PROJECT SCORE

GUIDE FOR THE PARTICIPATION OF WORKERS AND THEIR LEGAL REPRESENTATIVES IN CORPORATE SOCIAL RESPONSIBILITY (CSR) POLICIES

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INTRODUCTION

In recent years the debate on the corporate responsibility of companies in the societies in which they operate has gained strength. In these times of long-term crisis, in which significant sectors of the public perceive the existence of important responsibilities of large companies and financial institutions, the regulated, recognised and legitimised exercise of corporate social responsibility becomes fundamentally important.

The scope of Corporate Social Responsibility (CSR) has been the subject of intense discussion for a long time in various fields of the economy, academia, society and labour. This discussion has gone hand in hand with great economic changes, with the internationalisation of the economy and the globalisation of trade and what this has meant. The emergence of transnational or multinational companies and their responsibility for human and labour rights, whose defence and surveillance was hitherto exclusively in the hands of States, forced an examination of the problem from the viewpoint of companies' responsibility on these issues. Accordingly, the internationalisation of the economy in recent decades has changed the system of relations between States and businesses.

In this context, the scope of corporate social responsibility has had two distinct approaches: the shareholders theory, which advocates that the only responsibility of business was to its shareholders and investors; and the stakeholders theory, which takes into account the interests of all stakeholders of a company (employees, consumers, shareholders, investors, governments, non-governmental organisations, local communities, etc.). The latter theory (currently the one in vogue) is an operational risk management model (labour, economic, environmental, etc.) that aims to safeguard corporate reputation by making the company's business compatible with the society in which it is operating.

Much of the discussion centres on whether public regulation of CSR is needed or if, by the contrary, it should be regulated by private and voluntary standards. Today, CSR is characterised by voluntariness, unilateralism and self-regulation through a process managed and led by the companies themselves.

In short and beyond the framework of obligations we understand need to be configured and the need for greater involvement of public authorities in this area, CSR must be translated into a form of management by companies aimed at incorporating the concerns, needs and expectations of the society in which they operate, as part of their business strategy, assuming the commitment to paying due attention to their actions with adequate transparency. The role of workers and their organisations within the company and outside, as an integral part of both spaces, is fundamental. Therefore, in addition to requesting the adoption of CSR policies and commitments to businesses, they must play a role in its implementation, follow-up, verification and communication. This aims at collaboration with the company in managing its impact on society and how to return benefits to it.

The company manages these impacts through management systems (ISO 14001, EMAS, OHSAS 18001, etc.). In this context, the role of workers and their representatives is to assist companies in improving the CSR system from within and from outside, as contacts with society, since the possibilities of dialogue are easier and more fluent.

To this end, this document offers guidance for workers' legal representatives to participate in the CSR policies in place at their companies.

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1. WHAT IS CORPORATE SOCIAL RESPONSIBILITY?

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It is the responsibility of enterprises for their impacts on society[1].

The ISO 26000 standard is one of the references available to company for implementing a CSR policy and it includes the following definition[2]:

"The responsibility of an organization for the impacts of its decision and activities on society and the environment, through transparency and ethical behaviour that:

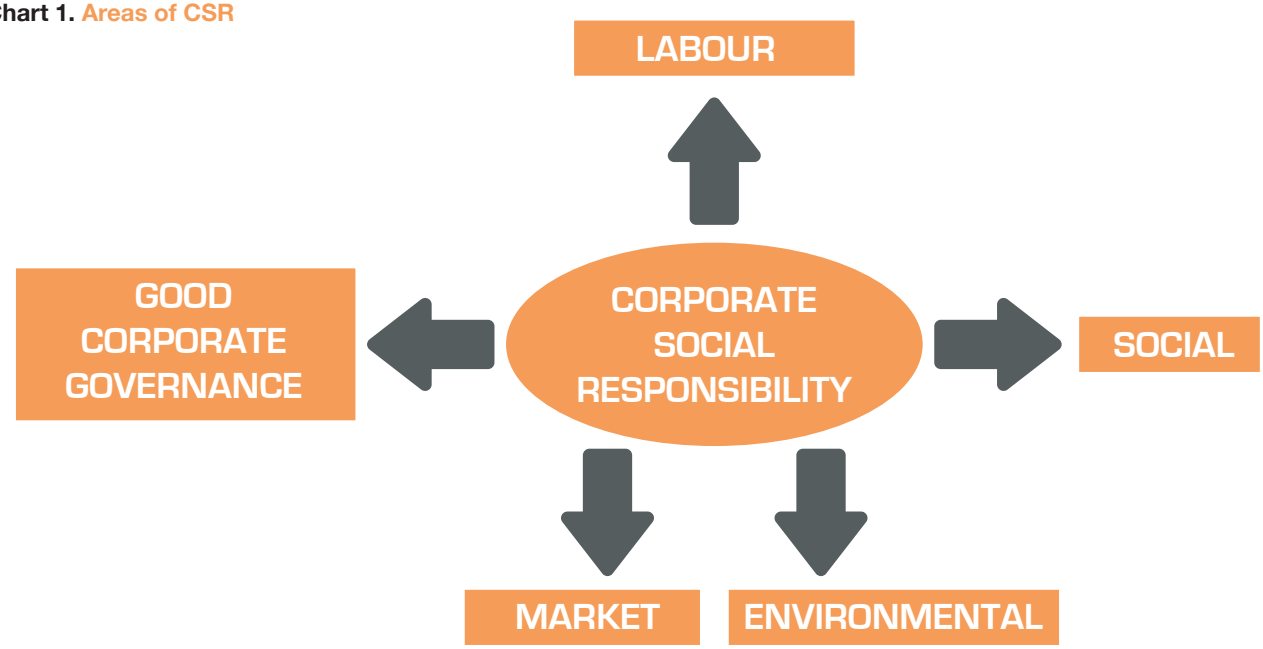
- Contribute to sustainable development, including the health and welfare of society.
- Take into account the expectation of stakeholders.
- Are in compliance with applicable law and consistent with international norms of behaviour.
- Are integrated throughout the organization and practices in its relationship".

Therefore, CSR:

1. Is implemented as a set of activities and practices to establish the relationship of the company with the societies in which it operates in two ways:
    - Manage the impacts on society and the environment.
    - Collaborate with the communities in which it operates. Multinational companies must also consider different interests, cultures, norms and representations.
2. It is a systematic process generally regulated voluntarily according to recognised standards (GRI reports, ISO 26000, UN Global Compact, etc.).
3. This process is designed to integrate social, environmental and ethical concerns, respect for human rights and consumer concerns into their business operations to:
    - Maximise the creation of shared values for all.
    - Identify, prevent and mitigate possible adverse consequences.
4. Corporate social responsibility goes beyond compliance with laws and regulations, since these are obligations to be fulfilled by any company. Therefore it begins if, previously, there has been compliance with applicable law and existing collective agreements by and between the social players under the laws of the countries where companies operate.
5. It must be translated into a form of company management that involves collaboration with society, incorporating its concerns as part of the business strategy (needs and expectations of stakeholders) and the undertaking to account for their performances with adequate transparency.
6. One important indicator of a company's CSR must be the quality of labour relations in place and compliance with labour standards. One cannot speak of a socially responsible company if, before any other consideration, it does not respect the labour rights of workers or fulfil collective agreements.

[1] Definition of the European Commission (COM (2011) 681 final "A renewed EU strategy 2011-2014 for corporate social responsibility")
[2] ISO 26000:2010, Guidance on social responsibility

Chart 1. Areas of CSR



EXAMPLES OF CORPORATE SOCIAL RESPONSIBILITY IN THE EUROPEAN UNION

Source: *http://blog.oxfamintermon.org/5-ejemplos-de-empresas-que-practican-la-responsabilidad-social/*

Ecover - Belgium

This company was incorporated in Belgium more than 30 years ago with the aim of producing phosphate-free detergents without petroleum by-products, using renewable raw materials.

