

National Guidelines/Recommendations for improving the Information & Consultation and involvement process in Agriculture



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Introduction

The establishment of the procedure of informing and consulting employees in undertakings is based on the point 17 of the *Community Charter of Fundamental Social Rights of Workers* and provides, inter alia, that” *information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in different Member States*” and that the functioning of the internal market involves a process of concentrations of undertakings, cross-border mergers, takeovers, joint ventures and, consequently, a transnationalization of undertakings and groups of undertakings.

To these, in order to ensure a harmonious development of economic activities, the organizations must inform and consult employees affected by their decisions, because the procedures for informing and consulting employees foreseen in the legislation or in the practice of the Member States are often not adapted to the transnational structure economic entities.

Regarding this process of information and consultation of the social partners in agriculture sector in Romania, Agrostar Federation believes that this process is a very important subject, considering that agriculture has played and is still playing an important role in the Romanian economy and in its evolution. With a long tradition behind, but also with an enormous potential, Romania could become in the next years the third European agricultural power, after France and Germany, under the following conditions: a good absorption of the European funds, the promotion of entrepreneurship in this field of activity, significant direct foreign investments and, last but not least, substantial and constant governmental support if provided.

The involvement of the social partners represents a major factor of economic development of this sector, through direct involvement in the development of agricultural and rural development policies at national level, as members of the committee for social dialogue within the Ministry of Agriculture and Rural Development, but also at European level, by expressing and supporting directly agricultural policies at the European Commission – Directorate General for Agriculture and Rural Development, agricultural policies that are correlated to

policies for social protection and professional development in rural areas, in the context of the new Common Agricultural Policy that is to unfold after 2014.

Agrostar Federation, along its 21 years of existence, represented and defended constantly the interests in agriculture of the trade union members and the interests of small producers as well, being the most representative trade union in the Romanian agricultural sector. Our organization has currently reached about 50,000 members affiliated to over 150 trade unions which belong to all of the branches of the Romanian agriculture, being an important national player in the agricultural sector and in the development of rural communities in Romania, of whose role is to contribute to the improvement of the living and working conditions of the farmers, to represent and promote the professional, social, economic and cultural interests and to defend all the fundamental rights of its members. In this respect, the actions we take are meant to support the farmers and the small producers, as well as the employees of this sector who are members of the trade union.

Also, at national level, the organization contributes, through the Social Dialogue Committee within the Ministry of Agriculture and Rural Development (MADR) to the elaboration of regulations and brings important contributions to the activity of the Committee for Monitoring the National Program for Rural Development (PNDR) within MADR. At the same time, the Agrostar Federation participates as a representative partner within the commission for tripartite dialogue at the negotiation and signing of the collective employment agreement, exclusive at the level of the branch in agriculture, fish breeding and fishing trade and at the level of unit groups.

Considering the above mentioned, Agrostar, following the proposal of Federation of the Independent Trade Unions in Agriculture (**FNSZ/FITUA**) from Bulgaria, accepted to be partner within the project *“Informed and Experienced for Sustainable Agriculture” - Enhancing the information and consultation capacity of the social partners in sector of Agriculture for active participation in working life for sustainable Agriculture - VS/2012/003/0305*, the Bulgarian organization **FNSZ/FITUA** being the project promoter.

The project is financed by the **European Commission**, through **Directorate General for Employment, Social Affairs and Inclusion** and it is implemented in transnational partnership with the following organizations: European Federation of

Food, Agriculture and Tourism Trade Unions (**EFFAT**) from Belgium, Fédération Générale Agroalimentaire FFDT (**FGA-CFD**) from France, **Agro- Sindikat** from Macedonia, Industriegewerkschaft Bauen-Agrar-Umwelt (**IG BAU**) from Germany, Associazione Lavoratori Produttori Agroalimentari (**ALPA**) from Italy, **BAAP** and **Regional Council of Agricultural Cooperatives** from Bulgaria and Agrostar Federation. Also, the project is implemented with the support of **Réseau Projectives** from Belgium, which ensures the expertise within in the project.

