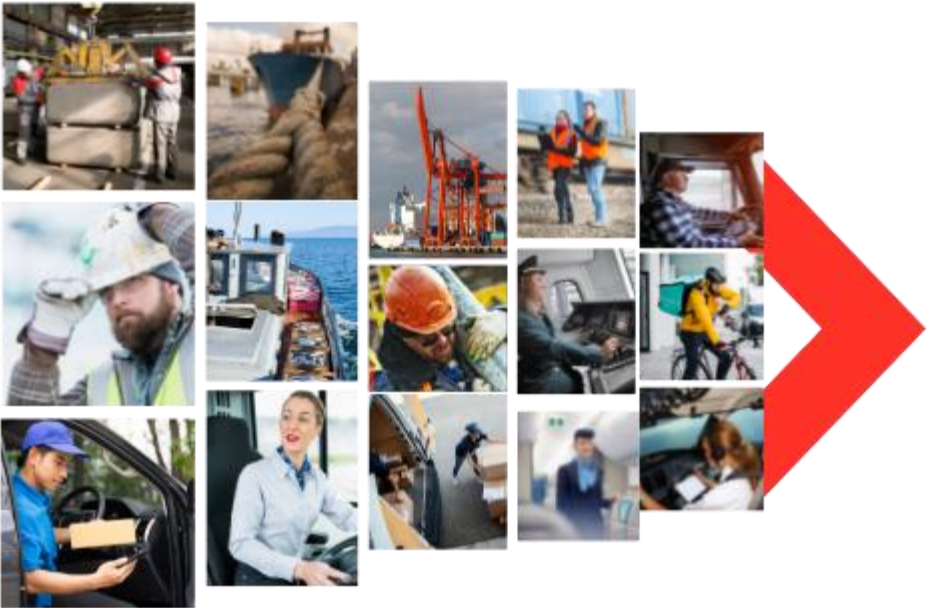




# Self-training tool n°3 : Confidentiality



Co-funded by  
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*Part 1 (lecture) :*

# **What confidentiality really means ?**



# Confidentiality is often a challenge for an EWC...

...because not having access to the right information may impede on your **work** !

## *The issue with confidentiality*

Many EWC members are challenged by confidentiality. In some instances, EWC members face restrictive practises, or a lack of knowledge on what precisely confidentiality means.

Hence EWCs don't have access to or can't use certain information. But the right information is key for a EWC to do its job !

EWC members can be challenged by confidentiality in some of the following instances :



At annual meetings, **only limited information is shared with the EWC**, for instance because the company is publicly listed



During exceptional circumstances, EWC members can experience confusion **about what information can be disclosed, and to whom**

