

PART TWELVE

INFORMATION AND DISCUSSION, POWERS OF THE TRADE UNION, EMPLOYEES' COUNCIL AND REPRESENTATIVES IN THE FIELD OF SAFETY AND HEALTH AT WORK

TITLE I

BASIC PROVISION

§ 276

(1) Employees in a basic employment relationship referred to in § 3 have the right to information and consultation. The employer is obliged to inform the employees and deal with them directly, unless he has a trade union, an employees' council or a representative for safety and health at work (hereinafter referred to as "employee representatives"). If the employer has more than one employee representative, the employer is obliged to fulfill the obligations under this Act towards all employee representatives, unless they agree between themselves and the employer on another method of cooperation. Information and consultation of employees shall take place at a level appropriate to the subject matter of the negotiations with regard to the authority and competence of the employees' representatives and the level of management.

(2) Employee representatives may not be disadvantaged or favored in their rights for the performance of their activities, nor may they be discriminated against.

(3) Confidential information means information the provision of which may endanger or damage the activities of the employer or violate the legitimate interests of the employer or employees. Information which the employer is obliged to communicate, discuss or publish pursuant to this Act or a special legal regulation shall not be considered confidential. The employer is not obliged to provide or discuss information on facts protected under special legal regulations ⁷⁸). The members of the trade union, the works council and the representative for safety and health at work are obliged to maintain the confidentiality of the information which has been expressly provided to them as confidential. This obligation continues even after the termination of the performance of their function.

(4) The provisions of paragraph 3 shall also apply to experts invited by the employees' representatives.

(5) If the employer requests the confidentiality of information which has been provided as confidential, the employees' representatives may request that the court determine that the information has been marked as confidential without reasonable reason. If the employer does not provide the information, the employees' representatives may request that the court decide that the employer is obliged to provide the information.

(6) Employee representatives are obliged to inform employees in an appropriate manner at all workplaces about their activities and about the content and conclusions of information and discussions with the employer.

(7) The employer is obliged to allow employees to hold elections of employee representatives. Elections are held during business hours. If the employer's operational possibilities do not allow it, the choice can also be made outside the workplace.

(8) For the purposes of the proceedings referred to in paragraph 5 and for the purposes of enforcing the fulfillment of obligations pursuant to Part Twelve, the Works Council shall have the capacity to be a party to civil court proceedings. The Chairman of the Staff or its authorized member shall act on behalf of the Staff Council.

(9) The employer is obliged to discuss with the employee or, at his request, with the trade union or the employees' council or the representative for safety and health at work, the employee's complaint about the exercise of rights and obligations arising from employment relationships.

§ 277

The employer is obliged to create conditions for the employees' representatives for the proper performance of their activities, in particular to provide them with a room with the necessary equipment according to their operational capabilities, to pay the necessary maintenance and technical operation costs and the necessary documents.

TITLE II

INFORMATION AND DISCUSSION

§ 278

(1) In order to ensure the right to information and consultation, the employer's employees may elect a council of employees, or a representative for the area of safety and health protection at work pursuant to Section 281.

(2) Information means the provision of the necessary data from which it is possible to unambiguously ascertain the status of the notified fact, or to comment on it. The employer is obliged to provide the information in sufficient time and in a suitable manner so that the employees can assess it, or prepare for the discussion and express their opinion before the implementation of the measure.

(3) Negotiation means negotiations between the employer and the employees, exchange of views and explanations with the aim of reaching an agreement. The employer is obliged to ensure the discussion sufficiently in advance and in a suitable manner so that the employees can express their opinions on the basis of the information provided and the employer can take them into account before the measures are taken. Employees have the right to receive a reasoned response to their opinion during the hearing.

(4) Employees have the right to request additional information and explanations before the implementation of the measure. Employees also have the right to request a personal meeting with the employer at the appropriate level of management according to the nature of the matter. The employer, employees and employee representatives are obliged to cooperate and act in accordance with their legitimate interests.