This National Guidelines/Recommendations, elaborated as a brochure within the above mentioned project, aims to analyze the information and consultation (I&C) process of workers and employees in Romania, by analyzing the state of the systems of I&C in agriculture, based also on the analyses of responses to questionnaires filled in by representatives of trade unions and of enterprises management in agriculture, on the theme of I&C of workers in agriculture. The questionnaires were filled in by the participants on the occasion of the workshop *“Informed and experienced for sustainable agriculture”*, organized in Bucharest, in October 2012, within this project.

Also, this brochure aims to offer to the stakeholders, especially the social partners, information and approaches of I&C process in European and national spaces, through innovative communication solutions for workers and employees.

I. Concept of information and consultation and employee involvement process – main aspect of the European legislation

The Workers' right to information, consultation and participation was a fundamental theme in European debate since the first social action program adopted by the Council in 1974. The Social Charter emphasizes the desire to promote employee participation, adopting a series of resolutions which require workers to have the right to be involved in decision making within enterprises. European institutions believe that workers should not only have the right to be informed and consulted, but also have the right to participate in decision making process.

The right to information, consultation and participation in decision making process should be applied to both national and transnational enterprises, regardless of their legal status. It is also considered that workers should be involved in making decisions process in enterprises, regarding the introduction of new technologies, changes in work organization, production and economic planning.

European Union complete the Member States' activities in terms of workers' rights to information and consultation through measures designed to encourage the cooperation between Member States or adopting minimum requirements through Directives:

- ✓ Measures designed to encourage the cooperation between member States.

This is to be achieved through initiatives aimed at improving knowledge, developing exchanges of information and best practices promoting innovative approaches and evaluating experiences, but excluding any harmonization of the laws and regulations of the Members States.

- ✓ Directives stipulating minimum requirements for a gradual implementation. Such Directives avoid imposing administrative, financial and legal

constraints, which would hold back the creation and development of Small and Medium Enterprises.

Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002, “*Establishing a general framework for informing and consulting employees in the European Community*” aims to strengthen social dialogue and promote mutual trust within undertakings, in order to improve risk anticipation, for making work organization more flexible and to facilitate for employees the access to training within enterprise, while maintaining security, in order to make the employees aware of the adaptation needs, to increase employees' availability to undertake measures and activities that will increase their employability, to promote employees involvement in the operation and future of the enterprise and increase its competitiveness.

By adopting this Directive, the European Community wishes to establish a general framework, that takes the principles, definitions and arrangements for information and consultation, which Member States will have to respect and adapt to their national realities, ensuring for social partners a leading role by allowing them to define freely, in common arrangement, ways for informing and consulting workers and employees.

In this Directive, the terms of informing and consulting are defined as follows:

- "**Information**" means transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it;
- "**Consultation**" means the exchange of views and establishment of dialogue between the employees' representatives and the employer.

The practical arrangements for information and consultation are set by the European Union Member States, in accordance with the provisions and practices in force, thus:

Information and consultation shall cover:

- Information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- Information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
- Information and consultation on decisions likely to lead to substantial changes in work organization or in contractual relations;
- Information shall be given at such time, in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation;

Consultation shall take place:

- while ensuring that the timing, method and content thereof are appropriate;
- at the relevant level of management and representation, depending on the subject under discussion;
- on the basis of information supplied by the employer and of the opinion which the employees' representatives are entitled to formulate;
- in such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate;
- with a view to reaching an agreement on decisions within the scope of the employer's powers;

The impact of the Directive varied considerably between Member States, reflecting differences in the nature and the extent of the existing rules on information and consultation. In some countries, especially those where already exist from time ago, have strengthened systems of representation at the workplace based on works councils or trade unions, the Directive did not required major institutional changes or regulatory. In other Member States, however, it determined a broad legislative

reform - for example, in the UK and Ireland, countries where there exist a tradition of industrial relations based on the principle of voluntarism - and in many other newer Member States.