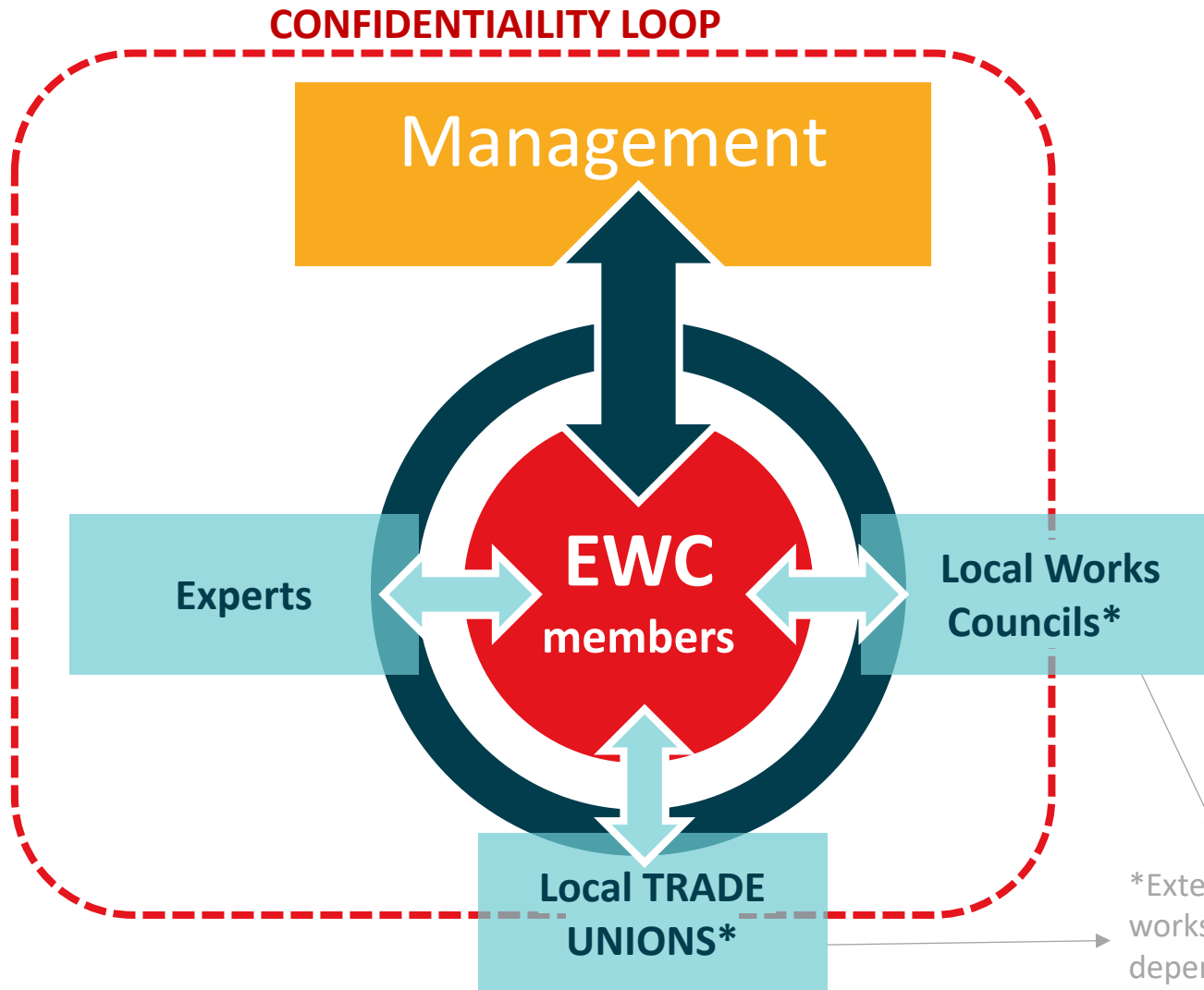


EWC members can face confusion about **who is in the loop of confidentiality**.



# Inside the confidentiality loop, you can access and share information !

**>>Confidentiality must not be used to restrict your rights**



Information may be accessed and freely shared inside the confidentiality loop



**Tip:** If in doubt, consult your trade union coordinator or expert

\*Extension of the confidentiality loop to national works councils and local trade unions may vary depending on national legislation



# Confidentiality is not the prerogative of management alone : it is defined by the EWC Directive and **should be based on objective criterias**

## CONSTRAINTS DUE TO CONFIDENTIALITY

1. Central management are not obliged to transmit **information** when its nature is such that, according to objective criteria, **it would seriously harm the functioning of the undertakings** concerned or would be prejudicial to them.
2. European Works Councils and any experts who assist them are **not authorised to reveal any information which has expressly been provided to them in confidence.**
3. Confidentiality **obligation can continue to apply after the expiry of their terms of office.**
4. The above also applies to employees' representatives in the framework of an information and consultation procedure. *For example, during exceptional circumstances*

## GOOD PRACTICES TO OVERCOME CHALLENGES

*This means that **objective criteria must be met**, and such criteria can be challenged and scrutinized.*

*This means that for information to be confidential, it must be **clearly identified**.*

*But **nothing is confidential forever**. Ask your management when **confidentiality ceases**.*

*Confidentiality provisions differ depending on national law and vary according to EWC agreements. **Check your EWC agreement and your national law provisions !***





# Top tips on dealing with confidentiality

1. Speak to your trade union coordinator about **arranging a training for your EWC on confidentiality.**
2. Ensure that you are **fully aware of the provisions of national legislation** relating to Confidentiality.
3. Review your **EWC agreement** to ensure that its provisions are in line with the EWC Directive and national legislation.
4. Ensure that any **information received as confidential is clearly earmarked** as such, and that the reasons for this information being made confidential are clear.
5. **Challenge the criteria of confidentiality** to ensure they are truly objective.



# Be vigilant: national legislation can differ...

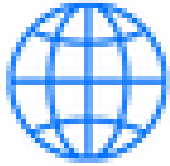


- National legislation will usually stipulate who an EWC member can share confidential information with.
- National legislation will usually stipulate what kind of “objective criteria” need to be taken into account.
- National legislation may give more information on timeframes concerning confidentiality.
- If in doubt, reach out!!!



*For additional information :*

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