The Ecover products carry the European eco-label, but the criteria applied by the company itself are stricter than those required by the certification. Since 2002 it has been publishing its detergent formulations in order to help the implementation of more stringent requirements.

http://es.ecover.com/

Harineras Villamayor- Spain

This was the first SME to enter the European Commission's database for its responsible practices. It has a stable employment rate close to 90% and promotes participatory democracy in the company's decisions. It pioneered the application of the Code of Good Governance for Spanish companies and adherence to the Global Compact of the United Nations in 2002. It has implemented an environmental management system compliant with the UNE-EN ISO 14001 standard and pays special attention to occupational hazards prevention.

http://www.harinerasvillamayor.com/

Gulpener Bier-Holland

Dutch company that makes beer. All the ingredients used are grown with organic methods in the geographic region where they are located and the production process is powered by solar energy. Farmers working for the company form a cooperative and cannot use pesticides. As compensation, their products are paid at a price 10% higher than the market. The company seeks to reduce its environmental impact at every stage of the production process.

http://www.gulpener.nl/

GM Spain

Company dedicated to the manufacture of vehicles. It has a staff of 5400 workers, more than 90% of whom have permanent contracts. Workers have a number of benefits for working at the company, including safety initiatives, an accident prevention programme and health care.

One of its objectives is to improve the working environment and maintain good relations with trade unions. The company collaborates with training centres, institutions and authorities and supports various social organisations through its Volunteer Programme thanks to the work of the company's employees. It holds the ISO 9001 quality certificate and, as far as the environment is concerned, it is certified as compliant with the EMAS, ISO 14001 and ISO 50001 standards and the factory in Saragossa has been certified as "Landfill Free" or "zero landfill". One of its latest initiatives is to prepare the implementation of a management system for the prevention of criminal risks.

http://media.gm.com/

Filo Diretto-Italy

An insurance company specialised in providing medical and care services. Counting on resources the company considered as high value for the community, it set up a non-profit organisation to assist the most underprivileged children in hospitals in Italy and Angola. The company spends 1% of its profits on this humanitarian task and promotes the donation of between 5 and 10% of its representatives' commissions to children's healthcare products.

https://www.filodiretto.it/

Dorf-Installateur-Austria

This Austrian company specialises in the installation of sanitary equipment and heating systems and is an example of integral corporate social responsibility:

- From the human point of view, it is committed to continuous training and motivation of its workers, organising open days for trainees interested in renewable energy and developing training projects that take into account worker satisfaction. It encourages collaborative work and fosters the development of its employees' skills.
- It participates and promotes training projects for children with disabilities. It also researches and develops environment-friendly heating systems through the use of renewable and alternative energy.

http://www.dorfinstallateur.at

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2. OBJECTIVES OF TRADE UNION PARTICIPATION IN CSR

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The objectives of trade union participation in CSR systems are:

1. Ensure economic, social and environmental sustainability as a guarantee of employment and working conditions.
2. Improve working conditions and labour relations.
3. Collaborate in the response the company should give to the needs and expectations of its stakeholders. In this context, stakeholders may demand or be interested in the opinion of the workers' legal representatives in relation to any matter affecting their interests.

The functions of this participation involve the following:

1. One of the major impacts of business activity is exerted on the workforce all along its value chain. The working conditions of people who directly or indirectly work for a company, respect for labour standards, occupational health and safety, the treatment given to underprivileged groups, hiring practices, staff training and formation, etc. are priority issues when assessing an organisation's CSR.

2. CSR within companies involves a number of issues and matters in which, from the perspective of social dialogue, interests are partly opposing and partly common or coincide. For this reason we must participate and engage in dialogue and collaboration with the employer.

3. Beyond the impact of business on workers, they and their legal representatives also have a special interest, since the views of civil society, investor groups and other stakeholders regarding corporate social responsibility and reputation can lead to guarantees or risks for the maintenance and sustainability of their jobs. Companies are increasingly under the scrutiny and monitoring of their various stakeholders and civil society in general. The perception they have of how a company behaves can give rise to a number of consequences related to:

    - Image and reputation.
    - Competitiveness.
    - Sources of funding and investment.
    - Relationships with customers, suppliers, public authorities, etc.

4. Workers, their legal representatives and their unions must demand and vindicate the adoption of CSR commitments and policies in companies and play a major role in their implementation, follow-up, verification and communication. It is a question of participating to contribute to and collaborate with the company in managing its impact on society and how to return benefits to it.

5. CSR means accommodating new social players who seek dialogue with companies on social and even labour issues in which, so far, this dialogue has corresponded to the trade unions. It is therefore necessary to strengthen CSR in business.

6. CSR can be an enriching element of collective bargaining by including elements that have traditionally been problematic, such as those related to the rights of information and participation in the organisation of work, and by introducing other elements that are not exclusive to trade unions.

7. Firmly addressing the issue of dialogue and relationship with other social players also provides an opportunity to try to redirect these processes towards a perspective of common good. In this sense, union participation, always with the premise of not endorsing false CSR processes, can be an opportunity to monitor and validate these participation processes. On the contrary, the absence of trade union participation in CSR could degrade even further processes with little credibility and precipitate or encourage other social players to take up the position occupied by trade unions.

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3. WORKERS AND THEIR REPRESENTATIVES AS STAKEHOLDERS

3. WORKERS AND THEIR REPRESENTATIVES AS STAKEHOLDERS

Stakeholders are individuals or groups who have an interest in any decision or activity of the organisation[3], i.e. they are groups on which the company has an impact along its entire value chain.

To fully assume their social responsibility, companies must implement, in close collaboration with stakeholders, a process to integrate social, environmental and ethical concerns, respect for human rights and consumer concerns in their business operations and basic strategy.

Stakeholders may represent general interests, i.e. affecting the whole society, such as environmental organisations like Greenpeace or consumer organisations, or proprietary or private interests, the scope of which is smaller, e.g. a local tourist organisation.

Unions combine a particular interest derived strictly from labour issues; however, they have a general interest arising from matters pertaining to or affecting citizenship.

One of the relevant stakeholders is the group of workers and their legal representatives, which calls for the inclusion of these issues in the social dialogue and, specifically, in collective bargaining.

Workers are direct stakeholders in these situations, by which they are affected at the workplace and, indirectly, as citizens, since they have the ability to represent and defend the general interests of society as a whole from within a company.

Typically, companies draw up a matrix of relevance, where stakeholders' needs and expectations and their relevance are determined.

Therefore, it is important to state our priorities, needs and expectations.

[3] Guidance on social responsibility.

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4. THE FRAMEWORK FOR TRADE UNION PARTICIPATION IN CSR

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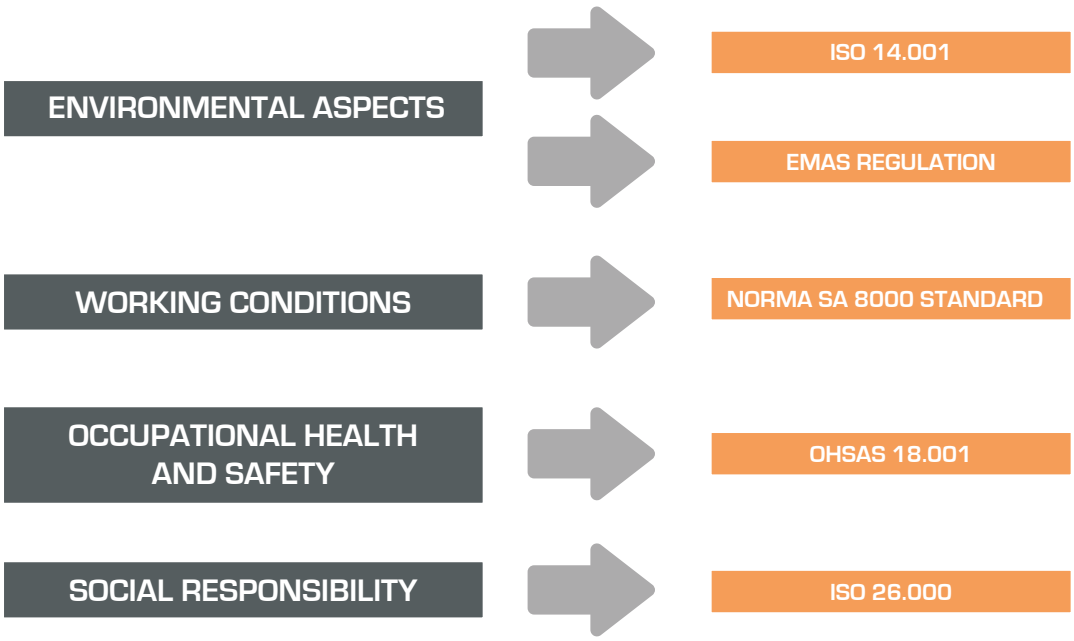
The framework for employee participation is set up for the matters that determine the impact of economic activities and how to manage them.