According to European Company Survey ECS, elaborated by the Eurofound in 2009, in the 27 EU Member States, the incidence and the scope of information and consultation bodies are not sufficiently comprehensive in any of the European countries. In four of the twenty-seven countries participating in the study, over two thirds of enterprises have measures of representation, while in three countries this representation is less than 20%. In 10 countries, less than half of the employees are represented.

The governments and the social partners have a pro-active behaviour in promoting the information and consultation. When this promotion takes place, this is done by the trade unions. The ambivalence of the trade unions in some countries, regarding the information and consultation bodies, reflects the fear that they could undermine the role of union representation.

The consultation takes place more rarely than providing the information. In general, only a small number of companies use it. When it does take place, the consultation concerns work issues rather than aspects on economic themes.

Information and consultation effectiveness depends heavily on the attitudes and behaviour of the management. There were presented examples in which the management/ leadership provided information after the decisions were taken and the consultation took place in a single meeting, without allowing the staff to receive an answer that they have reached after an analysis.

In parallel with the main role as a vehicle of the legal rights on informing and consulting employees in some countries, trade unions tend to have a strong influence in the committees in enterprises or similar organizations that are information and consultation bodies designed. The formal separation between collective bargaining at trade union level and the information and consultation can be eliminated by the use of collective bargaining for workers.

The social partners' support for the information and consultation frameworks is spread, but it is not universal. In some Member State there is a lack of interest among employers or trade unions in terms of applying the information and consultation procedures.

The disparate available data together with a lack of promotion the information and consultation by the social partners have led to limiting the impact of the Directive, as a determinant factor of spreading the measures on information and consultation and of establishing clear standards for information and consultation practices in Europe.

II. The place of the process of I&C in the national legislation

With the accession to the European Union, Romania had to transpose into national law a series of European Directives of major interest to its citizens. As regards the information and consultation of employees and workers, the European legislator, through the Directive 2002/14/EC, imposed a minimum common framework that should be applied to all companies in the European economic space, whether public or private and working in for profit or not. Member States may choose to impose this procedure for information and consultation at enterprises level with at least 50 employees and at various institutions with at least 20 employees.

This procedure is carried out by the decision maker/s at management level in the context of a common definition, namely: “Information shall be given at such **time**, in **such fashion** and with **such content** as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation (Article 3).

Thus, the transposition into the national law of the *Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community* was made in 2006 by the **Law no. 467 of 12.12.2006** establishing a general framework for informing and consulting employees, by **Law no. 53 of 24.01.2003** (updated) which customizes certain areas defined in the framework and also by the **Government Decisions** that regulate the procedures for informing and consulting employees in specific areas.

Entered into force on 1st of January 2007, the law no. 467 of 12.12.2006 is applied on enterprises based in Romania that have at least 20 employees. The number of employees taken into consideration at enterprise level is the one on the date of starting the information proceedings.

Employees' rights. The right to information and consultation

”After the conclusion of the individual labour contract, the employer has the obligation to regularly communicate the economic and financial situation of the unit (Article 40. (2). d) Labour Code republished).

Thus:

- have the right to be informed the employees or their representatives – trade unions, or in their absence, employee representatives;
- the information will be made periodically, meaning to certain time intervals or at the right time, meaning when expected or unexpected changes occur in economic and financial situation of the enterprise;
- information must be done in a clear manner so without any ambiguity;
- the employer will refuse to disclose certain information that may prejudice or has the option to require to their recipients to maintain their confidentiality.

Beyond this right, the employees have a legitimate interest in knowing the economic and financial situation of the unit in which they are working, so they can appreciate, knowingly, the stability of employment, prospects for achieving their rights and also how to act to protect their common interests with those of the employer.

The employers have the obligation to inform and consult employees' representatives, according to the legislation laws in force, concerning:

- a) the recent and probable development of the undertaking's or the establishment's activities and economic situation;
- b) the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
- c) the decisions likely to lead to substantial changes in work organization or in contractual relations; or labour relations, including those covered by specific Romanian legislation on information and consultation procedures in case of collective redundancies and protection of workers' rights, in case of enterprise transfer.