§ 279

Informing

(1) The employer is obliged to inform the employee about

- a) the economic and financial situation of the employer and its probable development,
 - b) the activities of the employer, its probable development, its consequences for the environment and its ecological measures,
 - c) the legal status of the employer and its changes, the internal organization and the person authorized to act on behalf of the employer in labor relations, the predominant activities of the employer marked with the code Classification of Economic Activities ¹¹¹) and changes in the subject of the employer's activities,
 - d) basic issues of working conditions and their changes,
 - e) matters to the extent specified in § 280,
 - f) measures by which the employer ensures equal treatment of employees and the prevention of discrimination,
 - g) the offer of vacancies for an indefinite period, which would be suitable for further employment of employees working for the employer in a fixed-term employment relationship,
 - h) safety and health protection at work to the extent specified in § 101 to § 106 para. 1 and § 108 and a special act ³⁷),
 - i) matters to the extent specified in the agreement establishing the European Works Council or on the basis of another agreed procedure for information and consultation at the supranational level or to the extent specified in Section 297 (5).
- (2) The obligations referred to in paragraph 1 letter. (a) and (b) shall not apply to employers who employ less than 10 employees.
- (3) The user (§ 307a) is also obliged to inform the temporarily assigned employees of the employment agency about the offer of vacancies.

§ 280

Discussion

(1) The employer is obliged to discuss with the employees

- a) probable economic development at the employer,
 - b) intended structural changes of the employer, his rationalization or organizational measures, measures affecting employment, especially measures in connection with collective redundancies pursuant to Section 62,
 - c) the latest status and structure of employees, the probable development of employment with the employer, basic issues of working conditions and their changes,
 - d) transfer pursuant to Sections 338 to 342,
 - e) safety and health protection at work to the extent specified in § 101 to § 106 para. 1 and § 108 and a special act ³⁷),
 - f) matters to the extent specified in the agreement establishing the European Works Council or on the basis of another agreed procedure for information and consultation at the supranational level or to the extent specified in Section 297 (5).
- (2) The obligations referred to in paragraph 1 letter. a) to c) do not apply to employers who employ less than 10 employees.

TITLE III

STAFF COUNCIL AND REPRESENTATIVE FOR SAFETY AND HEALTH AT WORK

§ 281

(1) It is possible to elect an employee council and a representative for occupational safety and health at the employer. The Staff Council has a minimum of 3 and a maximum of 15 members. The number of members must always be odd. The total number of occupational safety and health representatives depends on the total number of employer employees and the risk of the work performed; however, it is possible to appoint a maximum of one representative per 10 employees. The number of members of the employee council and representatives for occupational safety and health shall be determined by the employer after consultation with the election commission established pursuant to Section 283 (2).

(2) The term of office of the employees' council and the representative for the area of safety and health at work lasts 3 years.

(3) For the purposes of electing a representative for safety and health at work, the decisive number of employees of the employer in the employment relationship as of the date of submission of a written proposal for the announcement of elections.

(4) The Employees' Council shall elect a chairman from among its members at its first meeting and shall inform the employer and the employees thereof.

(5) If during the transfer of rights and obligations from employment relations with the current employer and the acquiring employer there are employee representatives, the accepting employer in the cases specified in § 279 and 280 fulfills obligations towards all, unless they agree otherwise with each other and the employer. Employee representatives shall carry out their duties until the expiry of their term of office. If, before the expiry of the term of office, the number of members of one of the staff councils has fallen to less than 3, the other staff council shall take over.

§ 282

(1) The Council of Employees and the function of the representative for the area of safety and health protection at work shall expire on the day of the expiration of the election period, unless otherwise provided in this Act.

(2) The Staff Council shall also expire on the day when the number of members of the Staff Council has fallen to less than 3.

(3) In the cases specified in paragraphs 1 and 2, the employees' council or representative for occupational safety and health shall hand over without undue delay all documents related to the performance of the function to the employer, who shall keep them for 5 years from the date of termination of the employees' council or representative for safety and health at work.

(4) Membership in the employees' council and the function of the representative for the area of safety and health at work ends on

- a) resignation,
- b) termination of employment with the employer,
- c) removal from office.

§ 283

(1) Elections shall be announced by the employer on the basis of a written proposal signed by at least one third of the employer's employees in an employment relationship no later than 3 months from the date of delivery of the proposal.