AREAS AND SUBJECTS OF CSR

- **LABOUR:**
  - Child labour, non-discrimination (race, ethnicity, gender, sexual orientation, etc.), freedom of association, work-life balance, recruitment, health and safety, etc.
- **SOCIAL:**
  - Impact on the environment and relations with society, social and gender equality.
- **ENVIRONMENTAL:**
  - Environmental impacts, resource consumption, etc.
- **MARKET:**
  - Consumers and users' rights, double standards of quality in products according to markets, value chain management, etc.
- **GOOD CORPORATE GOVERNANCE:**
  - Enterprise governance, transparency and information mainly towards shareholders and other stakeholders.

To manage their impact, companies implement management systems based on voluntary standards and regulations such as ISO 14001 (environmental management systems) or OHSAS 18001 (management systems, occupational health and safety) .

Chart 2. Correspondence between different areas and subjects of CSR and voluntary management standards.



To communicate the results of their CSR policies, companies have at their disposal a number of communication tools such as sustainability reports or reports prepared according to the Global Reporting Initiative (GRI) standard, etc.

> *Annex 4 contains a specific example (GM Spain) that shows the way companies understand their social responsibility, how they manage it through the implementation of management systems and how they communicate the results of their performance to their stakeholders.*

Trade union participation in this context would be determined by the legal framework of the EU and the Member States in relation to the powers and responsibilities of workers' representatives in matters related to CSR recognised in these laws.

On the other hand, since the companies usually manage CSR through voluntary initiatives such as those mentioned above, the requirements and obligations contained in these voluntary standards determine union participation.

Chart 3. The framework in the European Union for trade union participation in the company's CSR policies

- EU Green Paper on Corporate Social Responsibility
- EU Strategy on Corporate Social Responsibility

CSR

Definition:
"Responsibility of enterprises for their impact on society"

Characteristics:
- Top management
- Expectations of society
- Stakeholders
- Integration of social and environment responsibility

Scope:
- Decent work
- Occupational health
- Environment

COMPANY

ADHESION
- Global Compact
- ISO/EMAS Certification
- ILO Conventionts
- …

TOOLS
- ISO 26000
- OHSAS 18.000
- ISO 14.001
- EMAS Regulation
- SA 8.000

COMUNICATION
- GRI reports
- Sustainability reports
- Indicators

PARTICIPATION OF WORKERS´ REPRESENTATIVES:

- National and international legal framework
- Voluntary frameworks

Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community.

Directive 2009/38/EC on the establishment of a European Works Council or a procedure for informing and consulting employees in companies and groups of companies with a Community dimension.

Framework Directive 89/391/EEC on health and safety at work.

4.1Trade union participation in CSR from the powers vested in the legal representation of workers in current regulations

The first area that determines the framework of participation of workers and their representatives in CSR is established in current regulations.

Accordingly, the powers recognised for workers' legal representatives that legitimise them to participate in issues related to CSR may be contained in:

- The basic rules governing labour relations and establishing the rights of information, consultation and powers of the representative bodies of workers in the company. These rights of information, consultation and powers apply to various issues related to CSR, such as:
  - Economic issues, development of the business and impact on employment.
  - Environmental impact of the business.
  - Occupational health and safety at the company.
  - Application in the company of measures for gender equality, integration of people with disabilities, etc.
  - Application in the company of measures for work-life balance.

- Directive 2002/14/EC establishing a general framework for establishing the information and consultation of workers in the European Community
- Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure for informing and consulting employees in companies and groups of companies with a community dimension

Example Spain: Workers' Statute
Example Finland: Law on Cooperation in Companies
Example France: Labour code

- The specific laws on occupational hazards prevention: the extent to which workers' health and safety is protected contributes to the development of a socially responsible company. Therefore, another area that determines the participation of workers and their representatives in CSR is specific regulations on occupational health and safety, where a framework of rights to the consultation, participation and representation of workers is established in such matters.

- Framework Directive 89/391/EEC on health and safety at work.

- The specific rules on gender equality: one specific example is that of the powers granted to workers' representatives in the context of the equality plans many european companies have to develop.

- Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Directive 76/207/EEC on the implementation of the principle of equal treatment between men and women as regards access to employment, vocational training and promotion and working conditions.
- Directive 2004/113/EC establishing the principle of equal treatment between men and women in access to goods and services and supply

Union participation in CSR from the powers vested by current laws in Finland

The Finnish Act on Business Cooperation[4] gives staff delegates ample opportunities for information and consultation in the event of any changes at work. Legislation on staff representatives of workers in company management also offers ample opportunities to influence business decisions on CSR through their presence in the company's management bodies[5].

Traditionally in Finland, staff representatives on committees and administrative bodies are mainly trade unionists and may consult with their respective unions on CSR matters.

Some companies include staff representatives in their CSR bodies, but we assume that only a minority forms part of these bodies.

The Law on Health and Safety at work also covers certain aspects related to CSR[6], such as the Gender Equality Act[7].

Unions have a representative on the CSR Committee led by the Ministry of Employment and the Economy.

[4] http://finlex.fi/en/laki/kaannokset/2007/en20070334.pdf
[5] http://finlex.fi/en/laki/kaannokset/1990/19900725
[6] http://finlex.fi/en/laki/kaannokset/2002/20020738),
[7] http://finlex.fi/en/laki/kaannokset/1986/19860609

Union participation in CSR from the powers vested by current laws in Spain

Workers' Statute

Section 64.1 of the Workers' Statute (WS) provides that the works council is entitled to be informed and consulted by the employer on matters that could affect workers, as well as the situation of the company and the evolution of employment in it.

As set out in paragraph 3 of Section 64, the Works Council shall be entitled to be informed quarterly of certain issues that fall within the scope of CSR, such as:

- The general evolution of the economic sector to which the company belongs.
- The company's economic situation and the recent and probable development of its business, including environmental measures that have a direct impact on employment
- Statistics on the rate of absenteeism and the causes, occupational accidents and diseases and their consequences, accident rates, periodical or special studies on the working environment and the prevention mechanisms used.

It shall also be entitled to receive information, at least annually, on the application at the company of the right to equal treatment and opportunities for women and men, which will include information on the proportion of women and men at the different professional levels and, where appropriate, on the measures adopted to promote equality between women and men at the company and the establishment of an equality plan and its implementation (Section 64, paragraph 4).

Similarly, the Works Council shall be entitled to see the balance sheet, income statement, report and, if the company takes the form of a joint stock company or a company with equity interests, the other documents disclosed to partners or shareholders and in the same conditions.

In addition, as provided in Section 64.7, the Works Council will have the following powers:

a) To exercise the following:
   - Surveillance in compliance with existing labour laws and regulations on social security and employment, as well as other corporate covenants, conditions and practices in force.
   - Monitoring and control of health and safety in the work carried out at the company
   - Monitoring of compliance with and application of the principle of equal treatment and opportunities for women and men.

b) To participate, as determined by collective agreement, in the management of corporate projects in place at the company for the benefit of workers or their families.

c) To collaborate with the company to put in place measures to maintain and increase productivity and the environmental sustainability of the company if so agreed in collective agreements.

d) To collaborate with the company in the establishment and implementation of measures for work-life balance.

e) To inform workers on all matters and issues identified in this article regarding any direct or indirect impact they have or may have on labour relations.

Occupational Hazards Prevention Act

The extent to which workers' health and safety is protected contributes to the development of a socially responsible company. Therefore, one of the laws that determines the participation of workers and their representatives in CSR is the Occupational Hazards Prevention Act (Law 31/1995), which establishes a framework of rights to the consultation, participation and representation of workers in matters related to occupational health and safety. In addition, the employer must take into account the opinion of workers and their representatives when taking decisions and measures relating to health, safety and hazard prevention within the organisation.

Organic Law 3/2007 for the effective equality of women and men.

Equality plans

Another example is that of the powers recognised for workers' representatives in the context of equality plans established on the basis of Organic Law 3/2007 for the effective equality of women and men. The equality plan is an essential instrument for action at the workplace, specifically in companies, to achieve equal treatment and opportunities for female and male workers and to eradicate all forms of discrimination at work. It is defined as an ordered set of measures, adopted after a diagnosis of the situation, aimed at achieving equal treatment and opportunities for women and men at the company and at eliminating gender discrimination. It must set the equality targets that are to be achieved, the strategies and practices to be adopted to achieve them and the effective monitoring and evaluation of the said targets. To achieve the targets, it may include access to employment, collective bargaining and workers' rights of representation, professional classification, promotion and training, remuneration, organisation of working hours to favour, in terms of equality between women and men, the work-life balance and the prevention of sexual and gender harassment.