The law defines two procedures:

- ***Information*** - transmission by the employer to the employees' representatives of data in order to enable them to acquaint themselves with the subject matter and to examine it;
- ***Consultation*** - means the exchange of views and establishment of dialogue between the employees' representatives and the employer.

The information is done - according to the law - at such time, in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation.

The consultation shall take place:

- 1) in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and to formulate a point of view;
- 2) at the relevant level of management and representation, depending on the subject under discussion;
- 3) on the basis of information supplied by the employer and of the opinion which the employees' representatives are entitled to formulate;
- 4) in such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate;
- 5) with a view to reaching an agreement on decisions within the scope of the employer's powers;

Regarding the ways of informing, these can be:

- Display;
- Internal notes written;
- Publishing on the enterprise's portal;
- Informing with the occasion of certain meetings, negotiations, etc.

The employer is not obliged to communicate information or to undertake consultation if they are likely to seriously harm the functioning of the undertaking or to harm their interests. The decision to not communicate this information or to not undertake consultations must be motivated to employees' representatives.

In the situation in which the employees' representatives do not consider justified the employer's decision to invoke confidentiality, or to not provide relevant information, or to not initiate consultations, they may contact the competent common law courts.

The obligation of consultation requires that the employer cannot pass on taking the respective decision before receiving response from the social partners.

But, we consider that if it is set a date by which it could be submitted proposals and counter-proposals of the trade union or employees' representatives and these have not been submitted to the employer within the agreed date, the consultation procedure is complete.

III. Attitude and behaviour stereotypes in the process of information and communication

Social dialogue and employee participation are fundamental components of the European social model, fully recognized by the European Commission with the reform Treaty of Amsterdam. Thus, the social partners actively contribute to the design of the European social policy, and the Community completes the activities of the Member States in areas of information and consultation.

In labour relations, workers have a general right to information and consultation, which exceeds far beyond the simply communication of the concluded contract, having a broad meaning, it goes to a real cooperation of the parties in making decisions. It is not limited, as in common law, just at the moment of ending the legal relationship, but continues throughout unfolding the employment agreement.

Both in concluding the employment contract and during its execution, between employer and employee must take place, according to the law, a dialogue, enabling the two of them to make the correct decisions under the principle of good faith, paragraph (2) of Art. 8 of the Labour Code provide that "*for the purposes of good labour relations, participants in labour relations, shall inform and consult each other under the law and collective agreements*". The communication between the parties of the individual and collective agreement is accomplished on three levels:

- Agreement
- Consultation
- Information

Thus:

- Employer's obligation to inform implies that after transmitted the data to employees, can proceed to decision without waiting for an answer;
- The obligation of consultation implies that the employer cannot proceed to decision without waiting first for the workers' response. But, he may take the decision even if it is not in concordance with employees' points of views of (organized or not in trade union);
- The agreement obligation implies the negotiation of each, the employees having the right to oppose against taking a certain decision by the employer;

Any major scale operation that generates a significant impact should be accompanied by an explanation and a justification for stakeholders. Before taking any practical measures, regardless the objectives, requirements and constraints that occur, the actions should be taken after an information and consultation of all stakeholders.

In order to ensure the effective exercise of the right of workers to information and consultation within enterprises, the parties undertake to adopt or encourage measures enabling workers or their representatives in accordance with national law and practice:

a) to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking where they are employed, being understood that the disclosure of certain information which may prejudice the undertaking may be refused or may be required that they be confidential;

b) be consulted in due time on proposed decisions which are likely to substantially affect the interests of workers, especially those that could have significant effects on employment in the enterprise.

According to the study "*The impact of information and consultation Directive on industrial relations*" elaborated by Eurofound, which analyzes the transposition of the Directive 2002/14/EC at employees level of the 27 European countries, shows that in all countries there is a strong "effect of size", in large enterprises the probability to have information and consultation bodies is much higher, unlike the small working places which face an acute problem of non-implementation of the information and consultation rights.

In some countries, information and consultation procedures or the establishment of bodies dedicated to information and consultation are mandatory, but in most countries, the rights of information and consultation guaranteed by the Directive depend on the initiative of employees or trade unions to determine the establishment of the information and consultation. Also, in some Member States, is a limit of the rights at organization or sector level, while in other countries, collective bargaining is the dominant regulatory instruments.

