfaction through the effective application of the system. The implementation of this standard is optional.
- MSZ ISO 14001:2004 Environment protection - This standard specifies requirements for an environmental management system to enable an organization to develop and implement a policy and objectives which take into account legal requirements and other requirements to which the organization subscribes, and information about significant environmental aspects.

Related legislation and regulations:
Act 1976 - II on the protection of the human environment. (Hungarian)
Act 1995 - LIII on the General Rules of Environmental Protection
Act 1995 - LVII on water management.
Act 2000 - XLIII on waste management
Act 2000 - XXV on chemical safety
Act 2007 - LX on the implementation framework of the UN Framework Convention on Climate Change and the Kyoto Protocol thereof
List of all related decrees (in Hungarian):
http://www.bimeo.hu/korvedab/Jadatok2.htm
The implementation of this standard is optional, but a decree or act can declare it obligatory in whole or a part of it.

- BS OHSAS 18001:2007 or equivalent - This standard helps organizations to implement a sound occupational health and safety management system, so they can reduce risks to personnel and put the right safety measures in place. The implementation of this standard is obligatory. Extensively regulated and controlled by the Hungarian Labour Inspectorate.

List of related regulations (in Hungarian) can be found at:
http://www.ommf.gov.hu/index.html?akt_menu=532

National collective agreements

In Hungary there are collective agreements on the enterprise level and also sectoral agreements. The enterprise level might be considered the most decisive in Hungary, thus sectoral agreements are of secondary importance. National-level collective bargaining is typical only of the areas of public employees, because wage negotiations affecting state budget expenditure are applicable for the employees of several sectors.
The estimated number of collective agreement by sector:
Private sector: 1303, representing approx. 750.000 workers
Public sector: 2048, representing approx. 280.000 workers
There is no reliable research which could indicate the participation of the FM services

sector in the collective bargaining process. It is assumed that collective bargaining, if any, is by far not typical in this sector.

SPAIN

The most important standards applicable to Spanish organisations are:

- UNE EN ISO 9001 - ISO 9001:2015 sets out the criteria for a quality management system and is the only standard in the family that can be certified to (although this is not a requirement). It can be used by any organization, large or small, regardless of its field of activity. In fact, there are over one million companies and organizations in over 170 countries certified to ISO 9001.
- SA8000 - The SA8000 Standard is the central document of our work at SAI. It is one of the world's first auditable social certification standards for decent workplaces, across all industrial sectors. It is based on the UN Declaration of Human Rights, conventions of the ILO, UN and national law, and spans industry and corporate codes to create a common language to measure social performance. It takes a management systems approach by setting out the structures and procedures that companies must adopt in order to ensure that compliance with the standard is continuously reviewed. Those seeking to comply with SA8000 have adopted policies and procedures that protect the basic human rights of workers.
- UNE EN ISO 14001 - The ISO 14000 family of standards provides practical tools for companies and organizations of all kinds looking to manage their environmental responsibilities. ISO 14001:2015 and its supporting standards such as ISO 14006:2011 focus on environmental systems to achieve this. The other standards in the family focus on specific approaches such as audits, communications, labelling and life cycle analysis, as well as environmental challenges such as climate change.
- OHSAS 18001 - OHSAS 18001, Occupational Health and Safety Management Systems—Requirements (officially BS OHSAS 18001) is an internationally applied British Standard for occupational health and safety management systems. It exists to help all kinds of organizations put in place demonstrably sound occupational health and safety performance. It is a widely recognized and popular occupational health and safety management system
- ISO 22000 - The ISO 22000 family of International Standards addresses food safety management.
- EPD - The International EPD® System offers to possibility to complement a full declaration with a "single-issue EPD®", focusing on only one environmental aspect of the product from a life cycle perspective.

<u>Estatutos Sociales</u>

The corporate bylaws determine access requirements, conditions and all matters affecting the corporate relationship of the people who make up the cooperative. Also they determine their rights and obligations and the form of participation of these people in their social bodies.

Reglamento de regimen interno (RRI)

This document, which is voluntary, is a complement to the rules and issues covered by the statutes. They are set out in greater detail other aspects that regulate the life of the cooperative and its organizational structure, also set issues affecting workers, such as wages, hours and shifts, participation in meetings and level information and documentation that each person in the company should receive.

National collective agreements

In Spain there are not the national collective agreements in the Facility Management sector.

GREECE

The most important standards and kind of contracts that are applicable to the Greek Facility management consists of:

- ISO 50001 - Energy management systems - ISO 50001:2011 is based on the management system model of continual improvement also used for other well-known standards such as ISO 9001 or ISO 14001. This makes it easier for organizations to integrate energy management into their overall efforts to improve quality and environmental management.
- EN 15221-1: Facility Management - Part 1 - This European standard gives relevant terms and definitions in the area of Facility Management. It also provides a structure of facility services.
- EN 15221-2: Facility Management - Part 2 - Facility Management — Agreements -Guidance on how to prepare Facility Management agreements This document is a working and standardized tool intended for parties who wish to draw up the Facility Management agreement within the European Common Market. It offers headings, which are not exhaustive. Parties may or may not include, exclude, modify and adapt these headings to their own contracts.
- EN 15221-3: Facility Management - Part 3 - Guidance on quality in Facility Management Provides guidance how to measure, achieve and improve quality in fm. It gives complementary guidelines to ISO 9000, ISO 9001 and EN 15221-2 within the framework of EN 15221-1.
- EN 15221-4: Facility Management - Part 4 - Taxonomy of facility management Focused on the concept of classified facility products / services by defining relevant interrelationship of service elements and their hierarchical structures, associated terms and cost allocation
- EN 15221-5: Facility Management - Part 5 - Guidance on the development and improvement of processes Provides guidance to FM organisations on the development and improvement of their processes to support the primary activities.
- EN 15221-6: Facility Management - Part 6 - Space measurement Area and space measurement for existing buildings
- EN 15221-7:2012 - This European Standard Helps to establish processes to identify improvements an organisation can make by comparing performance with other organisations. Looks at benchmarking types, outputs, process and includes benchmarking examples and collecting data... This European Standard is applicable to Facility

Management as defined in EN 15221-1 and detailed in EN 15221-4.