(2) Elections are organized by an election commission composed of at least 3, at most 9 employees of the employer. The number of members of the election commission shall be determined by the employer, taking into account the number of employees and the internal organization. The members of the election commission are employees in the order in which they are signed on the written proposal for the election of the staff council. The employer informs the employee about the composition of the election commission. He is obliged to provide the Electoral Commission with the necessary information and documents for the purposes of the elections, in particular a list of all employees.

(3) Electoral Commission

- a) in agreement with the employer, determine and announce the date of the elections at least 1 month before their holding and the deadline for the submission of nominations,
- b) draw up and publish election rules,
- c) compile a list of candidates from the proposals of the employer's employees,
- d) publish the document in good time before the elections,
- e) organizes and manages elections,
- f) decides on complaints about errors and deficiencies stated on the list of candidates,
- g) count the votes and draw up a written report on the results of the elections in duplicate; forward one copy to the elected employee council, or elected representatives for occupational safety and health, to the other employer,
- h) inform the employer and all employees about the result of the election.

(4) Elections are direct, equal and secret. The choice can only be made in person. The election requires the participation of at least one half of the employer's employees, who were able to attend the election because they were not prevented from doing so by an obstacle to work or a business trip. Each voter may vote for as many candidates as there are seats on the Staff Council; he can give only 1 vote to one candidate. If he does not follow these rules, his vote is invalid.

(5) All employees of the employer in an employment relationship have the right to vote and to be elected.

§ 284

(1) Candidates may be nominated by any employee of the employer in an employment relationship. The proposal is submitted to the Electoral Commission in writing and must be substantiated by the written consent of the candidate, no later than the deadline set by the Electoral Commission.

(2) Elections shall not be held if the election commission does not receive by the deadline for submission of nominations

- a) at least 3 proposals to the staff council,
- b) at least 1 proposal for the position of representative for safety and health at work.

(3) The members of the employees' council and representatives for the area of safety and health at work are elected to a predetermined number of candidates with the largest number of valid votes obtained. Candidates for other positions are alternates for these positions; they shall become members of the Works Council or representatives for safety and health at work on the day on which these posts become vacant, in the order of the number of valid votes cast in the elections. In the event of a tie, the election commission shall determine the order by lot.

(4) The protocol on the result of the elections shall be kept by the employer for a period of 5 years from the day of the elections.

(5) The provisions of paragraphs 1 to 4 and § 283 shall apply mutatis mutandis to the dismissal of a member of the employees' council or a representative for the area of safety and health at work.

§ 285

(1) Every employee of the employer in an employment relationship and the employer may submit a written complaint to the Electoral Commission for errors and deficiencies stated on the list of candidates and propose a correction, no later than 3 days before the day of the election. The Electoral Commission shall decide on the complaint and notify the complainant of its decision in writing by the day preceding the election. The commission's decision is final and is excluded from judicial review.

(2) Every employee of the employer in an employment relationship and the employer may, by filing a motion to declare the election invalid, seek protection in court pursuant to a special law ⁷⁹) if he considers that there has been a violation of the law which could significantly affect the election result. The proposal must be submitted in writing no later than 8 days from the date of the announcement of the election results.

(3) If the court has ruled that the elections are invalid, they shall be held no later than 3 months after the final election decision becomes final. The members of the electoral commission in repeated elections are employees pursuant to Section 283, Paragraph 2, to the exclusion of those employees who served on the election commission and who were candidates.

TITLE IV

SCOPE OF THE TRADE UNION

§ 286

(1) Trade unions are entitled to act in labor relations, including collective bargaining, under the conditions stipulated by law or agreed in a collective agreement.

(2) A body designated by its statutes shall act on behalf of the trade union.

(3) A trade union operates with the employer and has the right to act only if it is authorized to do so in accordance with the Articles of Association and at least 3 of its members are employed by the employer; under these conditions, only a trade union or its subsidiary organization may bargain collectively and conclude collective agreements if it is authorized to do so by the statutes of the trade union.

(4) The rights of a trade union at the employer shall arise on the day following the day on which it notified the employer that it meets the conditions pursuant to paragraph 3; if the trade union ceases to meet these conditions, it is obliged to notify the employer without undue delay.

(5) If there are several trade unions operating for the employer, the employer is obliged to fulfill these obligations towards all trade unions in cases concerning all or more employees, where this law or special legal regulations require information, discussion, consent or agreement with the trade union. organizations, unless they agree with them on another means of informing, discussing or agreeing.