The models of stability, the growth or decline in establishing information and consultation bodies are evident. In seven of the twenty-seven countries analyzed in the study, where there is a long tradition of consultation with employees, there were only minor changes. In eight other countries, there is a evidence of increased incidence of information and consultation, but the starting point of this growth was low, and the other 11 countries, the incidence is decreased or increased very slightly.

Following the study, it is found that 62% of the representatives interviewed considered that they have a strong influence on management decisions on regulatory issues, 54% on working processes, 50% on human resources planning and only 37% in terms of structural changes. There was a wide variation between countries. Only a very small number of complaints about the establishment and operation of information and consultation bodies were sent to administrative or judicial authorities. In the few cases in which fines were imposed, the monetary value seems to be low.

The Directive flexibility is heavily reflected in national legislation on information and consultation - in that the procedures for informing and consulting are dependent on employees' initiatives and allow a variation based on agreements. Thus, for the compliance and for a greater awareness of the provisions of the Directive 2002/14/EC, the European institutions have appealed to the social partners for taking "positive steps, pro-active" to influence its implementation in each Member State.

IV. The practice of implementation of the I&C process in Agriculture

Different analyzes have showed that, in practice, the consultation with trade unions are often performed with the aim of achieving a formality, without really looking for a real and effective solutions through a social dialogue. However, trade unions and representatives of employers recognize the right to be informed of legislation on information and consultation and informing their members. While just a little over half of workers' representatives are aware of this right, few many employers are aware of this fact. This observation leads to a real lack of information on enterprise level activity, while half of employers seem to have precise knowledge on information and consultation procedure.

For a better analysis of the state and implementation of I&C process in Romania were interviewed through questionnaires social actors (trade unions members, employers and employees) involved in agricultural activities throughout the country. Thus, the analysis made sought to outline a clear imagine on how Directive 2002/14/EC was adopted and understood.

At agricultural level, as a result of the responses given by the local partners of Agrostar Federation, regarding the practice for implementing the activity/process of I&C, it has shown that they believe that many employers do not comply with legislation on I&C and even suggested that employers do not want to inform workers about the situation of the enterprise. This attitude is added to the ones of the Romanian state which shown reluctant in the recent past to promote social relations in enterprises.

According to the legislation in force, the employer has the obligation to inform the workers and employees on their right to information and consultation and on other labour rights. Nevertheless, many employers do not respect the legislative

provisions on I&C in enterprises: they do not want employees and workers to be informed. The compliance of the principles and rights of I&C is a commitment of Agrostar Federation that acts at different levels in order to achieve this goal by making requests for employees' representatives to fully play their role. Affiliation to a trade union is actually a prerequisite so the rights to be respected: the information takes place where there is a trade union, during the meetings with trade unions or union members. This reality is even more powerful when representatives are elected and organized members, especially when it comes to combat complex and difficult issues, such as the bargaining of collective agreement.

But, in general, our organization admits a lack of efficiency of I & C procedures that will continue, giving the fact that the employers refuse (a substantial part of them) to follow and respect the law. Moreover, employers are not the only ones that have such a negative position: Romania is subject of negative reports and comments from the European Commission, in particular with regard to human rights issues. This attitude of the government is not a consequent one, having in view that most often, when a law comes from Brussels, Romania has a rather tendency to follow it, especially that there are always taking place checks aim to measure the progress level of reforms.

Regarding the opinion of Romanian employers on I&C, within their organizations, were interviewed representative from three sectors, with a greater number of livestock branch who completed seven questionnaires in companies with a number of employees between 44 and over 300 workers.

The answers of the employers' representatives have shown that the right to information and consultation is respected within their companies. From this point of view, apparently there is normality in what concern the relations between employee and employer. To the question if the employer has chosen the employees' representatives, the answers can be interpreted in two ways:

- Whether the employer choose the employees' representatives (which seems not to be the case given the next questions) and this procedure seems to be curious;
- Or the employer reserves the right to accept a certain person as representative and in this case appears the question if this is legal and normal. Which are the objective criteria to refuse?