- EN ISO 9001:2008 - ISO 9001:2008 specifies requirements for a quality management system where an organization needs to demonstrate its ability to consistently provide product that meets customer and applicable statutory and regulatory requirements, and aims to enhance customer satisfaction through the effective application of the system, including processes for continual improvement of the system and the assurance of conformity to customer and applicable statutory and regulatory requirements.
- EN ISO 14001:2004 CEN/SS S26 - ISO 14001:2004 is applicable to any organization that wishes to establish, implement, maintain and improve an environmental management system, to assure itself of conformity with its stated environmental policy, and to demonstrate conformity with ISO 14001:2004 by a) making a self-determination and self-declaration, or b) seeking confirmation of its conformance by parties having an interest in the organization, such as customers, or c) seeking confirmation of its self-declaration by a party external to the organization, or d) seeking certification/registration of its environmental management system by an external organization.
- ISO 9001:2015 - It sets out the requirements of a quality management system. It is an internationally recognized standard for quality management and relates to all types of companies, regardless of type, size and the supplied product or service.
- ISO 14001 - Environmental Management Systems according to the ISO 14001 standard and Regulation 1221/2009 (EMAS II)
- OHSAS 18001 – OHSAS 18001:1999 / ΕΛΟΤ 1801: System for Safety and Health at Work
- ISO 22000:2005: Management System Food Safety - Hazard Analysis and Critical Control Point (HACCP) ELOT 1416, AGRO 1, DS 3027 and the recommendations of the International Commission on Food Hygiene FAO / WHO Codex Alimentarius
- ΕΛΟΤ 1429: Organizations for the Implementation of Public Works Character
- SA 8000 - It is an International Standard and sets out requirements for the improvement of working conditions and the safeguarding of human rights.
- ISO 26000: The International Standard enables companies to develop and implement a system, including guidelines and instructions
- ISO/DIS 18480-ISO/TC 267: Facilities management - Standardization in the field of facilities management under development

Collective bargaining systems in the EU have undergone a steady change since the end of the 1990s. But as businesses across Europe struggle to respond to intensifying global competition, pressure from employers for greater flexibility in collective bargaining is increasing, especially since the 2008 economic crisis.

National collective agreements

The National General Collective Labour Agreement (E.G.S.S.E.) signed by the GSEE and employers' organizations defines the minimum terms of employment, wages and salaries in the private sector. Therefore in any case the salary of the employee cannot be lower than the National General Collective Labour Agreement E.G.S.S.E. It is signed by the State Employers Organisation and GSEE (Trade Unions).

All the companies operating in the Greek Facility Management sector follow the national

legislation which is a higher source of law than collective agreements but the provision of an employment contract cannot contravene an applicable collective agreement, unless that contract is more favourable to the employee. There are some companies in FM sector which have signed operational collective agreements between their work councils and the legal representatives of each company (e.g. ISS FACILITY SERVICES S.A. 2014, ESA SECURITY SOLUTIONS S.A. 2016, SARP FACILITY MANAGEMENT A.E. 2012 etc.), referring to minimum wages, benefits etc.

Open ended contracts

Open-ended contracts have no terms or periods defined in the contract itself. There might be a start date to the contract, but no end date listed. This type of contract can be in writing between the employer and the employee. Open-ended employment contracts are used whenever hiring employees on a "permanent" basis. It is signed by Members of the Facility Management Association and Employees. The parties are free to include any clauses on which they agree in the contract, except for those contrary to the mandatory provisions of the laws and regulations (discrimination clauses, for example) and to those of the branch agreement applicable to the company. Characterised as they are by the fact that they do not have a defined term, an open-ended contract may be terminated either at the wish of one of the parties (redundancy, resignation, retirement...), by agreement between the parties or for reasons of force majeure.

Fixed term contracts

A fixed term contract of employment is similar to a contract of permanent employment. The difference is that the fixed term contract will stipulate a starting date and an ending date. The duration of the contract is clearly specified between employer and employee. The contract will state that "Upon the attainment of (state ending date) this contract of employment will terminate, and the employment relationship between the employee and the employer will cease. The contract could also end "upon the happening of a particular event or until a particular task has been completed". In the fixed term contract the employer will state where benefits such as pension, medical aid, provident fund, any group life assurance facility, etc. are applicable or not applicable. It is signed by Members of the Facility Management Association and Employees.

Contract for certain projects

The project contract of employment is very similar to a fixed term or temporary contract of employment. In this case, instead of listing a starting date and an ending date, the project contract of employment is a contract where an employee is employed to complete a certain project. In other words, the date of completion of the project is unknown - it may be six months, it may be 12 months or even longer. The employee is thus bound by the project, and not by dates. The contract will have wording something like: "The employment shall commence on (stipulate starting date) and shall end upon completion of the project." It is signed by Members of the Facility Management Association and Employees.

Short term work contracts

A casual staffing contract is appropriate for one-off, short-duration work lasting a few weeks. Casual staff would not normally be issued another contract of this type within a 12 month period but where this is exceptionally agreed, there must have been a gap of no less than six weeks between contracts. It is signed by Members of the Facility Management Association and Employees.

