

# INVITATION

2 March 2023, online

## WORKERS'-VOICE- BREAKFAST

ECJ ruling on workers' participation in SAP company



# WORKERS'-VOICE-BREAKFAST

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Dear Madam / Sir,

The Hans Böckler Foundation kindly invites you to its digital Workers'-Voice-Breakfast. Topic will be the ECJ ruling of 18 October 2022 regarding workers' participation in the software company SAP (C-677/20). The ECJ has made an important contribution to protecting national workers' participation and trade union rights. Beyond the individual case, the Luxembourg judges have sent a signal for the representation of workers' interests on the supervisory boards of European companies.

The software company SAP converted from a German AG into a European SE in 2014. In the SE agreement the company laid down an option to reduce the size of the supervisory board and thereby excluding the separate ballot that guarantees for the reserved trade union seats in the supervisory board. The German trade unions IG Metall and ver.di challenged the specific provision in the agreement as the representation of trade union members in supervisory boards is a characteristic part of German codetermination law.

Eventually, the German Federal Labour Court submitted the question to the ECJ of whether a separate selection procedure for persons nominated by trade unions for a certain number of Supervisory Board members representing the employees must be guaranteed, is compatible with Article 4(4) of Directive 2001/86. In its ruling the ECJ followed the arguments of the trade unions when pointing out that a separate ballot for reserved seats of trade unions is an element of employee involvement in the sense of art 4(4) of the Directive 2001/86 when the applicable national law requires such a separate ballot as regards the composition of the Supervisory Board.

Please join us for this digital debate on 2nd March at 8:30 o'clock. We would like to analyze the ruling and its consequences for the future of workers' participation on EU level with the legal expert Dr Sebastian Sick, LL.M.Eur., head of company law unit at Hans-Böckler-Stiftung, member of the Government Commission on the German Corporate Governance Code, and Dr Sandra B. Carlson, LL.M., attorney at law, specialized attorney for employment law and legal representative of the trade

unions ver.di and IG Metall in the SAP case. We are looking forward to meeting you and having a lively dialogue around the impulse statements.

Best regards,

A handwritten signature in blue ink, consisting of several fluid, connected strokes that form a stylized representation of the name 'Maxi Leuchters'.

Maxi Leuchters  
Institute for Codetermination and Corporate Governance (I.M.U.)  
at Hans Böckler Foundation

# INFORMATION

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<b>Date</b>	2 March 2023 8:30 to 10:00 h
<b>Place</b>	Online with link
<b>Program</b>	Opening Remarks: Dr Daniel Hay, Academic Director of I.M.U. Impulse Statements by: – Dr Sandra B. Carlson, Attorney at Law, specialized in employment law – Dr Sebastian Sick, Head of unit Company Law and Corporate Governance, I.M.U.  Discussion moderated by: Maxi Leuchters, Head of unit Company Law and Corporate Governance, I.M.U.
<b>About</b>	Workers'-Voice-Breakfast: An initiative of the Hans Böckler Foundation aimed at propagating best practice in corporate governance by bringing together experienced workers' representatives and experts in political institutions in Brussels.
<b>Registration</b>	To register please reply to this online invitation/this mail. Confirmation and log-in details will be sent before the event.
<b>Further Information</b>	<a href="https://www.imu-boeckler.de/en/index.htm">https://www.imu-boeckler.de/en/index.htm</a>

in cooperation with



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