In this context, companies with more than 250 workers are required to develop and implement an equality plan, which they must first negotiate with workers' legal representatives. Companies with fewer than 250 employees are also required to develop and implement an equality plan when it has been established in collective agreements as applicable to them.

In any case, even though the plan has not been negotiated or despite it having been negotiated and an agreement not having been reached, workers' legal representatives have the right to information on the content of equality plans and the achievement of the targets set. Furthermore, the joint commissions on collective agreements vested with these powers are entitled to monitor the development of agreements on equality plans (Section 47).

Companies not required to develop and implement an equality plan are required to take measures to avoid any kind of labour discrimination between women and men. The said measures must be negotiated and, where applicable, agreed with workers' legal representatives.

4.2 Trade union participation through the voluntary CSR instruments implemented in enterprises

The second major element that determines the framework of participation of workers and their representatives in CSR is the voluntary standards implemented by companies.

Participation in this area is determined by two issues:

1. By recognition, in the standard applied by the company, of the participation of workers and their representatives as a requirement for its implementation and operation.

2. By the interpretation and application of the requirements provided in the voluntary standard based on the rights and powers awarded to workers and their representatives in labour or sectoral regulations.

Occupational health and safety systems OHSAS 18001

The first case refers, for example, to the OHSAS 18001 standard on occupational health and safety systems. It provides that both internal communication and the consultation and participation of workers are a prerequisite for the implementation and operation of the occupational health and safety management system implemented according to the methodology of this standard. The main objective of this requirement is to encourage the active participation of all workers in the organisation's decision-making in occupational health and safety.

According to the OHSAS 18001 standard, one or more procedures must be established, implemented and maintained to ensure the participation of workers for:

- Proper involvement in hazard identification, risk assessment and the determination of controls.
- Adequate participation in the investigation of incidents.
- Involvement in the development and review of occupational health and safety policies and objectives.
- Consultation when there is any change affecting occupational health and safety. The agreements reached must be documented and reported to stakeholders.
- Representation regarding occupational health and safety.
- Information about participation agreements and their representatives.

EMAS Regulation

Another similar case would be environmental management systems verified according to European Regulation 1221/2009 (EMAS Regulation), where the participation of workers and their legal representatives is explicitly recognised as a requirement of the management system.

1) The organisation must acknowledge that active employee involvement is a driving force and a prerequisite for the successful implementation of permanent environmental improvements and a key resource in the improvement of environmental performance, as well as the correct method for successfully including the environmental management and audit system in the organisation.

2) The term "employee involvement" includes the participation of individual employees and their representatives and the information provided to them. Therefore, there must be a programme of employee participation at all levels. The organisation must acknowledge that the commitment, interest and active support from managers is a precondition for the success of these processes. Accordingly, we must emphasise the need for mutual information between managers and employees.

Annex II of Regulation 1221/2009. Requisites of the environmental management system and additional issues to be addressed by organisations implementing EMAS

Environmental management systems ISO 14001

The second case raised includes environmental management systems certified according to the ISO 14001 standard. In this case, the rights and responsibilities of workers and their representatives come first of all from the application of the requirements of the standard and its interpretation according to the industrial relations framework and specific regulations on occupational health and safety.

However, this standard also raises a number of issues that refer implicitly to workers (internal communication, education and training, etc.).

Annex V of this guide offers guidelines for the participation of workers' legal representatives in environmental management systems

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5. PROPOSALS AND BEST PRACTICES FOR DIALOGUE AND TRADE UNION PARTICIPATION IN CSR

5. PROPOSALS AND BEST PRACTICES FOR DIALOGUE AND TRADE UNION PARTICIPATION IN CSR.

Social dialogue is essential when addressing CSR and the role of workers and their representatives in how it works. This dialogue includes the elimination and mitigation of conflicts in the company and at the workplace and the establishment of collaborative relationships between employers and employees.

The previous sections of this document discuss the importance of union involvement in issues related to CSR within companies, the reasons for this participation, the role workers and their representatives should play and the powers needed to intervene and participate in this area.

The following offers a number of guidelines and actions to effectively implement the dialogue between workers and company under the terms of collaboration and improvement through the mechanisms of information, consultation and participation provided in the aforementioned European and State standards.

Specifically, the proposal focuses on the following elements:

1. Inclusion of CSR clauses through collective bargaining and/or voluntary agreements.
2. Establishment of specific spaces for dialogue.
3. Knowledge of CSR tools in place at the company.
4. List of the company's stakeholders.
5. Participation and collaboration in the preparation of draft reports or sustainability reports.
6. Education and training in CSR.
7. Preparation of the trade union CSR Report.
8. Request to the company for resources to publish the trade union assessment of corporate CSR.
9. Dialogue and relationship with other corporate stakeholders.

1. Collective Bargaining and Social Responsibility

In order to consolidate the participation of workers' legal representatives and strengthen the channels for communicating information on CSR, it is important to incorporate specific clauses in collective agreements or voluntary agreements that record the relevance of such union participation.

I GENERAL AGREEMENT FOR OFFICES IN THE GAMESA GROUP

Chapter XV: Corporate Social Responsibility

Section 45. Corporate Social Responsibility

The Company›s contribution to sustainable development is implemented through social responsibility principles and practices that address the needs and expectations of its stakeholders.

True to the business objective of generating wealth and welfare for society, the Company adopts responsible corporate ethics set out in its Corporate Social Responsibility Policy.

In this framework, the company recognises workers› representatives as an important stakeholder group and opens the commitments made in its CSR policy to the frameworks for social dialogue established in this agreement.

XVIII GENERAL AGREEMENT OF THE CHEMICAL INDUSTRY

Section 69. Corporate Social Responsibility

The signatory organisations of this Collective Agreement understand that it is positive that companies have voluntary commitments to the balanced integration of principles relating to economic growth, environmental protection and social equality.

This area of corporate social responsibility, understood as all the actions and initiatives that occur in the economy, labour, society or the environment, adopted voluntarily by companies as those that go beyond mere fulfilment of legal obligations, includes this Agreement and any other agreements or regulations.

Initiatives on corporate social responsibility companies decide to implement are guided by transparency as a condition of their credibility and by consideration of their entire value chain.

If actions or initiatives in corporate social responsibility are performed at the workplace, they must report periodically on them and their development to workers' representatives, indicating their possible impact on working conditions.

Specific clauses must be agreed concerning workers' participation in:

- The processes for implementing corporate social responsibility tools [ISO 26000 standard, Global Reporting Initiative (GRI), etc.].
- The preparation of documents related to CSR.
- The development of mandatory reports on them.
- The introduction of labour, economic, social and environmental indicators.

2. Establishment of specific spaces for dialogue

It is important to establish specific forums for dialogue on CSR at companies where union participation is made possible, especially at those in which such policies are published.

It is possible to take advantage of the existence of joint bodies of participation, such as the Committee on Health and Safety or the Environment Committee, or request the establishment of a specific joint body in this area, which could have the name of Corporate Social Responsibility Committee.

It is also possible to request recognition of powers in this area for members of the Works Council, staff representatives, prevention representatives, environment delegates or consider the recognition of the delegate for corporate social responsibility.

3. Knowledge of CSR tools in place at the company

One main aim must be the training and education required to make an independent assessment of the company's social responsibility and be able to participate, monitor and verify the policies and commitments the company has assumed to address this responsibility. It is essential to be familiar with and use the various instruments and tools in place at the company that enable the intervention of workers' legal representatives.

Identification matrix of CSR tools in place in a group of companies

	ISO 14001	EMAS	GRI	OHSAS 18001	SA 8000	SUSTAINABILITY REPORT
REPSOL	*YES*	*NO*	*YES*	*YES*	*NO*	*YES*
INDITEX	*YES*	*NO*	*YES*	*YES*	*NO*	*YES*
GAMESA	*YES*	*NO*	*YES*	*YES*	*NO*	*YES*
MSD	*YES*	*NO*	*YES*	*YES*	*NO*	*YES*
MICHELIN	*YES*	*NO*	*YES*	*YES*	*NO*	*YES*

4. Relations with the company's stakeholders

It is essential to meet information requirements to understand the company's value chain and the impact of its responsibility in the said chain. It is therefore important for workers' representatives to know who the company's stakeholders are and their opinions and demands.