EI FOR FM TRAINING PROPOSAL

1. INTRODUCTION

In the framework of the EIforFM study, in addition to the research and analysis of the market situation in the Countries involved and the exchange of good practices, forecasts to create a pilot training proposal addressed to the whole set of target group already identified in the project proposal.
The general aim of this training scheme is to propose specific training modules on the themes of the project and to arise awareness and expertise of different target groups, starting from the various exchanges among the project partners, welcoming feedbacks and suggestions from EI for FM stakeholders involved during national workshops and exploiting the results highlighted by desk analysis. As stated in the project application, the peculiar themes to afford through the training proposal are various and heterogeneous, mainly depending on target groups' needs analysis, the entrepreneurial/professional environment involved and the scope of the training itself.
The general contents of the training proposal are strictly related to European and sectoral Industrial Relation history and development, the impacts of collective bargaining and wage setting on the efficiency and productiveness of the enterprise; the European framework setting out European Company (SE) and European Cooperative Society (SCE) and the Facility Management services structure, focusing in particular on how the application of ICP workers' rights can affect the company's life and production.
Thus said, partners propose a set of modules that are wholly independent of each other, considering that different players can choose, tailor and adapt them starting from this holistic approach.
At general level, the EI for FM training proposal aims to:

- Increase awareness about European Industrial Relations history and developments;
- Define the developments in European collective-bargaining system, highlighting the role of wage-setting systems and institutions and how wage-setting impacts the economic performance;
- Make target groups aware about the European Legal Framework lays down the European Company (SE) and the European Cooperative Society (SCE) and, in particular, how certain governance models and the degree of application of ICP workers' rights apply to SE and SCE;
- Define the Facility Management service sector in Europe, analysing governance and workers' participation in different FM companies and particularly focusing on different organization approaches and the application of ICP workers' rights within this sector;
- Analyse how to manage workers' participation to increase company efficiency

Taking into account the general aims of the training, the present part of the Study opens with an introduction to the different target groups involved, defining them and their training needs. The identified target groups for the training proposal are Company Managers at different level, Trade Unions Representatives and Representatives of workers. To balance the managerial aspects of the training with the ones proper to Trade Union

Representatives and Policy Makers is one of the characteristic of the training, using the ICP workers' rights as a lever.
Then, the training section explores the different applicable methodologies to make efficient the training proposal. It's clear that the a blended approach better fitting the purposes of the training, matching the heterogeneity of the target groups and mixing more traditional training methods with innovative and technological approaches and tools.
The selected references and materials come from reliable successful training experiences on the topic as well as periodical publications, papers and solid handbooks edited by European institutions, sectoral and professional associations such as ETUI and EuroFM. It is to mention that the majority of the documents are constantly updated – yearly or biannual – by the Authors, making them important tools for training on the ground.
The third part of the section approaches the training modules: after the overview of the entire set of modules, each one described in terms of general and specific aims, main contents and references.

2. INTRODUCTION TO THE EI FOR FM TRAINING PROPOSAL

2.1 Target Groups definition and Training Needs Analysis

In this section, the various target groups to whom the training is ideally addressed are defined in detail, also exploring their training needs analysis on the related topics.

2.1.i Company Managers

Company managers are those carrying out managerial activities within the organization. The EI for FM training proposal considers that both the top manager and the middle-level manager would benefit from such a kind of training, depending on their functions and experience in the organization and/or enterprise.
The primary and common objective is to enable managers to make a more effective contribution to their companies by increasing their understanding, knowledges and skills in effective Industrial Relations management. The approach is to meet the training needs of middle and top managers, particularly those working in the area of Human Resources (HR) and/or management.
Here with follows the description of the main learning outcomes for company managers:

- Understand how the State and other Institutions can assist the organization in development of effective Industrial Relation and in the prevention and resolution of industrial unrest;
- Appreciate the nature of collective bargaining, effective grievance handling and the importance of procedures in resolving grievance and disputes;
- Understand what constitutes industrial action, whether it is lawful, what liabilities may arise for the employee/trade union and what, if any, remedies are open to the employer;
- Understand the express and implied terms which bind the employer/employee relationship and an employer's exposure where they fail to meet their legal obligations;
- Negotiate successfully ensuring a win/win outcome for all parties where possible;
- Apply improved soft and hard skills in the areas of assertiveness and conflict management.

2.1.ii Trade Union Representatives

A Trade Union Representative can be defined as a union member who represents and gives advice to workers when they experience problems at workplace and/or issues related to their job. Among other functions, Trade Union Representatives discuss concerns with employer, accompanying workers to disciplinary or grievance hearings with management and represent the workers in negotiations over they pay and terms and conditions of employment (collective bargaining)[30].

Thus said, the primary outcome of the needs analysis is to enable trade union representatives to clearly understand the different relationship between European trade unionism and Industrial relation systems: this knowledge should be developed approaching the study of the different industrial relation systems and models[31]. The objective is to meet the needs of the trade union representatives in a holistic way, involving all the levels and namely managerial, directorial and secretarial.

Here with follows the description of the main learning outcomes for Trade Union Representatives:

- Understand the key Institutions and bodies, their duties and competences, their decision making processes;
- Understand the related policies both social and economic; understand the European social model and the logic lays down the new social security policies;
- Be aware and conscious about the involved legislations, such as the ones related to Social themes, Conflict of freedoms, European jurisprudence, recent sentences, new voting procedures - such as reverse majority;
- Understand and manage the fundamentals of Labour economy;
- Know the history of European Social Dialogue: its evolution, results, current situation, future, employers organisations;
- Last economic, social and political developments and, particularly, in terms of current challenges for Trade Unions;
- EU integration process: new challenges and results achieved so far;
- The differences and similarities between European level and country/sectoral level

2.1.iii Workers and their Representatives

Workers representatives are generally defined as the workers (elected or designated by the other workers in every company or production unit) monitoring the application and the respect of laws and procedures at workplace.

