LEGAL GRAPHIC

Workx Advocaten

WORKS COUNCIL
REQUEST FOR ADVICE PROCESS

The consultation process applies to important company decisions, such as mergers and acquisitions, funding, organisational changes and engaging external advisers to advise on these matters. Diligent communication and timely involvement of the works council are essential.

STEP 1 INFORM THE WORKS COUNCIL OF UPCOMING IMPORTANT COMPANY DECISIONS.

The company needs to inform the works council of important decisions. These decisions are laid down in Articles 25 and 27 of the Works Councils Act (WOR).

STEP 2 REQUEST THE WORKS COUNCIL TO ADVISE ON THE INTENDED DECISION.

The advice needs to be requested at such a point in time that the advice can still materially influence the eventual decision. The advisory request needs to contain (a) the reasons for the intended decision, (b) the consequences for personnel and (c) the measures considered to deal with the consequences.

STEP 3 CONSULT THE WORKS COUNCIL.

Discuss the request for advice in the works council meeting. The intended decision can be elaborated on and the works council's questions can be answered.

STEP 4 THE WORKS COUNCIL RENDERS ITS ADVICE.

There is no statutory time limit for the advisory process. It is therefore vital to share expectations on timing and to try to agree on it.

The works council gives **positive advice.**

The works council gives **positive advice, but with conditions.**

The works council gives **negative advice.**

STEP 5A

FORMALISE THE INTENDED DECISION AND INFORM THE WORKS COUNCIL OF THE DECISION TAKEN.

STEP 5B REVIEW THE CONDITIONS, TAKE THE DECISION AND INFORM THE WORKS COUNCIL.

The works council needs to be informed of the final decision. In case the final decision is not fully in line with the works council's advice, the deviations have to be explained.

STEP 6 THE WORKS COUNCIL MAY CHALLENGE THE DECISION.

The works council may challenge the final decision in court within 1 month of being informed of the decision.

1 MONTH HAS PASSED?

YES, the company may implement the decision.

NO, the works council may still challenge the decision.

NEED MORE TIPS **OR ADVICE?**

We are happy to help. Get in touch with us!