Annex II contains a template for applying to the company for this information.

After consolidating participation in this area, it is important for workers' legal representatives to take part in the process of identifying stakeholders and in assessing the relevance of their needs and expectations as considered by the company.

5. Participation and collaboration in the preparation of draft reports or sustainability reports

One goal must be to ensure participation and validation by union representatives regarding the information generated and published by the company on corporate social responsibility. In particular, access must be provided, at an early stage, to the draft reports or sustainability reports in order to check the accuracy of the information and incorporate the union's point of view. It must also be possible to participate in the design of it and negotiate the inclusion of appropriate indicators in relation to the business of the company in question. .

Annex III contains a template for submitting this application to the company.

6. Training and skills

The company must be asked for training on issues related to CSR. To do this, it may be suggested to include such training in the annual training programme designed by the company. Union representatives must form part of its design and implementation.

TEMPLATE APPLICATION FOR INCLUSION OF TRAINING COURSES ON CORPORATE SOCIAL RESPONSIBILITY AND THE ENVIRONMENT IN THE COMPANY'S TRAINING PLANS

Given the social and environmental impact of the business carried on by the company ....., the relevant number of initiatives and activities implemented by the Company in corporate social responsibility, as well as the existence of an environmental management system implemented according to ISO 14001 (where applicable), awareness-raising activities and staff training on these issues should be strengthened. Accordingly, the aim is to seek maximum worker involvement to meet the challenges and objectives established by the Organisation in this area.

To this end, workers' legal representatives ask Management to include courses on Corporate Social Responsibility and the environment in the company's training plans.

7. Union CSR report

Trade union participation in CSR must focus, ultimately, on making an independent assessment of compliance with commitments assumed by the company in CSR and, in particular, on issuing a union report.

The starting point for this union report should be the union assessment of the report or sustainability report issued by the company.

For this purpose, a checklist[8] is provided below to facilitate the task:

[8] The checklist is based on the CES informative guide on Corporate Social Responsibility, available at the following link: http://www.ccoo.es/cms/g/public/o/7/o59892.pdf

CHECKLIST FOR TRADE UNIONS REGARDING SUSTAINABILITY REPORTS

1. ***Overall assessment of the sustainability report***
   - What issues are included in the report?
   - Does it contain appropriate information regarding the company's impact?
   - Does it report on what is really important? What information is missing?
   - Does it cover all the organisation's impacts? Along the whole supply chain or only direct impacts?
   - Is there an adjusted view of the organisation's impact? Is it a compilation of "good news" but void of any negative impact?
   - How was the matter being reported determined? Was the trade union consulted?
   - Does it include issues or matters of importance for trade unions? Indicators of employment, accidents, occupational health and the environment, etc.
   - Does it include local information?
   - Does it exclude conflictive issues regarding the company's business and impact?
   - Does it include the supply chain?
   - What languages is it published in?
2. ***Scope and limits of the report***
   - Does it include information on areas where the company is failing?
   - Does it include information relevant to the union?
   - What are the limits of the report?
   - What language is it published in?
   - Does it address the supply chain?
   - Does it address workers in the supply chain?
   - Does it address the value chain?
3. ***Stakeholders and relevance analysis***
   - How did the company decide on the issues to be included in the report?
   - Was there any evaluation of the relevance?
   - Who was involved?
   - Is there a correct identification of stakeholders? Does it describe your expectations?
   - Was the union consulted?
   - How were the issues of the report prioritised?
4. ***Measurement and objectives***
   - Is the information from previous years available?
   - Is absolute measurement combined with relative measurement?
   - Is there a forecast of targets?
   - Does it contain measurable targets?
   - Has a deadline been set for the targets?
   - Are the targets linked to relevant issues?
   - Do the targets combine absolute, relative and contextual measurement?
5. ***Supervision and auditing***
   - Who is involved in the supervision process?
   - Is the union involved?
   - Has the report been audited?
   - Who has audited it?
   - Is the union›s assessment included in the report?

8. Request to the company for resources to publish the trade union assessment of corporate CSR.

Workers' knowledge of the corporate social responsibility (CSR) policies developed by the company is essential for them to collaborate with the company in their implementation, verification and communication to stakeholders and society in general.

Accordingly, it is necessary to first of all cover workers' information requirements, which will result in the effectiveness of these policies and their improvement.

Their legal representatives at the company must have access to information on its CSR policies and have the necessary means to communicate and provide the staff with the relevant information, as well as the valuation they make of the scope and contents expressed in the policies and documents published by the company in this area.

To this end, workers' legal representatives must apply to the management of the company for the resources needed to provide workers with the relevant information on these matters in order to collaborate with the company on the development and implementation of its CSR policies and the communication of said policies to society.

This request can take the form of:

- A specific space on the company intranet
- The insertion of union news and assessments in newsletters or internal company publications.

9. Dialogue and relationship with other corporate stakeholders

Consideration must also be given to the possibility of addressing the dialogue and relationship with other social players interested in the company's social responsibility.

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6. TRADE UNION EXPERIENCES OF PARTICIPATION IN CORPORATE SOCIAL RESPONSIBILITY POLICIES: THE EUROPEAN PROJECT SCORE

6. TRADE UNION EXPERIENCES OF PARTICIPATION IN CORPORATE SOCIAL RESPONSIBILITY POLICIES: THE EUROPEAN PROJECT SCORE

ISTAS and CCOO de Industria, jointly and in cooperation with the Finnish union PRO, developed the European Project SCORE 2014-2016, funded by the European Union through the Call for support for European social dialogue.

Its main purpose was to develop proposals to promote and foster the training and participation of workers and their legal representatives in the corporate social responsibility policies (CSR) implemented and developed in enterprise.

Accordingly, a training schedule was implemented in CSR, overseeing an experience of participation in this matter with representatives of the works councils at the selected companies.

The experience to be implemented at each of the selected companies depended on the peculiarities of each one, but it was generally related to, among others, the following:

- Determination of the key elements of CSR of each company.
- Access to information on CSR generated by the company.
- Analysis of the company's value chain.
- Independent assessment of CSR policies developed by the company.
- Actions aimed at creating a stable framework for dialogue on these issues.
- Participation of workers' legal representatives in environmental management systems in place at enterprises.
- Development of proposals for improving CSR policies implemented in the company and their publication.

The ultimate goal of the experience was to develop a set of guidelines that could be replicated by workers and their representatives in the framework of the CSR of European companies. In short, what was intended with the implementation of Project SCORE was to contribute to the implementation at company level of the work unions have been developing in different areas related to CSR.

The following are some of the specific results achieved by workers' legal representatives participating in Project SCORE at their companies:

SPAIN

At GAMESA, a CSR clause has been included in the recently negotiated 1st General Agreement for Offices, with explicit powers for the participation of workers' legal representatives (WLR) in this area. The inclusion of this article enables WLR to confirm their position in law as a recognised and relevant stakeholder group, which enables their active participation in this matter.

Michelin Spain and Portugal has established a framework of permanent dialogue and transmission of information with the management of the company and has drawn up a work plan on CSR that was presented and approved by the executive of the union section. The objectives set forth in this Plan include performing a union analysis of the company's sustainability report on an annual basis.

At Inditex, the Group's management made a commitment to establish, as a pilot experience, two joint Environmental Committees: one which encompassed 10 manufacturing work centres; and another committee at a logistics centre.

It has also managed to include training in the environment and CSR in the Inditex group's annual training programme.

At Repsol, where there have been recent changes in this area and the CSR manager had been replaced, a first meeting was held with the new manager to consolidate the future of the work that had been developed in this area for several years by the trade union's CSR Committee in this business group. At work centre level, it was decided to set up a meeting with the union section of the refinery in Puertollano (Ciudad Real) to establish a work plan on environmental issues.

For its part, at MSD Animal Health, it was decided to work on the implementation and improvement of the Equality Plan, defining the figure and powers of the Equality Officer and informing workers of the scope and content of the Plan, developing a specific information campaign to run until the end of 2016.

FINDLAND

Metsä Tissue, which is a part of the large Metsä Group, has started discussions on the Code of Conduct, but this time with Management. This Code of Conduct shall be for the whole Metsä Group.

Konecranes have already had a good start with employee participation and their CSR manager is keen to have employees involved. They also have continued talks in their EWC.