Employee board-level representatives, especially in Multinational Corporation (MNCs) and SEs/SCEs can help to influence strategic decisions and proactively contribute to the management of change. In the context of the European Company Statute it is becoming more and more obvious that the mandate of employee board-level representatives is not confined to the workforce of their home country. They are supposed to take into account the interests of workers throughout Europe. The participants agreed that employee board-level representation within the framework of the SE/SCE constitutes a new qualitative

30 Cfr. "Joining a trade union – role of your trade union rep"; GOV.UK; https://www.gov.uk/join-trade-union/role-of-your-trade-union-rep

31 Cfr. G. Fajertag, P. Pochet (ETUI) Social Pacts in Europe – new dynamics; 2000

step for representatives from countries where this kind of representation was hitherto unknown. But employee board-level representatives from countries in which company headquarters are located who have experience of this level of representation also need to be aware of the new scope of their mandates. Employee board-level representatives in SEs, SCEs as well as in other European MNCs, are required to gain the following learning outcomes:

- A clear understanding of possible insurance coverage in cases of liability;
- A proper language skills in order to communicate and exchange views and information with the workforce they are supposed to represent both in their country and in the countries where the enterprise is located;
- Understanding of company law and regulations in the country in which the enterprise has its headquarters;
- Understanding of the basics of financial and economic information;
- Arising their 'global awareness' (e.g., getting the non-German employee board-level representatives in a German-based SE/SCE/MNC to understand the Germans and, at the same time, getting the German employee board-level representatives in the same SE to think and act in a 'European' way);
- Enhancing their cross-cultural understanding.

Beside and in addiction to those typical learning outcomes, EI for FM training proposal added contents and materials specifically related to the laws regulating SE and SCE as well as to typical components of Facility Management service sectors. Thus, other learning outcomes arising all the target groups' needs analysis are:

- Understanding the nature and the potential of SE and SCE, particularly focusing on ICP workers' rights application and impacts;
- Understanding the degree of ICP workers' rights application in FM enterprises;
- Evaluating the impact of such degree of participation on the productiveness of the enterprise.

2.1.iv Health and Safety Sector as successful practice for ICP workers' rights adoption

Concerning the ICP rights of workers, the Health and Safety sector has been pursuing a policy of participation for years. The centrality and importance of the issue involves all the players on the ground: employers, employees and workers' representatives. In this field, it has been developed an interest which involves various parties to achieve a common goal to work safely in a safe workplace. The mixed approach enabling all the key actors in collaborating for the sake of the Health and Safety procedures application make this sector one of the successful practice available so far.

Under the law, employers are responsible for health and safety management. This means making sure that workers are protected from anything that may cause harm by effectively controlling any risks to injury or health that could arise in the workplace. Both employers and employees have the responsibility to look after health and safety at work. Employers have the main duties to prevent risks to their workers by putting in place protective measures including safe ways of working, safe equipment, suitable personal protective equipment and information, instruction and training for workers. At the same time, the law also requires workers to play their part and help their employer to protect them,

for example taking care of their own and other people's safety and health; cooperating actively with their employer on safety and health; following the training they have received for doing their job safely; telling someone (employer, supervisor or worker representative) if they think the work itself - or inadequate safety measures - are putting anyone's safety and health at risk.
Worker representatives combined with direct worker participation is an effective way of obtaining views and actively involve workers in health and safety themes. As stated in the above sections, the role of the worker representative is to ensure that workers have an input into managerial decision making when preventive and protective measures are being developed, by reflecting their views, concerns, ideas and expectations[32]. This role is distinct from employees such as supervisors whose job description includes tasks to help manage health and safety. Their rights and responsibilities are defined in national law and including paid time-off to carry out their functions and training. Worker representatives may also be trade union representatives. As stated above, trade unions play a valuable role in supporting and training their representatives and providing independent information on workplace health and safety. They frequently work with employers on projects to solve health and safety problems.

2.2 Methodologies for the EI for FM Training Proposal

As for each training session and especially for training actions specifically addressed to professionals, it is important to design the structure of the training around the learners. This approach is particularly relevant when the target groups are so heterogeneous, as in the case of EI for FM Training Proposal. Another important aspect to take under control is how to increase participation and exchange between participants, valuing their previous experiences and the prior learning. Training is today more than ever, a crucial and difficult task, which cannot be fulfilled through the mere transmission of knowledge, especially regarding professional training and specific training actions developed in enterprises and organization. It requires the ability to understand the environment in which the different target groups operate. Here with are sum up several methodologies that can easily be applied, mainly mixing the traditional ones with ones better fitting with a class made by professionals.
Brainstorming: this method that can be used to create ideas around a specific subject. Participant are directly and actively involved from the beginning of the session. Only after all the responses are recorded there is subsequent analysis or categorization, and a discussion on the appropriateness of the ideas.
Snowballing: this method is useful to consolidate learning or to encourage collaboration the development of new ideas. The participants are involved in a creative process and sharing

32 Cfr. OSHA Worker Participation in Occupational Safety and Health, a Practical guide; https://osha.europa.eu/en/tools-and-publications/publications/reports/workers-participation-in-OSH_guide
Cfr. "Worker Participation Workshop: Further training and other supportive measures for workers representatives in SE boardrooms; http://www.worker-participation.eu/About-WP/European-WP-Competence-Centre/Activities/Workshop-Further-training-and-other-supportive-measures-for-workers-representatives-in-SE-boardrooms

learning. Snowballing breaks down large groups into smaller groups and all trainees have the chance to express their self.