(6) If there are several trade unions operating for the employer, the trade union of which the employee is a member shall act on behalf of the employee in labor relations in relation to individual employees. In an employment relationship, a trade union with the largest number of members who are employed by the employer acts on behalf of an employee who is not unionized, unless this employee determines otherwise.

§ 287

Information and discussion

(1) The employer is obliged to inform the trade union about

a) the development of wages or salaries, the average wage or salary and its individual components, including a breakdown by individual occupational groups, unless otherwise agreed,

b) matters referred to in § 279.

(2) The employer is obliged to discuss with the trade union

a) the economic situation of the employer,

b) amount of work and work pace (§ 300),

c) changes in the organization of work,

d) system of remuneration and evaluation of employees,

e) a system of training and education of employees,

f) measures to create conditions for the employment of natural persons, in particular minors, persons caring for a child under the age of 15 and natural persons with disabilities, including essential matters of employee care, measures to improve occupational hygiene and the working environment, social, cultural and physical education needs of employees,

g) other measures concerning a larger number of employees,

h) matters referred to in § 280.

TITLE V

ACCESS TO TRANSNATIONAL INFORMATION

§ 288

(1) Transnational information and consultation for the purposes of this Act means information and consultation concerning an employer or group of employers operating in the territory of the Member States of the European Union and the European Economic Area (hereinafter the "Member State") as a whole or at least two employers, or organizational units of the employer or group of employers located in at least two Member States. In assessing whether transnational information and consultation are involved, the extent of potential impacts and the level of management and employee representation shall also be taken into account.

(2) The right of employees of employers operating in the territory of a Member State to transnational information and consultation shall be exercised through an agreed procedure for transnational information and consultation or through the European Works Council. The procedure under the first sentence must be defined and implemented in such a way as to ensure its effectiveness and to enable effective decision-making by employers or a group of employers. The European Works Council shall be set up by agreement of the negotiating committee with its headquarters or in accordance with § 296. An employer operating in the territory of the Member States shall discuss, in particular to cover the costs of organizing meetings, interpretation,

(3) The obligation to provide transnational information and negotiations pursuant to this Act shall apply

a) to employers and groups of employers operating in the territory of the Member States with their registered office or place of business in the Czech Republic,

b) to organizational units of the employer with competence in the territory of the Member States located in the Czech Republic,

c) to the representatives of the employer or group of employers operating in the territory of the Member States pursuant to Section 289 (2), who have their registered office or place of business in the Czech Republic, unless otherwise provided in this Act.

(4) For the purposes of this Act, an employer operating in the territory of the Member States means an employer who has at least 1,000 employees in the Member States and 150 employees in at least 2 Member States.

(5) For the purposes of this Act, a group of employers operating in the territory of the Member States means several employers connected by one managing employer who meets the following requirements:

(a) has a total of at least 1000 employees in the Member States,

(b) at least 2 employers from a group of employers operating in the territory of the Member States have their registered office or place of business or an organizational unit located in 2 different Member States, and

(c) at least 1 employer from a group of employers operating in the territory of the Member States employs at least 150 employees in one Member State and another employer from a group of employers operating within the territory of the Member States employs at least 150 employees in another Member State.

§ 289

(1) For the purposes of this Act, a managing employer means an employer who may directly or indirectly manage another employer or another employer group of employers (managed employer). The legislation to which the employer operates in the territory of a Member State is decisive in determining whether he is a managing employer. Where an employer operating in the territory of the Member States has not been established under the law of a Member State, the law of the Member State in whose territory it has its registered office, place of business or representative of that employer shall be decisive in determining whether it is the managing employer, and if no representative is appointed, the law of the Member State in whose territory he has his registered office, place of business or the head office of the employer employing the most employees shall prevail.

a) may appoint more than half of the members of the administrative, management or supervisory body of that employer,

b) has a majority of the voting rights of that employer; or

c) owns a majority share in the registered capital of this employer,

unless it is shown that another employer in the group of employers has a stronger influence. If there are several employers in a group of employers who meet these requirements, the managing employer shall be determined according to these requirements in the order indicated in the third sentence. For this purpose, the voting and appointing rights of the managing employer shall also include the rights of any controlled employer and the rights of any person or body acting on behalf of the managing employer or the managed employer. However, an employer shall not be deemed to be a managing employer in relation to another employer in which he has a holding under Article 3 (5) (a), (a) or (c) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the "EC Merger Regulation").^{21a}

(2) For the purposes of this Act, the head office shall mean the employer with competence in the territory of the Member States and the managing employer in the group of employers with competence in the territory of the Member States. If the head office is not domiciled or is not located in a Member State, the representative appointed by the head office shall be deemed to be the head office for the purposes of this Act. If this representative is not appointed, the head office shall be considered to be the employer with the largest number of employees in the Member States.

