

The Position of Dutch Works Councils in Multinational Corporations

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The Position of Dutch Works Councils in Multinational Corporations

Marcus Meyer

1. The position of the majority of the examined Dutch works councils is solid. But works councils in Dutch, and especially foreign MNCs, do not always make use of their rights. Such underutilisation of existing rights adversely affects their position.
2. Especially works councils in foreign MNCs are not adequately consulted on several topics, which directly affects the company that maintains the works council.
3. A majority of corporate representatives in the supervisory organ of Dutch subsidiaries of MNCs results in an insufficient monitoring of management decisions.
4. Regular consultation, at least twice a year, between works council and supervisory organ is necessary for both the effective involvement of works councils in the decision-making process and the monitoring of managerial decisions by the supervisory organ. Such information provided by works councils is invaluable for an objective assessment of management decisions by the supervisory organ.
5. Given the lack of compliance with the requirements of the Dutch structure regime by a number of MNCs, it is for the legislator and the government agencies to ensure a strict enforcement of the legal requirements, such as the application of the structure regime, the presence of supervisory board members in consultation meetings and the composition of supervisory boards.
6. A stronger link is needed between employee participation measures and corporate governance aspects to ensure a consistent application and use of employee participation rights in practice.
7. The use of cross-border company mobility tools and the proposed ‘Company Mobility Package’ of the European Commission will likely have a profound impact on the position of Dutch works councils in MNCs. This needs to be addressed by the legislator and internally by works councils in MNCs.
8. The examples of good practice reported in this study are intended to aid stakeholders, in particular Dutch works councils, to ensure effective and tailor-made employee involvement in the decision-making process.

To be defended in public on Monday, 9th of April 2018, at 14:00 hours.