Icebreakers: Icebreakers are short exercises that could be used at the beginning of a training event to allow trainees to get to know each other before the main work of the event begins. This methodology can be used to encourage the group mix.

Presentation: this method facilitates the new knowledge acquisition, considering that participation is an important factor ensuring success in learning, it is recommended to allow adequate time for group or individual discussions immediately after the presentations.

Alternation of lecture and work group: Lectures are useful when new knowledge is introduced to the audience. But learning occurs when participants are actively involved in their own learning process. Lectures are structured presentations, aiming at knowledge transfer and are the most direct training method. Small groups should be given a clear topic to address and allowed a short amount of time to discuss it. They are effective when participants may still be experiencing some uneasiness in talking with each other.

Debate: is a method of formally presenting an argument in a disciplined manner. The debate uses hypothetical questions to ask trainees in the judiciary to draw conclusions through their own reasoning process. The aims are to stimulate thinking and reasoning and there is no correct answer from the trainer's standpoint.

Simulated hearing and role play exercises: Role play involves the allocation of a particular role to a group or sub-group. Participants will then be asked to perform a task (such as a moot problem) from different perspectives. The use of role play and/or mooting brings an element of practical application to courses. The advantage of this technique is to play out realistic situation.

Practical demonstration: In skill-based training when using the demonstration method, the trainer shows the logical step-by-step procedures in doing the job, the principles that apply, and any related information. This method is particularly used in a multidisciplinary training.

Problem Solving: This training method is used to identify, analyse and find appropriate ways to resolve problems. The manner in which solving problems can be approached varies from one problem to another. It could be applied within working groups or in the framework of informal discussions.

Case Studies: Case studies provide readers with an overview of the main issue, background on the setting, the people involved, and the events that led to the problem or decision at hand. Cases are used to illustrate a particular set of learning outcomes, and (as in real life) rarely are there exact answers to the dilemma at hand. It creates the opportunity to understand and apply principles, regulations and rules to a real or imaginary scenario.

Experiential exercises: can be particularly fruitful in training events focusing on methodological capabilities and skills. Experiential learning is learning through reflection on doing, which is often in contrast with didactic learning. It focuses on the learning process of the individual who is going through an experience very similar to what happens in real life situations.

Feedback: It helps learners to become aware of their capabilities, raise their awareness of strengths and areas for improvement, and identify actions to undertake to improve performance. Feedback can be informally treated, as in day-to-day encounters between trainers and trainees, between peers or between colleagues, or formally as part of a written assessment.

Debriefing: provides a review of the activity, identification of different viewpoints, and an opportunity to share ideas. It is crucial that reporting back reflects the group's views, rather than the view of any spokesperson for the group. The use of a flipchart during group discussions is recommended[33].

In addition to the above mentioned methodologies to successfully carry out the training, it is to mention that figures other than the trainer could be involved to assure a clear and efficient training intervention. Here with follows the descriptions of methodologies related to other figures:

Tutoring and Mentoring: this method consists of putting an individual trainee together with an experienced and didactically skilled practitioner to learn about professional requirements in a specific field of knowledge, capabilities and skills in a very hands-on way in a peer-to-peer situation. This workplace training method is primarily used in initial training and in induction training.

Supervision: this methodology is a specific form of professional counselling taking the form of intervention in the workplace. The goal is to sustainably improve the professional capacities and skills of the supervisee(s), be it entire organizations, groups or individuals. The supervisor accompanies the supervisee(s) in day-to-day professional work in order to detect role dynamics as well as potential dysfunctions among the supervisees, on the one hand, and in the relations between the supervisee(s) and third parties, on the other. From the perspective of the supervisees, the supervisor's goal is to help them detect practicable ways to self-improve their professional capabilities and skills.

Intervision: this methodology is in essence a form of group supervision without a supervisor. The "supervisees" mutually supervise themselves; one palpable advantage for the trainees is a particularly confidential setting. The intervision group is strictly limited to peers.

The EI for FM Training Proposal ideally can mix different kind of methodology and different tools to achieve its goals, from the traditional class to the support of the modern technology. The appropriateness of e -learning methods is to be determined bearing in mind the profile of the trainees, the training goals, and the content itself. Thus considered, the use of new technologies is helpful especially for courses for adults who already play a profession. Given the heterogeneity of the target groups and the different training needs this versatile instrument support and complement the traditional lessons face to face with the traditional methodology.

33 Crf. "Guidelines Issued by EJTN's Sub-Working Group Training the Trainers" Handbook on Judicial Training Methodology in Europe; 2016. This Hendbook is focused on Training Methodologies for juridical staff in Europe, however the general structure and the framework of training tools and methodologies can be easily adapted to the aims of EI for FDM Training Proposal. In addition, this document is updated yearly by the Sub-Group.

3. CONTENTS OF THE EI FOR FM TRAINING PROPOSAL

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MODULE 1 – Development in European Industrial Relations

Refitting workers' rights: progress and setbacks - An additional reason to launch negotiations has been the impact of the austerity measures on public administration and in particular the drastic pay freezes, cuts in wages and jobs, leading to approximately one million lost jobs, but also changes to contractual arrangements and working conditions. Based on this shared evaluation, trade unions and employers of central administration were convinced that public administration should be able to better tackle such restructurings via a better information and consultation of the workforce and should therefore build on the outcome of the refit on the information and consultation to overcome the current

shortcomings of the EU legislation so as to consolidate public employees' rights on information and consultation and adoption of a legally binding European framework on information and consultation to public administration and to improve restructuring at the national level of public administration. On 21 December 2015, a landmark agreement was reached between representatives of the Trade Unions.