Tikkurila discussed with Management and will continue planning how to go forward. TIkkurila does a lot for CSR issues, but it is still unclear how employees could be involved in the process. They are involved by taking part in questionnaires and by providing information about codes of conducts, etc., but employees are not really a part of discussions.

Stora Enso will hold discussions about the GFA (Global Framework Agreement) and may be the first Finnish company to obtain it. The EWC meeting discussed the GFA draft and CSR issues in general. The overall opinion was that employees would like to talk about CSR issues in more detail and not only listen.

Valmet employees also had a discussion with Management and the EWC will continue as the plan is to get employees more involved. Employees have not been involved in drawing up papers; they have been directed to intranet training and been given a leaflet. All of this happened in spring 2015. Before that they had not heard hardly anything. Employees have had no participation in drafting CSR guidelines at the company. There was a wild guess that CSR issues will become increasingly important because customers' awareness is growing.

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ANNEXES

ANNEX I. TEMPLATE LETTER FOR IDENTIFYING THE TRADE UNION AS A STAKEHOLDER

For the attention of company management:

The impact on society and the reference to the social and environmental issues involved in the concept of corporate social responsibility (CSR) help clarify an essential approach for considering and developing CSR policies, such as stakeholders.

Stakeholders are individuals or groups with an interest in any of the organisation's decisions or activities, i.e. they are the groups affected by the impact of a company along its value chain.

To fully assume their social responsibility, companies must implement, in close collaboration with stakeholders, a process to integrate social, environmental and ethical concerns, respect for human rights and consumer concerns in their business strategies and operations.

One of the key stakeholders is the collective of workers and their legal representatives, which calls for the inclusion of these issues in the social dialogue and collective bargaining process.

However, beyond the impact of business activity on workers, they and their legal representatives also have a special interest, given the views of civil society, investor groups and other stakeholders in relation to corporate social responsibility and reputation, in thecreation of risks or guarantees for the maintenance and sustainability of their jobs.

Indeed, companies are increasingly under the scrutiny and monitoring of their various stakeholders and civil society in general. The perception they have of how a company behaves can give rise to a number of consequences related to:

- Image and reputation.
- Business development and job creation.
- Sources of funding and investment.
- Relationships with customers, suppliers, public authorities, etc.

Therefore, CSR must be fully incorporated into the Social Dialogue and the parties must be open to collaboration and participation by workers and their representatives.

The social dialogue between enterprises, workers' representatives and the organisations that represent them, in their different fields of action, is based on the recognition that both sides have common interests on many issues (economic, social, political, etc.).

It is a very effective tool for developing policies and solving conflicts that meet the priorities of both parties. In addition, social dialogue can play an important role in accountability, managing and communicating the impacts caused by a company's business on society.

In addition to requesting the adoption of CSR policies and commitments, workers, their legal representatives and their unions must play a role in its implementation, follow-up, verification and communication. This aims at collaboration with the company in managing its impact on society and how to return benefits to it.

Given the above, it is essential for consideration to be given to the needs and expectations of trade unions, as stakeholders, by companies as part of their corporate social responsibility at the territorial level at which they operate.

To do this, through this letter, the legal representatives of CCOO at the company ..... request the establishment of a permanent dialogue with our trade union organisation in the territory of ....., as from its identification as a stakeholder in order to meet its needs and expectations in the area of the company's social responsibility policy

Yours sincerely,

Date

Signature

ANNEX II. TEMPLATE FOR THE APPLICATION FOR THE LIST OF STAKEHOLDERS IDENTIFIED BY THE COMPANY IN THE SCOPE OF ITS CSR POLICY

The concept of corporate social responsibility established by the European Commission is the responsibility of the company for its impact on society. This implies, therefore, knowing and understanding the broader expectations of the latter and trying to serve them properly.

Therefore, CSR must be translated into a form of company management that involves collaboration with society, incorporating its concerns as part of the business strategy and the undertaking to account for its performance with adequate transparency.

In this context, stakeholders are individuals or groups who have an interest in any of the organisation's decisions or activities. In other words, they are the groups affected by a company's impact on society, according to the above-mentioned definition. Therefore, identification, involvement and dialogue with stakeholders is key to company development under its CSR policy.

In this context, stakeholders may demand or be interested in the opinion of the workers' legal representatives in relation to any matter affecting their expectations and interests.

Accordingly, it is necessary for the workers' representatives to know in advance who the stakeholders identified by the company are in order to collaborate with the company in the response due to their expectations.

Therefore, Mr/Ms ....., legal representative of CCOO at the company ..... hereby asks the company management to provide the list of stakeholders identified by the company in the context of its corporate social responsibility policy.

Yours sincerely,

Date

Signature

ANNEX III. APPLICATION FOR THE DRAFT REPORT OR SUSTAINABILITY REPORT

For the attention of company management:

The impact of the company's business on society and the opinion of its various stakeholders on social responsibility may have a number of consequences on its reputation that may lead to guarantees or risks for the maintenance and sustainability of jobs.

Therefore, the corporate social responsibility policies must be fully incorporated into the social dialogue and open to the participation of workers and their legal representatives so that they can collaborate with the company in the implementation of the said policies, their verification and communication to civil society and stakeholders.

Accordingly, it is important to ensure this participation in information about CSR generated and disseminated by the company to society in general and its various stakeholders.

Therefore, ……, legal representative of CCOO at the company, hereby asks to be provided at an early stage with the draft reports or sustainability reports prepared by the company in order to assess and collaborate on the contents thereof.

Yours sincerely,

Date

Signature

ANNEX IV. DESCRIPTIVE ARTICLE OF CSR AT THE COMPANY

"GM Spain to launch a criminal risk prevention management system"

Source: Eva Sereno. http://www.eleconomista.es/aragon/noticias/7697885/07/16/GM-Espana-pondra-en-marcha-un-sistema-de-gestion-de-prevencion-de-riesgos-penales.html

The company has begun work on its development to meet the demands of society and anticipate legal requirements.

The measure was announced by the CEO of GM Spain, Antonio Cobo, in the presentation of the 2015 Corporate Social Responsibility report, which includes the main actions carried out by the company.

In this report, Antonio Cobo states that it has begun work on developing a criminal risk prevention management system in order to "prevent situations that might escape the mechanisms that ensure our integrity."

Furthermore, it is a measure "in line with the demands of society" and with which the company anticipates legal requirements.

The CEO of GM Spain defines the year as one of "responsibility" because "we have faced important challenges in which we have been able to show our passion, commitment and good work, and I am proud to say that we have fulfilled. Furthermore, we have done so responsibly with regard to our employees, customers, parent company and society".

This year, in which GM Spain has had to face the launch of three vehicles, making the Opel Mokka in Saragossa and continuing to work on ensuring financial profitability, the company has maintained its commitment to Corporate Social Responsibility.

As specified in the report, the priority has been safety, which has materialised through different actions, such as 'Speak Up for Safety' and 'Safety: it's personal, make it yours.'

It has also been a year of consolidation for the company as it has advanced in different areas of social responsibility, such as maintaining employment and improving the working environment, evidenced by the second survey and healthy relations with unions.

With a workforce of around 5400 workers and more than 90% of the permanent workforce with open-ended contracts, employees have a number of benefits for working at the company, safety initiatives and accident prevention and a healthcare programme, in addition to an efficient human resources policy.

In terms of employment, he highlights the agreement the company signed with the INAEM to carry out a selection process and training programme that will provide candidates with official certification as a "mechanical and parts assembly fitter" and enable the hiring of 1400 employees from now until 2018.

In addition, the company has maintained partnerships with training centres, institutions and authorities and has supported various social organisations through its Volunteer Programme thanks to the work of the company's employees.

In turn, this year it has again achieved certification as compliant with the ISO 9001 and ISO 9004 standards, whereas in environment, it has maintained the EMAS, ISO 14001:2004 and ISO 50001:2011 certifications and the Saragossa factory has been certified as a "Landfill Free" or "zero landfill" plant. It was also awarded the Sello de Oro Aragón Empresa (Gold Seal Aragón Enterprise) by the Government of Aragón through the Aragonese Development Institute (IAF - Instituto Aragonés de Fomento).

ANNEX V. GUIDELINES FOR WORKERS' PARTICIPATION IN ENVIRONMENTAL MANAGEMENT SYSTEMS

Notice: Standard ISO 14001:2015 replacing the 2004 version was recently approved. Companies have a three-year period to adjust their conditions to the new requirements (until September 2018).