The second answer seems to be confirmed by a question which refers to appointing the candidates. All the answers lead to a single possibility: the employees themselves are the ones who appoint them. In the same way, the employees are the ones who convene the elective General Assembly, according to the majority of the answers given.

In most of the interviewed enterprises, the I&C procedure was approached by without developing the reasons, except a single precise case when an enterprise had proceeded to collective layoffs or had informed employees on the evolution of salaries and social protection. Of course, the questionnaire haven't asked on the reasons based on which were started I&C procedures. The lack of an answer is not a satisfactory result and may lead to a wrong interpretation. Thus, this procedure was used as way of communication in which the employee cannot benefit with regularity his rights?

However, the following answers indicate the fact that often there is a procedure agreement, that provides a series of topics for which the information and consultation procedure to take place. This seems to be the case of large enterprises.

Within the questionnaires, the respondents have not given details regarding the contents of the existing agreements in their enterprises on this respect.

Regarding the communication on the financial and economic situation of enterprises, the practices met are diverse:

- in first case (met in 4 answers given) the communication is done using electronic communication tool – e-mails –, informing letters, meetings. We can say that this is the case of an informal information;
- in other case, the general manager is the one who makes the communication, within joint meetings;

- the last case, the employer communicate the information within a general assembly.

The responses given seem to indicate that there is no formal procedure on economic and financial information, or, if it exists, this is not respected.

The survey cannot affirm whether the Directive 2002/14/EC was subject of a informing within enterprises; except for a negative answer, most of the respondents haven't formulated a point of view. We should draw the conclusion that the lack of an answer given can be interpreted as a total unknown of the European legislation on this respect.

Moreover, the quality of member or not of a trade union doesn't mean that the issue on information and consultation the workers and employees is treated in the same way in all the cases: it is noted 4 responses (but for 2 companies) where this issue is approached within organization bodies and 3 responses where this is not the case.

The role of the state has a real importance for the respondent, as most of them agreed that the country must take more measures on procedures and practices regarding the right to information and consultation. This response is in concordance with the fact that the same majority recognized this right as being a fundamental European right.

Within the consultation process of employees regarding the I&C process were interviewed 8 employees from different agriculture branches: horticulture, fruit growing, viticulture and poultry.

The answers given by the employees are hard to be interpreted, as they have avoided to answer to questions or to detail/develop the answers. This lack of the answers does not allow measuring the issues raised in applying information and consultation procedure.

At enterprise level, the questions on I&C were approached in different manners: 3 of them approached the subject, 2 do not approached it and other 3 didn't answered at all. But, at "sector" level the problems or difficulties regarding I&C are mainly approached. First of all, the existence of a social dialog at sector level (agriculture

and rural development) allows the approach of this subject and of others as well, such as European funds or new national Operational Programmes.

Second of all, the legislation in force, especially European legislation, imposes the employer to inform and consult in specific cases; in this respect, the employers seem to fulfil their obligations at sector level.

Trade union training is present for most of the trade union representatives. The topic approached interested for them are: the fight against undeclared/illegal work, overtime at work and the payments for it, respecting the collective labour agreement, agriculture and its development in Europe.

The presence of a trade union is without doubt an advantage in the company for the employees' rights to be respected: indeed, the respondents have considered that the information were given in due time, are adequate forms and normal examine.

Should be remarked that these actions are taken when the trade union is represented, otherwise in the cases where the representatives are chosen by the employer, this is the way for the last one to act as he feels like. On the other hand, there are few information on the number of companies where the customary rules of representation do exist. The only response received does not allow to draw some conclusions.

Also, there were not received data on ways for selecting the candidates for election of the representatives. This is a real problem to analyze, without doubts

The practice of appointing the representatives by the employer is present in one case. On the other hand, some employers do not take any initiative to facilitate the representation of employees on the grounds that they do not want to "interferer in of trade unions' affairs"

However, trade union representatives who answered questions about representativeness are mostly in agreement with the fact that trade unions are the prefer partners to have a dialogue with the employer. Two answers have made a contrary view. Role of unions is relatively well understood, as most respondents said that they need to address the issues of collective bargaining, social inclusion, integration into the labour market, salaries, health and safety at work, social

protection. Finally, two roles are delegated: the actions of the company and actions at sector level.