National and European Administration Delegation (TUNED) and the European Union Public Administration Employers (EUPAE) set out a general framework of common minimum standards on the fundamental rights for the information and consultation rights of public workers in central government administrations, including restructuring, work/life balance, working time and health and safety. It extends its field of application from public servants to contractual employees in public administration; it expand furthermore the material scope of information to working conditions, work organization, training, gender, social protection and remuneration and the scope of consultation obligations' to health and safety, working time, work-life balance and restructuring. This negotiation, if adopted in a directive, would provide a good way to bypass the exclusions of public administration from the fundamental rights of information and consultation of workers, as established by the charter of fundamental rights of the European Union, which has the same legally binding value as the Treaties [34].

Workers' participation and company sustainability. In addition to the environment, the impact of companies on society must also be taken into account. At least, the governance structures of companies (corporate governance) are seen as crucial aspects to consider, since 'good governance' is fundamental to encourage participatory processes. Thus said, worker participation appears to be strongly associated with sustainability at the company level. This analysis took into account both the size and sector of the company.[35]

How to imagine health and safety for future generations? Worker participation the Europe 2020 strategy and the crisis. An updated analysis based on Eurostat data from 2009-2014 (i.e. since the onset of the crisis) shows that the strength of workers' participation continues to be strongly associated with positive outcomes on Europe 2020 headline indicators for all five of the Europe 2020 strategy areas. The relationship with the strength of worker participation is clever in the case of R&D expenditure, which is twice as high in the 'strong rights' group compared with the 'weaker rights' group. Notwithstanding, the strong linkage between positive outcomes on Europe 2020 indicators and the EPI European Participation Index[36] shows that worker participation is useful to reach a sustainable and inclusive growth'. For this reason it is essential the participation of workers to accomplish this goals. There is a real risk that employees' rights to involvement in defining and implementing health and safety policy at the company level, like information and consultation rights, will be take a part. It is no accident that it is in the areas of employment and working conditions and health and safety legislation that workers' involvement rights are formalized in law. The relevance information and consultation between employee representatives at all levels cannot be underestimated. It is therefore all the more important that these concerns should be brought to bear on ongoing discussions about 'refitting' workers' rights, particularly in

34 Cfr. "Benchmarking Working Europe 2016"; ETUI Publication; p. 58 ss.
35 Cfr. "Benchmarking Working Europe 2016"; ETUI Publication; p. 68 ss.
36 Cfr. EPI; http://www.worker-participation.eu/About-WP/European-Participation-Index-EPI

the areas of information and consultation, employment contracts, chemicals legislation, and approaches to key emerging technologies, or new forms of work organization. It is also quite clear that these challenges of European integration within companies and along the supply chain cannot be answered solely at the local enterprise level. Institutions such as European Works Councils and board level employee representatives are ideally placed to meet these challenges, insofar as they are able serve as flexible transmission belts, conveying information and consultation processes throughout the company. The need for comprehensive and timely information and consultation is all the more pressing when it concerns far-reaching processes that will have important consequences for working conditions, job security and intra-company networks of service provision and/or production[37].

MODULE 2 – Developments in European collective-bargaining system

Wages represent an important variable especially in a context of economic crisis. The linkage between labour and wage has long been recognized as an important relationship that requires a proper framework to be analysed. In this context collective bargaining is a key feature of industrial relations systems, since it represents the fundamental instrument that social partners use to jointly regulate the employment relationship, especially since general and industrial unions became the main actors of workers' representation in the early 1900s.

Wage-setting system and institutions: collective bargaining between the market and state intervention; the collective bargaining is a specific tool of the regulatory tools that the wage setting institutions can use in advanced market economies. The scope for collective bargaining is delimited and influenced by political regulation and market forces[38]. Political intervention can promote or constrain the collective bargaining, but for worker's bargaining power is in practice strictly rooted in labour market conditions. The three types of wage-setting institution (the market, the legislation and the industrial relations) can be characterized according to their flexibility and internal differentiation.

Wage setting-system and economic performance: The discussion of the link between wage-setting institutions and economic performance has been revived by analysis of the effects of the recent economic crisis and of the policy responses implemented to foster competitiveness and restore economic growth, especially within the EU During the crisis, wage moderation has been identified as a key factor in promoting competitiveness and addressing external imbalances for countries with large trade deficits. Similarly, legal intervention through minimum wages and indexation mechanisms has been under scrutiny due to a desire to avoid negative impacts on labour demand. The beneficial effects of wage containment policies depend crucially on the openness of the economy and on developments in foreign demand.

Changes in wage setting institutions; that short-term wage developments within countries tend to be linked to factors other than institutional change, because the latter proceeds

37 Cfr. . "Benchmarking Working Europe 2016"; ETUI Publication; Chapter 4 "A social Europe needs workers' participation".

38 Cfr. "Industrial Relations in Europe"; 2014 and subsequent publications; European Commission, Directorate-General for EMployment, Social Affairs and Inclusion; p. 1 ss

slowly and needs time to feed into 'outcomes'. This is especially true when we focus on wage outcomes produced by collective bargaining, which typically relates to periods in the future and therefore manifests its effects with a time lag. Collective wage bargaining has continued its shift to more decentralized levels. While in the 10 years to 2010 the prevalent bargaining level in the EU remained the sectoral or industry level, by 2013 the balance had shifted towards company and intermediate bargaining. In recent years, governments have become more and more involved in wage-setting.

MODULE 3 – The European Legal Framework of European Company and European Cooperative Society

The European Company. The European Company (SE or Societas Europea) is a legal structure that allows a company to operate in different EU countries under a single statute, as defined by the law of the Union and common to all the Member States. By creating this structure, the EU facilitated the operation of companies wishing to expand their business at the community level. SE is a type of public limited-liability company that has legal personality.

