

Company A - GDPR

Company A is an industrial company. During the financial crisis its sales volume decreased, and the number of its employees diminished a lot, but the company never ceased to be profitable.

The employees of the company are organized and clustered around their trade union.

The European Regulation on the Protection of Personal Data (GDPR) has been in force since May 2018. As a subject of discussion and information it was raised in the company one year before May 2018, i.e. around mid-2017.

Instead of simply introducing a GDPR system and demanding employees to follow it, the company management chose to consult with their representatives.

Employees' trade union was aware that this issue requires very specialized knowledge that it did not possess. It first requested extra time and then it sought and found a lawyer specialized in GDPR issues.

The trade union gave to this lawyer all the documents the company management had forwarded to them regarding GDPR.

The company has published several leaflets (of 5-15 pages each), regarding the use of personal data, as well as the use of corporate data by employees (depending on whether the specific employee has an office and uses a PC, if he/she has a corporate mobile, an email address, regarding his/her medical exams, his/her payroll, etc.). Each employee should sign that he / she allows the company to use his / her personal data always in accordance with the applicable law as well as that the company employees will use properly company data.

The lawyer examined and compared these leaflets with those of other large companies he had in mind. He informed the trade union that their company has a serious approach to the GDPR issue and treats it from various perspectives.

Based on the lawyer's opinion, the trade union proposed to the management of the company a list of suggestions for changes, which were accepted by the company.

Revised leaflets are currently being signed by employees.

It should be noted that among them, there is a leaflet common for all employees, which is communicated in writing to everybody and the company management requires from everybody to sign it. This leaflet makes clear that the law stipulates that the company is responsible for compliance with GDPR and that compliance is mandatory. It also clarifies, as suggested by the trade union and accepted by management following the consultation procedure, that GDPR provisions do not affect the employment relationship. Additionally, it previews that the GDPR provisions will in no way form part or annex of any employment / service contract.



The issues raised by the lawyer, which in their turn employees 'representatives put to the management are as follows:

- Leaflets should contain clear definitions of the terms used, so that all employees can understand what they are talking about.
- The language used in the leaflets should be simple, as the majority of employees are industrial workers and the use of technical-legal terms is incomprehensible to them.
- It should be clear what restrictions are set in the legislation.
- It should be specified, whom each employee should be responsible for contacting with in each case.
- It should be clear, who will process the employee's data.
- Will there be third parties who have this right? If so, what consent should the employee give?
- Sources used to retrieve and collect personal data
- Will employees authorize the company to collect information about them from wherever it thinks appropriate? Can the company for example communicate with their ex employers to collect information to put in their file?
- The types of personal data should be defined:
 - o Identification data - payroll, code
 - o Other identification (e.g. based on previous jobs)
 - o Information on qualifications
 - o Work-related information (hours, occupational class, etc.)
 - o Spouse details, financial data, benefits necessary for payment management, (information on how much money the employee has, how quickly he/she spends it, etc.)
 - o Judicial / disciplinary data. Can anybody know what cases are pending (who and how they do record this information, who does store it, how do they make use of it)?
- Are they entitled to share personal data with third parties and if so, with which ones (e.g. kariera.gr for the purpose of exchanging employees). May third parties also be companies of the same Group in the same or other countries: e.g. when an employee moves from one company of the same Group to another, what data is being moved along with him/her?
- Time of retention of personal data.



Leaflets include issues relating to the company's security policies concerning data it maintains, such as:

- o A leaflet on the proper use of the Internet
- o A leaflet for the proper use of the computer
- o A leaflet on the proper use of the mobile phone
- o A leaflet on the proper use of clean office and clean computer screens (not confidential documents left undisclosed on the office, where they can be read by anyone)
- o Proper use of removable data storage media (usb), which can reach up to the complete removal of the corresponding ports from the computers.

Main points:

- The GDPR Regulation is a legislation in force in all EU countries that all companies must comply with. This approach, which applies to companies, should be a subject of information and consultation. This will enable employees to express their views on how their personal information will be used and on who will be entitled to do it.

Suggestions / Recommendations:

- In order to participate in an information-consultation on GDPR and to achieve good results, the trade union needs specialized knowledge that it does not have. For this reason, it should seek legal advice in this matter.



Company B – Telematic monitoring of vehicles

Heineken World Group is a multinational brewery based in the Netherlands, with presence on all continents.

In Greece, there are 3 trade factory-based unions representing employees in the respective plants of the company. Greek workers are represented by a representative on the European Works Council.

The company owns about 150 cars for its dealers in Greece, while the group in Europe has about 40,000 cars for supply chain and dealer sales.

2-2.5 years ago, Heineken introduced to the European Works Council (EWC) the subject that central management intended to install telematics monitoring systems in the company's cars. Earlier, pilot tests of these systems had started including pilot installations on specific company cars.

The central management justified this intension by arguing that the installation of such systems - mechanisms would improve the road safety of its employees, reduce road accidents and injuries, and would also have a positive environmental impact by reducing fuel and decreasing pollutants.

Through these telematics systems the following factors would be monitored:

- If the driver is driving nervously.
- If he/she follows the speed limits applicable at each point of the route by comparing with a map of set speed limits.
- Where exactly the car is located at any given moment (in combination with GPS)
- If the driver does frequent braking or quick starts.
- If the car is stopped for a long time (parked temporarily) without the engine shut down.
- What fuel consumption does the car make in terms of kilometres and what routes does it take for reaching a particular or predetermined destination.
- If the car is polluting due to neglected maintenance
- etc.