Few people give a perspective on the effectiveness or not of the I & C procedure. Undoubtedly, this is linked, on the one hand and to the lack of practice and, on the other hand, the lack of communication.

The role of the country is considered more serious and this does not seem surprising when we refer to "national context" described above: the right to information and consultation is regarded as a fundamental right at national and European level. But the vast majority of respondents highlighted the lack of real interest of the governmental institutions in this subject. Of course, the current policy is complex, just emerged from a difficult period. Answers were given, perhaps, given this situation. But we wonder if in the near future will be more favourable.

V. Unknown opportunities for both employees and employers in the process of responsible governing the enterprise through the process of I & C

Organizations are becoming increasingly concerned with the need and the benefits of a responsible approach to the way in which they operate and the way they are perceived in the market. The performance of any organization, regardless of its form (private or public, economic or non-profit) is closely related to the degree of development of the communities where it operates and the social environment in general. Also, social justice and good organizational governance have become an extremely important fact that reflect the concern of the social actors regarding the good development of organizations through proper measures of counselling, openness to cooperation and partnership, social dialogue and exchange of experience in the application of the information and consultation of workers process

European Union supports the improvement of the information and consultation process, proposing optimisation of the consultation, participation and involvement of the employees in organizations' initiatives, promotion of the social dialog and also social responsibility of enterprises regarding the internal communication.

The Labour Code already provides very explicit, which are the employer's obligations in this respect, namely:

- To inform employees on working conditions and on issues related to employment relationships;
- To communicate regularly the employees on the economic and financial situation of the unit, except for the sensitive or secret information which disclosed, would be likely to prejudice the work unit. The communication frequency is determined by negotiation of the collective agreement applicable;
- To consult with the trade union or, where appropriate, with representatives of employees, on decisions likely to substantially affect their rights and interests.

But, for a good collaboration within the organization, especially in agriculture sector, the few measures referred by the Labour Code are not sufficient, a good internal communication provides employees with important information about the position they occupy, about the organization for which they work, the external environment or other information about their colleagues. The communication can help motivate employees, build trust, create a common identity, or increase personal involvement, it gives individuals a way to express feelings, share hopes and ambitions and to celebrate and remember their achievements. Informing and consulting the employees is the way in which individuals and groups understand their organization, what it is and what it stands for.

Increasingly more evidences indicate that an effective internal communication helps to increase employee satisfaction at the workplace, their morale, productivity, commitment, confidence and learning; improves the communication climate and relationships with the stakeholders and increases the quality and profit. Here are some examples:

- The employees who are not involved in fulfilling the organization's objectives can cause high losses in organization/company, through quality defects, costs for restoration and repairs, absenteeism from work and reduced productivity;
- The improvement of information that employees receive about their organizations/companies, their work, in terms of quality, opportunity and adequacy, can improve individual performance;
- More than 80% of employees questioned in United States of America and United Kingdom said that internal communication influence their decision to remain in an organization/company or to leave it.
- Employee satisfaction regarding information and consultation in companies is related to the company's commitment to them, productivity, performance and satisfaction at the work;

- The companies with involved and committed employees are more productive than those companies where employees are not involved;
- A positive communication climate and an effective communication with the workers and employees strengthen the identification of employees with their organizations.

For a better communication in agricultural sector it is necessary to develop a strategy for information and consultation (I & C), involving all existing actors. This will ensure the minimization of needs of agricultural workers and increase collaboration between institutions and organizations involved in agricultural activities. A strategy on I & C would also provide a more effective communication and coordination in companies/organizations. Providing a mechanism to identify and prioritize information needs of agricultural workers and employees would be an essential element in improving the I & C system and building a strategy on I & C.