This is a perfect context to begin or reinforce trade union participation in environmental management systems.

BACKGROUND

Workers' participation is an essential factor for environmental management systems' successful operation and implementation. EMAS Regulation explicitly recognizes this aspect in Annex II and includes workers' participation in the implementation and operation of the management system.

A study on the implementation of ISO 14001[9] conducted several years ago revealed that two of the main causes of implementation failure were the lack of workers' implication/training, and the lack of company flexibility to changes. Both aspects are related to internal and organizational issues.

In order to prevent inefficiency of an environmental management system it is necessary to adequately respond to issues of human capital, changes in practices, procedures and work organizations.

Implementing and maintaining an environmental management system requires:

- Workers' knowledge about environmental policies, as well as the objectives, necessary and procedures and actions that involve their application
- An active commitment to achieve the company's environmental goals

Workers and their representatives play a significant role in the process.

Environmental management at workplaces affects a number of activities and functions and is eventually part of a company's general management, the quality of products and services, and health and safety policies. Workers' participation in these policies is covered by different regulatory frameworks, especially by environmental and health and safety regulation, and by some voluntary standards.

The social dimension of CSR in companies participating in Project SCORE is managed for the most part through environmental management systems implemented in those companies.

There must be a priority intervention area for workers to collaborate with the company's environmental sustainability efforts.

Such participation must be integrated in the framework of labour relations. One of the main objectives is the inclusion of workers' environmental competences and powers in collective bargain or company agreements.

That is why participation in environmental management must be supported by the recognition of environmental competences and powers of workers' representatives.

[9] Actitudes de las empresas industriales españolas hacia el Medio Ambiente: factores de influencia. Jesús Ángel del Brío. 1999. Universidad de Oviedo.

In the case of non-acceptance of a proposal by the company, regulation has specific provisions on workers' participation in various issues affected by environmental management systems.

Regardless of the competences and powers workers may achieve through collective bargain, national regulation of countries that participate in the project, recognize their authority in certain areas that include environmental aspects.

Workers' environmental management rights are a result of the implementation of requirements of ISO14001-common requirements with EMAS- and their interpretation according to labour relations and health and safety rules in each participant country.

We have previously mentioned that the successful implementation and operation of environmental management systems requires the full implication of workers.

The programming and development of activities can only be carried out successfully if they include the expertise and experience of those who are directly involved in production/service.

Employees are in fact the key players in a significant number of activities of the management system.

ISO 14001 includes a series of requirements directly associated with workers' implication in the environmental management system:

- Resources, functions, responsibility and authority.
- Competence, training and awareness.
- Internal communication through different organizational levels and functions.
- Operational control.
- Preparation and response to emergencies.
- Non-conformity, corrective and preventive actions.

WORKERS AND THEIR REPRESENTATIVES AS INTERESTED PARTIES IN ENVIRONMENTAL MANAGEMENT SYSTEMS. SAMPLE OF WRITTEN REQUEST TO BE SUBMITTED TO COMPANY MANAGERS

Both ISO 14001 and EMAS Regulation define interested parties as individuals or groups, including authorities, concerned or affected by the environmental performance of an organization.

Workers and their representatives may undoubtedly be affected by companies' environmental performance (changes in work organizations, sanctions for non-compliance with environmental regulation, etc.) and must be recognized as interested party (stakeholder).

Workers and their representatives must be recognized as internal interested parties whereas their respective organizations must be recognized as external interested parties.

Such recognition implies among other aspects that the organization/company needs to:

- Demonstrate and substantiate the existence of dialogue and communication with external and internal interested parties.
- Respond to interested parties' concerns and consider their points of view.
- Take into account parties' opinions in the identification of significant environmental aspects.

One of the first steps of the process is to submit a written document to company managers requesting formal recognition as interested party (in companies that have implemented ISO 14001 and EMAS):

Mr./Ms. (name of representative), legally representing PRO at (name of the company)

Hereby requests workers' representation to be recognized as interested party to all interests and purposes (in the environmental management system implemented in the company defined by ISO 14001) in terms of any communication or information related to environmental issues and the management system, without prejudice of any other legal obligations stipulated by labour regulation.

Sincerely,

Signature

Date

The document must included in company records and available to auditors that will ask about the company's response.

WORKERS PARTICIPATION IN ISO 14001

Workers' participation in ISO 14001 has a limited extent. The standard does not include any references the activities and responsibilities of workers' representatives.

However, ISO 14001 establishes certain requirements:

- Staff's awareness of the significance of compliance with environmental policies, procedures effects, environmental benefits of personal actions, functions and responsibilities, as well as consequences of deficient monitoring of such aspects

These requirements imply that the staff must be aware of the company's environmental policies and receive some type of information on the environmental management system and its operation (awareness sessions, information about environmental performance indicators, etc.).

Awareness activities must be conducted periodically and must not be limited to the moment when environmental management systems are implemented.

- Adequate training of employees whose tasks might have a significant impact on the environment

All workers associated with significant environmental impact must receive specific training.

We have examined before that in order to facilitate compliance with the different requirements, companies that have certified environmental management systems in accordance with standard ISO 14001 must include the right of workers' representative to receive information about:

- The formulation of the company's environmental policies
- Preliminary environmental assessment and data analysis of environmental audits
- Setup and operation of the environmental management system
- Design and implementation of training and awareness programmes

In addition, a specific mechanism of communication and dialogue must be enabled to guarantee exchange between workers' reps and company managers.

WORKERS PARTICIPATION IN EMAS

Regulation (EC) 1221/2009, on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), explicitly stipulates the participation of workers and their representatives.

The European Commission developed a guidance document included in the Commission's Recommendation of September 7, 2001 on implementation of Regulation 761/2001 allowing voluntary participation in EMAS.

The purpose of EMAS is to promote continuous improvement of organizations' environmental performance through:

- Setup and implementation by environmental management systems organizations complying with the basic requirements of ISO 14001
- Systematic, objective and periodical assessment of environmental management systems
- Dissemination of information on environmental performance and open dialogue with the public and other interested parties
- Active involvement of the staff, adequate vocational and permanent training programmes that allow performing the tasks described in point (a), workers' representatives will participate if they so request it

The LETTER OF ACKOWLEDGEMENT AS INTERESTED PARTY is an essential EMAS requirement. The standard stipulates that workers may participate in the environmental management system "if they so request it".

Participation can be achieved through a number of initiatives at different levels of action:

- The formulation of the company's environmental policies
- Preliminary environmental assessment and data analysis of environmental audits
- Setup and operation of the environmental management system
- Environmental committees to obtain information and facilitate communication between managers and workers' representatives
- Joint working groups on environmental programmes and audits
- Development of environmental statements
- Implementing suggestions mailboxes
- Incentives when measures improve economic/environmental performance

Workers' participation in environmental issues can be implemented through:

- Existing instruments, communication channels or initiatives
- Participation of workers' reps

Auditors must verify factual workers' participation.

The guidelines indicate ways to achieve such participation in the environmental management system and indirectly verify that it actually occurs. This can be done through the following activities:

- Minutes must reflect meetings with trade unions/work councils.
- Possibility of training and information.
- Suggestions' books.
- Existence of environmental committees.
- Environmental work groups.
- Contact between verifiers and workers/reps.
- Communication. Reciprocal information.

Education and training must be adjusted to the organization's staff.

Training can be basically divided into two different types:

- Permanent environmental training for all staff members.
- Additional training for employees directly involved in environmental management:
  - Specific training programmes for company managers.
  - Specific training on EMAS, environmental aspects and policies, best practices, communication.

PROPOSAL FOR PARTICIPATION IN THE IMPLEMENTATION AND OPERATION OF ENVIRONMENTAL MANAGEMENT SYSTEMS

The participation of workers' representatives in environmental management systems may follow two basic courses of action:

- Through specific environmental figures (environmental committee, environmental reps)
- Assigning environmental responsibilities to representatives (work councils, health and safety reps, union reps) and existing participation bodies (health and safety committees)

In any case, workers' reps must be granted the same rights, responsibilities and resources to exercise their functions.

It is necessary to consider the different aspects that affect participation and set up a single model to formalize and explain the rights, responsibilities and functions (hours, means, access to information, staff awareness, proposed activities, organization of workers' participation, participation in training programmes, incentives) both in collective agreements and in the company's management system manual.

No Article X: Employees' environmental representation.