The European Cooperative Society. The other entity is the European Cooperative Society (the European Cooperative Society or SCE), based on common principles that enables them to operate at transnational level, in all or part of the territory of the Union. First of all, the SCE is a cooperative. That means that it has particular features such as the principles of democratic structure and control and the distribution of the net profit for the financial year on an equitable basis[39].

Governance and Workers participation in SE and SCE. To proper analyse activities of SE and SCE in Europe, which are the sector that use those kind of companies and the different development in different European countries. General presentation of the Directive 2001/86/EC that ensure the workers participation in both kinds of companies. This group of directives deals with the right of workers to be informed and consulted at national level on a number of important issues relating to a company's economic performance, financial soundness and future development plans which could affect employment[40].

MODULE 4 - The Facility Management service sector and management

The FM services and market definition. The Facility Management is the "practice (system of knowledge, methods, tools) of coordination of space / equipment and work with human resources and the overall organization (goals-responsibility); it integrates principles of administration, property management, architecture, psychology and knowledge of group

39 Cfr.Part A of the present Study.

40 Cfr. L. Cerioni, The European Company Statute (SE) and the Statute for a European Cooperative Society (SCE): a comparison between the two new supranational vehicles, in The European legal forum: Forum iuris communis Europae, 2004.
Cfr. Overview on current state of SE founding in EU – update 21 March 2014, ETUI, (Anders Carlson, Melinda Kelemen and Michael Stollt).
Cfr. Report from the Commission to the European Parliament and the Council. The application of Council Regulation 2157/2001 of 8 October 2001 on the Statute for a European Company (SE)

behaviour and engineering". In this section learners should be aware of the different definitions of FM.
The service and market definition: To proper describe and classify the facility management, it is presented as a multidisciplinary approach for the integrated and coordinated design, planning and management of non-core services. Analyse different activities in the field of FM. Also define the FM market comparing the different situation among several European countries in dimension and development.

Governance and workers participation in the different FM companies: The analysis of the opportunities of employees' involvement (EI) in the Facility Management (FM) enterprises starts with the observation of the structure and the nature of the existing FM undertakings. Briefly analyses of the most important legislation (Directive 2002/14/EC) applies to undertakings with more than 50 employees, or to establishments employing at least 20 employees. This Directive introduces the information and consultation rights of the employees and it entails the workers' involvement by means of the communication of the main issues and drivers regarding the undertaking (economic situation, development of employment, substantial changes in work organisation or in contractual relations).

"Traditional" vs "Innovative" organizational approaches: how to increase empowerment, involvement and participation of workers. This section presents an innovative approach to manage the FM; explaining different models as defined in relation to the management, the coordination and the integration of non-core services. Moreover, the innovation in organizational approach makes the management able to evaluate characteristics, strengths and weaknesses of the different models[41].

Module 5 – Manage workers participation to increase company efficiency
From the awareness to the competences' acquisition through case studies' and best practices analysis. The last part of EI for FM Training Proposal is dedicated to the analysis of case studies and best practices already collected, both the ones emerging by desk researches and other project activities and the ones that the trainer(s) carrying out the training actions consider to be relevant and useful for a practical analysis.

41 Cfr. "Open Facility Management: a successful implementation in Public Administration"; F.De Toni, Ferri, Montagner, 2009. Cfr. in particular Chapters 4 (Facility Management organisational models) and 5 (Open Facility management as a new paradigm).

4. ACRONYMS

EU: European Union
SE: Societas Europea, European Company
SCE: European Cooperative Society
FM: Facility Management
ETUI: European Trade Union Institute
ETUC: European Trade Union Confederation
MNC: Multinational Corporation
TUNED: Trade Unions National and European Administration Delegation
EUPAE: European Union Public Administration Employers
EPI: European Participation Index
R&D: Research and Development
EWC: European Works Councils

CONCLUSION

FACILITY MANAGEMENT AND EMPLOYEE INVOLVEMENT

The Employee Involvement in Facility Management Enterprises (EIforFM) project aim is the promotion of activities designed to explore and prepare the establishment of a European Society (SE) or a European Cooperative Society (SCE) in the service sector, and in particular with the involvement of companies active in the field of Facility Management (FM). We have seen that Facility Management is an interdisciplinary field devoted to the coordination of space, infrastructure, people and organisation. It represents a wider range of activities that are referred to as non-core functions. In this sense, the project focuses on the necessary arrangement to establish structures and procedures for workers information, consultation and participation in the context of a new European Society or a European Cooperative Society in the FM sector.

To this goal, the project partnership developed a study composed of three main parts.
The first part focused on the European legal framework related to the European Company and the European Cooperative Society as well as on the rights of information and consultation of the workers. A section focused on the Facility Management sector.
The Second part of the study focused on the situation in Countries involved in the project: Italy, Spain, Greece, Hungary and Bulgaria. In particular, in this part the attention is put on the Facility Management sector and on the workers participation in FM industry at National level. More precisely the study made an inventory of the national situation with regard to the Facility Management and the employee involvement in this sector. From this analysis it is emerged that the approach towards Facility Management is different in each Country.
In Italy the FM market appears very developed and in the last years it has experimented a remarkable evolution. Composed mainly of small and medium enterprises, this market is still changing on the demand-side as well as on the supply-side as the cultural growth is continuing and the supply is quickly reorganising itself to adequately answer clients' needs.
In Bulgaria the Facility Management market is relative young but at the same time pretty well developed. Many famous international facility management companies have established subsidiaries in this country, but, at the same time, many local companies were created. In this context strong international companies have a very strong influence on the development of the facility management market.
In Spain the Facility Management market is considered an emerging market. The first services that were introduced in the second half of the 80's were related to the outsourcing of cleaning and maintenance, which were followed, a decade later, by the contracting out of services' packages. In general, there are not many FM providers in the Spanish market as the majority of the facility services are managed and delivered in-house (with the exception of the cleaning service, which is outsourced in almost all cases).
In Greece, the area of Facility Management is considered to be relatively new but the

