

THE WORKS COUNCIL (‘OR’) ADVICE PROCEDURE

The trajectory of employee participation in important company decisions, such as acquisitions, financing, organisational changes, and the prior engagement of external experts for advice. Careful communication and timely involvement of the Works Council are essential.

STEP 1 INFORM THE WORKS COUNCIL ABOUT IMPORTANT DECISIONS THAT ARE UPCOMING.

You are obliged to inform the Works Council about important decisions. These decisions are listed in Articles 25 and 27 of the Dutch Works Councils Act (in Dutch: Wet op de Ondernemingsraden (WOR)).

STEP 2 REQUEST ADVICE FROM THE WORKS COUNCIL ON THE PROPOSED DECISION.

It is important that advice is requested at a time when the Works Council can still exercise real influence (in Dutch: 'wezenlijke invloed') on the decision-making process. The request for advice must at least include: (a) the reasons for the proposed decision, (b) the consequences for employees, and (c) what measures are being considered in this regard.

STEP 3 CONSULT WITH THE WORKS COUNCIL.

Discuss the request for advice with the Works Council during the consultation meeting. You can explain the proposed decision and answer questions.

STEP 4 THE WORKS COUNCIL ISSUES ADVICE TO THE COMPANY.

There is no fixed deadline for the Works Council to issue its advice. Share expectations with the Works Council and agree on a timeline.



The Works Council issues a **positive advice**.



The Works Council issues a **positive advice with conditions**.



The Works Council issues a **negative advice**.

STEP 5A

TAKE THE DECISION AND INFORM THE WORKS COUNCIL.

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

After receiving the Works Council's advice, you must inform them of the proposed decision. If the company deviates from the Works Council's advice, explain why.

STEP 6 THE WORKS COUNCIL MAY CHALLENGE THE PROPOSED DECISION.

The Works Council has 1 month to file an appeal with the Enterprise Chamber (in Dutch: Ondernemingskamer) to challenge the decision.

DEADLINE PASSED?



Yes, You may implement the decision.



No, The Works Council may appeal the decision at the Enterprise Chamber.