Thus, for improving the information and consultation systems in agriculture are necessary the following priorities:

- ✓ To promote innovative actions in order to manage employees' participation;
- ✓ To ensure a information flow by providing to agricultural workers and employees continuous information on technical, economic, managerial, legal and marketing, through design activities, editing, copying, etc;
- ✓ The transfer of information, results and performance of the companies to be made by organizing meetings, debates and roundtables;
- ✓ Rethinking organizational structures so that all workers to have access to information, materials, codes of good agricultural practices, publications, etc;

- ✓ Gathering and exchange information regarding the objectives and aspirations of the companies/organization;
- ✓ Greater openness on information and consultation of workers in the agricultural sector;
- ✓ The information and consultation process to be simple and clearly understandable for all workers and employees.

Such a communication strategy can only be achieved through a process of participatory management, a permissive management, encouraging feedback and supporting participation that promotes collaboration between departments and levels of company/organization.

Often, the most important issue that a company is facing is the involvement of employees in their work. Involvement / engagement mean "full use of the talents and energy of people at work." Although it has been for a long time a problem, today it has become really crucial because a dynamic market, exacerbation of moral issues and confidence caused by job cuts, restructuring and corporate governance issues in recent years.

VI. Recommendations and conclusions

After identifying and analyzing key issues, challenges and best solutions for improving information and consultation in agricultural sector, we can say that there is a need for taking positive and proactive measures by the social partners in order to influence the real implementation at national level of the I & C processes.

When EU policy makers and legislators will review Directive 2002/14/EC on information and consultation rights, including rights and facilities more extensive for employees' representatives, only then they could promote information and consultation procedures more robust, especially in the member states where the legal frameworks for informing and consulting are relatively recent.

For starters, it should be noted that the provisions of Law no. 467/2006 are applicable only to companies based in Romania that have at least 20 employees. And the definition of an enterprise is more confusing us than to helping us. Thus, we do not understand what the legislature meant by "public or private entity engaged in an economic activity with or without profit", an expression that can't be found elsewhere and cannot be assimilated with anything.

The introduction of the size criteria makes things complicated. While the Labour Code provides generally the obligation to information and consultation, the new law comes and says that it is needed for "a framework for setting minimum requirements for the right to information and consultation of employees" if the company has at least 20 employees. In other words, companies with fewer than 20 employees can nicely mind their own business and can send their employees "for a walk" when they require a consultation. There are three specific cases where information and consultation are maintained regardless the number of employees

These are:

- Collective layoffs;
- Transfer of the company;

- Establishment of a European Work of Council or a procedure for informing and consulting in undertakings at Community-scale and Community-scale groups of undertakings.

Regarding the consultation, defined by the law as "an exchange of views and establishment of a dialogue between employer and employees' representatives". In terms of results, consultations should not be finalized in an agreement between employers and employees. This aspect is not expressed explicitly anywhere, instead is referring to the fact that if the proposals of employees are not taken into consideration, the employer is obliged to give reasons for his decision. Further, if the employees considered as unfounded the arguments made by the employer, may appeal the decisions in the court of law. In fact, the employer may refuse informing and consulting employees, if it considers that they are likely to seriously harm the functioning of the undertaking or to harm their interests.

The difficulties, identified by social partners involved in I & C regarding the efficiency of the system, are the following:

- Having a social dialogue at local and regional level between trade union representatives and local and national authorities by addressing the problems encountered;
- Co-opting representatives of farmers in information and training activities;
- Consultation on the National Plan for Rural Development, through working committees;
- Initiating a regulation regarding the fighting against illegal (black) employment and commissioning legally seasonal workers: authorized person, Individual Enterprises and Family Enterprises;
- Good and efficient management of the relations with the public institutions and harmonizing the national legislation with EU's legislation, taking into account the specificity ;
- Ensuring the trade union immunity;
- Facilities ensured by the state;

Also, due to the large number and variety of legislative acts in the field, there is a need for more transparency in their identification. Thus, during the discussions had

it was considered necessary to have a guide on the rules governing the I & C, for workers in the agricultural sector, Ministry of Agriculture and Rural Development, farmers and all interested users.