(3) The information and consultation shall concern only employers established or located in a Member State, unless a wider scope is agreed.

(4) For these purposes, the number of employees shall be determined as the average number of employees during the previous 2 years from the date of application or commencement of negotiations by the headquarters pursuant to

§ 290 para. a European Works Council may be set up or another procedure may be arranged for transnational information and consultation, in particular information on the number of employees and their composition and on the organizational structure of the employer or group of employers.

(5) If the Arrangement on the European Works Council or the Arrangement on another procedure for transnational information and the negotiation or regulation of the Member State in which the head office is located do not provide for more favorable conditions, § 276 and § 278 para. 2 shall apply for the purposes of collective employee representation. to 4 by analogy, for members of the negotiating body, the European Works Council or the employees' representatives under another agreed procedure, as well as for employers. The provisions of Section 276, Paragraph 8 shall apply even if the head office has no registered office or is not located in the Czech Republic. Section 276 (4) shall apply to interpreters, translators, experts and advisers.

§ 290

(1) **The** Negotiating Committee shall be set up to negotiate on behalf of the staff with the headquarters an arrangement for the establishment of a European Works Council or another procedure for transnational information and consultation.

(2) Negotiations for the establishment of a negotiating committee shall be initiated by the headquarters on its own initiative or at the written request of at least 100 employees from at least 2 employers or employers' organizations located in at least 2 different Member States or at the written request of their representatives.

(3) **The** members of the negotiating body shall be employees of the employer or group of employers operating in the territory of the Member States. Employers of an employer from the territory of each Member State in which the employer or group of employers operating in the territory of the Member States has its registered office or organizational unit shall be represented by one member for every 10% of the total number of employees in all Member States.

(4) **The** members of the negotiating committee shall be appointed by the employees' representatives at a joint meeting on behalf of the employees in the Czech Republic. If no employees' representatives have been appointed or work for an employer, the employees of that employer shall elect a representative to take part in the joint meeting on their behalf. The distribution of votes at a joint meeting shall be determined in proportion to the number of employees for whom the employees' representative acts. If there are several employee representatives working for the employer, they act together for all employees of the employer, unless they agree otherwise. If a joint meeting is not required, the procedure shall be similar for the appointment or election of a member of the negotiating committee.

(5) The provisions of paragraph 4 shall also apply in the event that only an organizational unit of the employer with competence in the territory of the Member States is located in the Czech Republic.

§ 291

(1) **The** Negotiating Committee shall provide the employer and the headquarters with information on the members appointed and elected. The headquarters shall convene the constitutive meeting of the negotiating body without undue delay after receiving this information. Headquarters shall provide information on the composition of the negotiating body and the opening of negotiations to the relevant recognized European workers' and employers' organizations with which the European Commission discusses matters under Article 154 of the Treaty on the Functioning of the European Union. At the constitutive meeting, the negotiating committee shall elect a chairman. The negotiating committee shall have the right to meet in separate session before and after each meeting. If absolutely necessary, it may invite experts to the meeting.

(2) Unless otherwise provided in this Act, the negotiating committee shall adopt resolutions by an absolute majority of votes of all its members.

(3) Negotiations between the headquarters and the negotiating body, the European Works Council and the body providing for a different procedure for transnational information and consultation must be conducted with a view to reaching an agreement.

(4) **The** places and dates of joint meetings are the subject of arrangements between the negotiating committee and the headquarters. The headquarters of the employer informs about the place and date of joint meetings. The costs of the activities of the bargaining committee shall be borne by the employer.