The EWC, since the subject was unprecedented and specialized, requested:

- Detailed information from the central management of the company in order to form an opinion.
- Adequate time for searching the subject and being informed by experts.

Management has accepted both of these conditions.



Finally, it was decided that information and consultation would take place through the EWC representatives and that at the national level the EWC representatives would inform the representatives of the employees of the local trade unions.

National trade unions have the final decision and possibly they will agree to install the telematics system in the company cars or not.

Correspondence was exchanged between the company management's representatives and the members of the EWC, which included a huge number of emails.

In the end, employee representatives in the EWC came up with a 15-page opinion in June 2018. The opinion notes, inter alia, that there may be negative impacts for employees and leaves the details of implementation to be decided by country. This happened also because different companies supply the telematics systems in each country, which systems have different features. In addition, different national laws apply in each country.

The EWC argued that the collection of telematics monitoring data by the company could have a negative impact on the evaluation of particular employees and may even lead to their dismissal.

Management accepted this opinion. The management agreed that each employee would be entitled to deactivate the monitoring and recording system after working hours by pressing a button. The management also accepted that the report of processing the data would be anonymous. The report would be sent at regular intervals to the supervisor of a group of 6 employees with no indication to which particular employee the individual data correspond. The supervisor would call all 6 employees together and inform them on the conclusions and point out e.g. that one of the drivers does not drive properly. In addition, if violations are repeated, employees should take some driving lessons.

As mentioned, responsibility for whether this sort of telematics monitoring would be implemented or not relies on national trade unions, taking into consideration the legislation in force in each country. This has caused different results from country to country. The system would be installed in the cars of each country by specific companies. To date it has already been installed in 24 countries. Greece has so far only piloted it on specific company executives' cars. In England, a EWC member has requested that on corporate cars would be installed cameras as well. In Austria, France and Italy, trade unions consented telematics systems to be put into cars or on different devices e.g. on mobile phones.

Some representatives-members informed the EWC that there were exceptions previewed in their countries, whilst the Greek EWC member held a negative position on the establishment of monitoring systems in the cars, following a unanimous decision of all local trade union representatives.



Main points:

Workplace pressure on employees is increasing with unpredictable consequences.

Telematic surveillance systems are employee monitoring tools that will have a negative impact on employees. Data may be used to evaluate employees based on the principle "The Company cannot have employees driving badly", "not everyone will get a pension from the company".

Another psychological pressure is for small and medium-sized executives to operate under a "proprietary status", that is, to feel and act as owners of a particular product line under their responsibility.

Some employees may receive emails at any time outside of working hours and are indirectly obliged to read and respond to them immediately, which can damage their family time planning.

Suggestions / Recommendations:

It is important that employee representatives require detailed information on the issues raised by the company management and sufficient time that will allow them to examine in detail various aspects of the proposed measures in order that they form an in-depth opinion, which will enable genuine consultation to take place.



National Bank of Greece (NBG) - Digitization

The National Bank of Greece is the largest and oldest bank in Greece (founded in 1841). Since the 1990s it has expanded overseas, mainly in the Balkan countries by buying major banks, and has opened branch offices in many other countries. It has reached a maximum of 17,000 employees in Greece. The financial crisis has had a significant impact on the bank's capital and viability. NBG had to be recapitalized, to sell most of the Group's offshore banks and to reduce its staff in Greece to about 9,000 employees. Staff reduction have been achieved through voluntary retirement and retirement schemes.

The vast majority of NBG employees, approximately 7,000, are members of the SYETE trade union. SYETE was founded in 2019 and has a significant presence in the history of Greek struggles and remarkable trade union achievements.

SYETE in 2004, together with the Cyprus Banking Employee Federation (ETYK), submitted a request to the central management of the EIB Group for the establishment of a European Works Council, which resulted in the establishment of the EWC in accordance with the subsidiary provisions of the Directive 2009/38. The 1st meeting of the EWC was convened in 2017.

Digitalization is an evolution that is increasingly affecting banks and it is expected to have a catalytic effect on both the technology used and the organization of the work in banks, the services provided, the forms of work, the skills and competencies required and the trade unionism in banks in general.

Due to the seriousness of the issue and the fact that it concerns all banking institutions, the Hellenic Federation of Banking Organizations (OTOE) together with the Institute of Labor (INE) of the General Confederation of Workers of Greece (GSEE) conducted a study titled: "New Technologies in banks and their impact on employment" in 2018. The results of the study will be presented at a conference that will take place in Thessaloniki in November 2019.

For its part, SYETE intends to use the conclusions of the study to have information and consultation sessions with EWC Management at both national and EWC level. Also, the sectoral Collective Labor Agreement, signed between representatives of the banks and OTOE, provides for the training of bank employees to deal with the challenges of digitalization.

Main points:

-Digitalization is clearly an issue that constitutes a subject for information and consultation as it affects many aspects of employment, work and work organization. It is also a great challenge as it concerns the future and there are no past data on which to base an opinion and proposals for consultation. On the other hand, there are digitalization-related issues that apply to all financial institutions.



Suggestions / Recommendations:

- In matters of general interest, such as the introduction of digitalization, it is advisable for trade unions to seek technical support from umbrella trade unions (in the case of SYETE from OTOE and INE GSEE) and to align themselves with their positions.

