

L.N. 218 of 2011

**EMPLOYMENT AND INDUSTRIAL RELATIONS ACT
(CAP. 452)**

European Works Council (Amendment) Regulations, 2011

IN exercise of the powers conferred by article 48 of the Employment and Industrial Relations Act, the Prime Minister has made the following regulations:–

1. (1) The title of these regulations is the European Works Council (Amendment) Regulations, 2011 and they shall be read and construed as one with the European Works Council Regulations, 2004, hereinafter referred to as “the principal regulations”.

Title and coming into force.

L.N. 324 of 2004.

(2) These regulations shall come into force on the 6th of June 2011.

2. In regulation 1 of the principal regulations, immediately after sub-regulation (2) thereof, there shall be added the following sub-regulations:–

Amends regulation 1 of the principal regulations.

“(3) These regulations shall only apply to:

(a) community-scale undertakings or community-scale groups of undertakings in which, on the 22nd September 1996, there had already been an agreement covering the entire workforce, providing for the transnational information and consultation of employees, or where such agreements are adjusted because of changes in the structure of the undertakings or groups of undertakings; and

(b) agreements concluded pursuant to regulation 7 of these regulations which have been signed or revised between the 5th of June 2009 and the 5th of June 2011:

Provided that in so far as paragraph (b) is concerned, the national law applicable when the agreement is signed or revised shall continue to apply to the undertakings or groups of undertakings concerned:

Provided further that in the case of the agreements mentioned in both paragraphs (a) and (b), upon the

expiry of the said agreements, the parties to those agreements may decide jointly to renew or revise such agreements and these regulations shall apply. In the case that these agreements are neither renewed or revised, the provisions of the European Works Council (Further Provisions) Regulations, 2011, shall automatically apply.

(4) Without prejudice to what is stated in sub-regulation (3) hereof, the European Works Council (Further Provisions) Regulations, 2011, shall be the applicable law for all arrangements aiming to set up a European Works Council or any procedure for the information and consultation of employees in Community-scale undertakings or Community-scale groups of undertakings, as provided for by those regulations, which are effected for the first time on the 6th of June, 2011 and after the 6th of June, 2011.”.