§ 292

The negotiating body may decide, by at least a two-thirds majority of all its members, that the negotiations shall not be opened or that the negotiations begun shall be concluded. He shall draw up the minutes thereof, which shall be signed by the members of the negotiating committee who have adopted such a resolution. A copy of the minutes shall be sent by the committee to headquarters, which shall inform the employer and the employees or their representatives thereof. A new application pursuant to Section 290 (2) may be submitted no earlier than 2 years after this resolution, unless the headquarters and the negotiating committee agree on a shorter period.

§ 293

(1) The headquarters and the negotiating body may agree to set up a European Works Council or may arrange another procedure for transnational information and consultation. Sections 296 to 298 are not bound by this.

(2) The European Works Council may be extended to include representatives of the employer's employees from countries which are not members of the European Union, if the headquarters and the negotiating committee so agree.

§ 294

European Works Council established by the Arrangement

The arrangements for the European Works Council shall be in writing and shall include in particular:

- a) the** designation of all employers to which it applies,
- (b) the** method of establishment, composition, number of members and length of the term of office of the European Works Council; in so doing, account shall be taken of the representation of employees according to their activity and sex,
- c) the** place, frequency and duration of meetings of the European Works Council,
- d) the** tasks, powers and responsibilities of the European Works Council, headquarters and employers in exercising the right of employees to information and consultation, and, where applicable, the composition, conditions of appointment, tasks and rules of procedure of the Committee,
- e) the** method of convening meetings,
- f) the** method of financing the costs of the activities of the European Works Council,
- (g) the** means of liaising with the information and consultation of employees' representatives in accordance with national law; this does not affect the provisions concerning informing and consulting employees pursuant to Sections 279, 280 and 287,
- h)** provisions on the procedure for organizational changes,
- (i) the** duration of the European Works Council arrangement, the provisions on termination, the possibility of amending the arrangements, including transitional provisions, and the procedure for negotiating a new arrangement.

§ 295

Arrangements for a different procedure for transnational information and consultation

Arrangements for another procedure for transnational information and consultation shall be in writing and shall include in particular:

- a) the** subject of information and discussions of a transnational nature concerning important interests of employees,
- b) the** manner and provision of the possibility for employees' representatives to jointly discuss the information provided by the headquarters,
- c) the** manner and provision of negotiations with the headquarters or with another appropriate level of management,
- (d) the** means of liaising with the information and consultation of employees' representatives in accordance with national law; this does not affect the provisions concerning informing and consulting employees pursuant to Sections 279, 280 and 287,
- (e) the** procedure in the event of significant organizational changes.

§ 295a

If the arrangement pursuant to Sections 294 and 295 does not specify the methods of connection with informing and consulting employees in accordance with national regulations, the head office and the employer must provide transnational information and consultation on planned measures that could cause significant changes in work organization or contractual relations. all partner levels corresponding to the subject matter.

European Works Council established by law

§ 296

- (1) A** European Works Council pursuant to this Act shall be established if
 - a)** this is jointly agreed by the headquarters and the negotiating committee,
 - b) the** head office refuses to enter into negotiations for a period of 6 months from the submission of the employees' request pursuant to Section 290 (2) for the establishment of a European Works Council or other procedure for transnational information and consultation, or
 - c)** within 3 years from the submission of the request pursuant to § 290 para.
- (2) The** European Works Council shall be appointed from among the employees' representatives at a joint meeting. If no employees' representatives have been appointed or work for an employer, the employees of that employer shall elect a representative to take part in the joint meeting on their behalf. If the employer has more than one employee representative, the employees shall elect a joint representative from them to attend the joint meeting on their behalf. The distribution of votes at a joint meeting shall be determined in proportion to the number of employees represented.
- (3) Employers** of the employer from the territory of each Member State in which the employer or group of employers operating in the territory of the Member States has its registered office or organizational unit are represented by one member for every 10% of employees out of the total number of employees in all Member States.

§ 297

- (1) The** members of the European Works Council in the Czech Republic shall be appointed from among the employer's employees by the employees' representatives at a joint meeting. If no employee representatives have been appointed or work for an employer, the employees shall elect a representative to attend the joint meeting on their behalf. The distribution of votes at a joint meeting shall be determined in proportion to the number of employees for whom the employees' representative acts. If more than one trade union operates for the employer, § 286 para. 6 shall apply mutatis mutandis. If a joint meeting is not required, the procedure shall be similar for the appointment or election of a member of the European Works Council.