The undersigning parties consider that companies must take environmental actions in a responsible permanent and visible way and that their efforts in this area must be disseminated and valued by society and relevant authorities.

To this end and in order to participate in corporate environmental sustainability efforts, employees' representatives will elect/appoint an environmental representative whose rights and functions will include:

- Collaborating with managers for the improvement of the company's environmental performance.
- Promoting and developing employees' cooperation and participation in compliance with environmental regulation, requirements and voluntary standards implemented by the company, specifically ISO 14001 and EMAS regulation.

- Monitoring compliance with environmental regulation, policies and objectives in the company.
- Receiving environmental information developed by the company.
- Receiving copies of documents submitted to environmental authorities and government on emissions, releases, waste generation, water uses and energy consumption.
- Introducing proposals for measures to improve environmental management and reduce environmental risks.
- Collaborating in the design and development of training activities on environmental issues.

Workers' participation includes the right to be informed and developing independent prescriptive reports about:

- The formulation of the company's environmental policies.
- Preliminary environmental assessment and data analysis of environmental audits.
- Setup and operation of the environmental management system.
- Workers' participation in the meeting of all requirements, particularly in the definition of significant environmental aspects, objectives, goals, as well as the action programme (agenda).
- Environmental committees to obtain information and facilitate communication between managers and workers' representatives.
- Joint working groups on environmental programmes and audits.
- Development of environmental statements (EMAS regulation). In ISO 14001 reports will refer to information on significant environmental aspects that the company may voluntarily report about.
- Design and implementation of training and awareness programmes.
- Recognition of trade unions as stakeholders.
- Employees' suggestions system.
- Incentive systems based on environmental results.

The following paragraphs make a description of a specific proposal for the participation of workers' representatives in different elements and requirements of ISO 14001:2004.

Initial commitment

Top managers commit to develop an environmental policy whose reasons and objectives may vary depending on the workplace.

Workers must also demand and commit to the full participation in the system. Workers' reps will appoint a person responsible with the adequate skills, training and rights to coordinate with company managers.

Preliminary environmental assessment

Organizations without environmental management systems must determine their current situation through an assessment process, whose purpose would be to include all environmental aspects in the company for the implementation of an environmental management system.

Workers should:

- Participate in the assessment providing their views and elements
- Be able to review the final report and results

Environmental policy

Top management will determine environmental policies by meeting the following conditions:

- Commitment to set up procedures to comply with applicable regulation
- Commitment for the continuous improvement (progressive and permanent improvement of the company's environmental results)
- Commitment to eliminate, minimize or control pollution

All commitments must be duly documented, forwarded to the employees and be available to the public.

Although it generally implies a mere declaration of principles, workers must receive communication about the company's environmental policies and their competences include requesting additional information on:

- Strategy to maintain a long term viability of the company/sector through the substitution of hazardous/ questioned products or processes
- Health and safety aspects related to environmental aspects
- Aspects related to employment (contracting, promotions, vocational training)

Environmental aspects

Companies establish procedures to identify environmental issues related to their activities, products, services and include them in their environmental goals

Workers should be able to:

- Carry out an independent environmental risks assessment
- Participate in the final definition of environmental issues
- Conduct a collective assessment of documents. Work committees and trade union committees are responsible for providing expertise and knowledge during the identification of impacts, the monitoring of management deficiencies and reviewing of obtained information.

14001 stipulates that for the identification of significant environmental aspects organizations must take into account the views of interested parties

Legal requirements

Companies identify legal and voluntary requirements applicable to their activities, products or services.

Compliance with regulation may affect the evolution of the sector. Failure to comply may imply serious infractions subject to sanctions that might include in some cases the suspension of companies' activities. Work councils are responsible for monitoring compliance with regulation and other standards that affect employment and working conditions

Targets

Organizations must set, implement and maintain documented objectives at all levels/functions.

Objectives must be measurable and consistent with environmental policies, including constant improvement, commitments to prevent pollution, applicable legal requirements and any other obligations assumed by organizations.

Workers' representatives and managers must agree upon implementing measures/actions considered necessary that still have not been completed by the company.

- Differences often arise upon:
- Priority of actions in terms of significance or severity of risks
- Selection of technologies based on cost
- Links to occupational health and employment

Resources, functions and responsibilities

Functions, technologies responsibilities, human, financial and training resources must be adequately defined/ allocated for the implementation and functioning of the system.

This aspect affects work organization and probably the assessment of jobs associated to the management of the system requirements (environmental issues, document registration, new workloads), included the creation of new bodies and structures that involve workers' participation, as the setting up of an environmental committee or equivalent body

Competences, training and awareness

The system must guarantee the adequate training of all employees on the environmental impacts of their jobs. ISO defines the training guidelines for jobs associated to significant environmental impacts, whereas EMAS confers more importance to employees' participation for the correct functioning of the system.

Communication

The system must include procedures to ensure internal communication between all the departments in the company and external communication with interested parties.

Internal communication between company departments must grant fluent dialogue with the employees and their representatives (work councils, trade union representatives).

Workers' representatives must be considered ***interested parties*** for the purpose of the system

Documentation

The system also implies the obligation to maintain and update, either on paper or electronically, the following materials:

- System documents describing basic elements, functions and responsibilities
- Registry of audits and revisions
- Registry on “non-conformity”, accidents, incidents with environmental repercussion
- Registry of related regulation
- Registry of completed training programmes
- Registry of external and internal communications
- Registry of any information relevant for the functioning of the system/ showing conformity with the standard

Workers’ representatives must be granted unrestricted access to these documents for their adequate use in terms of duties and responsibilities in the system

Operational control, emergency plans. Non-conformity, corrective and preventive actions

Operational control involves planning activities in companies with significant environmental impact, defining and describing procedures for action whenever irregularities occur. This includes communication to suppliers about the system’s requirements.

Implementation and functioning of the systems demands for administrative work, new operations and responsibilities in jobs with environmental impact, as well as new training and information programmes for the staff and occasional changes in work organization.

Changes promoted by environmental management systems (new responsibilities, training requirements, organizational changes, etc.) might be included as regular competences in labour or health and safety regulation

Audit results

Organizations must plan, set up, implement and maintain audit programmes taking into account the environmental relevance of operations involved and the results of previous audits.

ISO 14001 certification requires an EXTERNAL audit by an independent authorized agency.

Determining the deadlines for audits is an EXCLUSIVE company management responsibility. EMAS Regulation allows internal, external or combined audits, but they must be certified by an authorized by an authorized agency and the environmental statement must be validated.

Union representatives must have access to the final report submitted to company managers and conduct an independent assessment of it. The report usually affects the activities of the work council

Certification and validation

The certification of an environmental management system is carried out by an independent authorized agency/ organization that corroborate that system complies with all the requirements of the standard. Certification does not focus on contents, but on the functioning and characteristics of the system. Certification is often used by companies as a sign of their environmental concern and commitment.

ISO 14001 stipulates that companies must pass a certification audit conducted by an authorized agency.

In EMAS Regulation, the authorized auditor certifies and validates the environmental statement issued by the company.

Workers' representatives may issue their own report on the functioning of the systems and related company reports/statements, which is submitted to the company and interested parties to make known their opinion and assessment

BRIEF ASSESSMENT OF TRADITIONAL ORGANIZATIONAL SCHEMES FOR WORKERS' PARTICIPATION

Suggestion mailboxes

Companies must establish suggestion mailbox procedures for employees to submit proposals on organizational changes, new work procedures to increase efficiency or any other contribution.

However, it must be noted that suggestion mailboxes are the MINIMAL EXPRESSION of workers' participation in environmental management systems. More complex and better developed procedures must be enabled

Working groups

The organization of specific working groups is a most efficient tool to ensure continuous improvement. These groups might also be associated incentive packages (for the achievement of goals, positive results, viability of proposals, etc.).

The main advantages of this approach stem from:

- Collective nature of reflection to obtain viable results
- Flexibility (in the scope of issues to be addressed, frequency of meetings, members, etc.)

Incentive systems

Incentives are introduced to promote and reinforce workers' participation and therefore they must be directly or indirectly associated to the development of such participation. Procedures must be transparent, objective and, whenever possible participatory.

Such procedures may be:

- Permanent (activity or responsibility bonuses).
- On a periodic basis associated to objectives (water saving, energy saving, waste reduction).
- On an individual or collective basis.
- Based on financial remuneration or in-kind bonuses (travel packages, study programmes).
- Based on professional improvement (promotions to higher categories or technical group).

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