entire sector seems quite developed with not only local small medium enterprises but also many multinational companies that have established subsidiaries in Greece. Staff employed in the Facility Management services is a combination of many other sectors and the trade unions involved are limited to existing structures of these sectors, like cleaning, storage, industrial etc. During the last five years, this sector has constantly expanded as more and more customers are willing to outsource services to specialised companies.
As for Hungary, it should be noted that, the national markets in Central and Eastern Europe (CEE) are characterised by two very different provider profiles: Local Facility Management companies which operate only in their home market (often even limited to individual regions of the country), and (Western) European-based international players which continue their expansion into the CEE region. In Hungary, the share of internal FM volume is much higher than the external one. This can be considered as an indicator as the level of outsourcing is still low and own personnel carrying out FM services (self-delivery) is preferred. As markets and professionals keep on maturing, it can be assumed that external services are getting increasingly important. Facility Management in the sense of service provision by specialised companies is still a young industry in this Country. On average for the Mid-European region and also in Hungary 39% of services are carried out by professional FM service providers.
The third part of the Study focused on the development training modules for the implementation of rights of information, consultation and participation of employees. This training is addressed to Company managers, trade unions, workers and policy makers and its aim is to raise awareness on Industrial Relations and workers participation as well as to foster the acquisition of tools related to workers participation models.

In this context, the development of procedures for information, consultation and participation of worker representatives of undertakings in the FM sector represents a crucial point as worker participation implements social rights and strengthens democracy in the working environment, combining economic competitiveness with social progress. Such a participation gives the workers not only the opportunity to discuss with the management the issues concerning the processes in the company like working conditions, safety and healthy working environment, salary and wages, etc. and assure for the both sides (workers and managers) the platform to be better informed, but is also very powerful motivation factor.
Since the beginning of the European integration process there has been a commitment to provide employees in Europe with the right to be involved in company decision-making. With more and more companies operating Europe-wide (or even globally), the transnational level of employee interest representation is becoming increasingly important. A stronger participation of workers in strategic business decisions which are often taken at European or global level is necessary in order to strengthen the long-term viability and sustainability of companies.
A deeper workers' participation has a positive impact on the development of a good work climate and contributes to the mitigation of human resource problems contributing at the same time to the improvement of the company's performance.
As for the Facility Management Sector, thee analysis of the opportunities of employees' involvement (EI) starts with the observation of the structure and the nature of the existing

FM undertakings.

The provisions related to the EI are actually strictly linked with the dimension and the legal nature of the undertaking. The first thing to check is the number of the employees employed by the enterprise. One of the most important legislation (Directive 2002/14/EC) applies to undertakings with more than 50 employees, or to establishments employing at least 20 employees. This Directive introduces the information and consultation rights of the employees and it entails the workers' involvement by means of the communication of the main issues and drivers regarding the undertaking (economic situation, development of employment, substantial changes in work organisation or in contractual relations). The Directive applies whether or not the undertaking has a Community scale activity, so its implementation regards every big-size enterprise settled in each Member State of the EU.

One interesting occasion to involve the employees is the establishment of a European Company or a European Cooperative Society. In these cases a precise and deep set of provisions regarding the employee involvement has to apply. In this context not only I&C rights are ensured, but it is also possible to foresee deeper forms of participation in the decision making.

As we have seen before, both the Statute of the SE both the Statute of the SCE by means of Directives 2001/86/EC and 2003/72/EC entail the workers involvement. This can be guaranteed by the creation of a Works Council (permanent representative body), the establishment of I&C procedures or/and a board-level representation (participation).

As a consequence, the foundation of a SE or a SCE represents the maximum level of possibilities for the employees' involvement.

If it is true that some statements are mandatory (such as the creation of the Special Representative Body, a form of employees' involvement), the results of the agreement between the management and the workers' representatives are voluntarily (the only limitation is in the case of a transformation where the negotiations have to provide at least the same level of rights protection as the ones existing within the company to be transformed), and so the depth of the involvement depends on the quality of the negotiations.

In the case the parties so agree or the negotiation fails (respecting the other conditions), the Standard rules laid down by Members States have to apply.

Taking into account that usually the involvement agreement reflects the standard rules, it can be said that a minimum of protection has been settled down.

It is important to mention that the legal nature of the undertaking out of the SE or SCE can affect employees' involvement. For example, the cooperative form ensures the engagement of its shareholders. Traditionally, cooperatives have a specific governance model based on joint ownership, democratic participation and control by members. So by means of this particular model, the workers can be involved in the life of the undertaking, even though employees that are not shareholders may have a different status.

As seen before, in the EU scenario there are other several legislations regarding employee involvement in specific matters: Directive 75/129/EEC on collective redundancies, Directive 2001/23/EC on the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, Directive 2005/56/EC about the employees involvement in cross-border mergers of L.L.C. These provisions have to apply for cross-border undertakings that face particular issues.

With particular regard to the Facility Management field, we can notice that the greater part of the enterprises operating in the sector has less than 50 employees. This means that if there is no cross-border activity and they are not formed as cooperatives, these undertakings are not obliged to involve the employees by means of I&C or participation. From this point of view, it emerges that the best solution for a real employees' engagement is the constitution of a cooperative with workers members, or the foundation of an SE or an SCE if it is possible to identify a transnational dimension. The so called transnational factor is satisfied, in general, by the presence of at least two undertakings formed under the law of two Member States that have registered offices and head offices within the EU.

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