(2) The provisions of paragraph 4 shall also apply in the event that only an organizational unit of the employer with competence in the territory of the Member States is located in the Czech Republic.

(3) The names and surnames of its members and their employment addresses shall be notified by the European Works Council without undue delay to the headquarters, which shall forward this information to employers and employees' representatives, or to employees.

(4) The term of office of the European Works Council is 4 years. After 4 years from the inaugural meeting, the European Works Council shall vote on whether to negotiate with the headquarters in accordance with Sections 290 and 291, or whether to establish a European Works Council in accordance with this provision. Decisions shall be taken by the Council by a two-thirds majority of all members appointed. Sections 290 and 291 shall apply mutatis mutandis to negotiations.

(5) At least once a calendar year, the headquarters is obliged on the basis of a report prepared by it,

(a) inform the European Works Council of:

1. the organizational structure of the employer and his economic and financial situation,

2. the likely development of the activity, production and sales,

3. matters to be discussed with the European Works Council,

(b) discuss with the European Works Council

1. probable development of employment, investment and substantial changes in work organization and technology,

2. dissolution or termination of the employer, transfer of the employer or part of his activity, its reasons, significant consequences and measures against employees,

3. collective redundancies, their reasons, numbers, structure and conditions for determining the employees with whom the employment is to be terminated and the benefits to be paid to employees, in addition to the benefits resulting from legal regulations.

The headquarters will also send a message to the employer.

(6) If exceptional circumstances arise or decisions are to be taken which have a substantial effect on the interests of employees, headquarters shall inform the European Works Council without undue delay and, at its request, discuss the necessary measures with it. If a committee is established pursuant to Section 298 (2), the headquarters may deal with this committee. However, the members of the European Works Council who have been elected or appointed as the employer to whom the measure is to apply shall be required by the headquarters to take part in this hearing. Exceptional circumstances are understood in particular as:

a) dissolution, termination or transfer of the employer or part thereof,

b) collective redundancies (§ 62).

§ 298

(1) The headquarters shall be obliged to convene a constitutive meeting of the European Works Council without undue delay. At this meeting, the Board shall elect its Chairperson and his / her Deputy.

(2) The Chairperson and, in his absence, his deputy, shall represent the European Works Council externally and direct its day-to-day activities. The European Works Council shall set up a committee of up to five members, consisting of a chairman and other members, to ensure coordination of its activities. The members of the committee must be from at least 2 Member States.

(3) The European Works Council shall have the right to meet without the presence of the relevant senior staff to discuss the information forwarded to it by headquarters. The date and place of the meeting is the subject of an agreement with the headquarters. The proceedings of the European Works Council shall not be public. The European Works Council may call on experts if this is strictly necessary for the performance of its tasks. It may also invite senior staff to provide additional information and explanations.

(4) Unless otherwise provided, the European Works Council may take decisions if an absolute majority of its members is present; Decisions of the Board are taken by an absolute majority of votes of the present members of the Board.

(5) The European Works Council shall establish its rules of procedure, which shall be in writing and shall be adopted by a majority of all members of the Board.

§ 298a

Procedure for organizational changes

(1) If there are significant organizational changes in the structure of the employer or group of employers operating in the territory of the Member States, and if the European Works Council arrangement or other transnational information and negotiation procedure does not regulate the procedure in these cases, or the provisions of such arrangements are contradict each other, the procedure is similar to § 290 para. 2.

(2) If the procedure is similarly pursuant to Section 290 (2), each already established European Works Council or other established employee representatives shall appoint at least 3 additional members from among its members to the negotiating committee.

(3) Established European Works Councils and employees' representatives shall not cease their activities in accordance with another agreed procedure. If necessary, it shall adjust its activities through arrangements with headquarters. The work of the European Works Councils set up and the other procedure for transnational information

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and consultation shall end with the conclusion of a new arrangement with headquarters on the establishment of a European Works Council or other procedure. At this point, the previously concluded arrangements expire.

§ 299

The provisions of Sections 288 to 298a shall not apply to a European company and a European cooperative society, unless a special legal regulation provides otherwise ⁸²).

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