



## TRANSNATIONAL CONFERENCE ATHENS

Friday 10 January 2020

Hotel Stanley, Odysseos 1, Metaxourgeio square

### “INFORMATION AND CONSULTATION – NEW CHALLENGES”

#### Minutes

**9.00** Mr. Konstantinos Margaritis, President of OBES, initiated the Conference. He thanked transnational partners and representatives of local Labour Centres all over Greece for their participation. He invited all participants to present themselves, their organisations and briefly the new challenges they encounter.

All participants presented themselves and their trade unions.

Xenia Chronopoulou presented the project “New Challenges”. The project is based on the previous project “Strengthening Involvement”, in which participated OBES, PODKREPA, FAI CISL, UHM and DEOK. Its results is a web site including legislation, national reports, case studies, glossary, practical info for trade unionists as well as a self- assessment tool for Information and consultation and a practical guide.

During the implementation of this project OBES realised that trade unionists often have to face new challenges concerning information and consultation, which puts a pressure on them for acquiring new skills.

Partners of the “New Challenges” project are PODKREPA, FAI CISL and CFF CGC AGRO and associate partner is the Association of SA and Ltd companies representing employers.

New Challenges include:

- Recruitment
- HR management, mainly in multinationals
- Transnational data transfer, processing of personal data
- Environmental and health standards
- Digitalisation and changes towards industry 4.0

Objective of the project is to collect and exchange experience and good practices from the different countries in order to help trade unionists and employee representatives to carry out more effectively information and consultation.

In the framework of the project were organised:



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- A preparatory workshop in Athens on the 10<sup>th</sup> of May 2019 that initiated the dialogue between participants.

Development of case studies, web-site and preparation of the transnational workshop in Paris on 15<sup>th</sup> of September 2019, where new challenges in information and consultation were discussed.

Sofia Spiliotopoulou made an intervention presenting the results of the transnational workshop in Paris, which took place during a general strike. Participants had a very interesting discussion on the challenges because of the technology and changes in the law. More precisely, in France because of the new labour law, they have to declare the real actual number of men and women members of the trade union at the moment of elections and candidates to reflect the same men/women percentage. This implies difficulties in nominating the requested number of candidates per gender and to find persons qualified and with vocation. Another subject discussed was that of GDPR implications. Bulgarian partners have presented the changes in their legislation. All participants agreed that the conditions have changed regarding work organisation, technology, participation in the trade unions etc., and consequently have changed the subjects for information and consultation.

- Thanassis Panagakis, Vice president OBES, shared his experience from the bilateral workshop in Sofia. He said that there were presentations about the changes in legislation and that there took place an interesting discussion on Industry 4.0 and how it can affect the job specifications, the skills required, the work organisation, the role of trade unions.

- Eleni Markou spoke about her experience from the bilateral workshop in Rome which she found extremely interesting. Trade unionism in Italy is very different from that in Greece, more organized and trade unions are more active. Regarding new challenges, the main issue she retained is that technology evolutions may reduce workers/employees. Maria Almpani added that the system in Italy is different and very interesting as well as that she found that the main issue of challenge is technology evolution and its effects.

- Next result of the project was 3 case studies per participating country Greece, Italy, Bulgaria and France presenting a wide spectrum of challenges and ways to cope with them.

- The project website [newchallenges.obes.gr](http://newchallenges.obes.gr) has all information of workshops (agenda, minutes). It also includes presentations, results and the glossary with terms that trade unionists dealing with new challenges in information and consultation have to know.

George Tsimekas, Secretary OBES

We realized the difference of perspectives in the different countries. In the EWCs north countries share a more or less common perspective, whilst representatives from southern countries have a different character. As trade unionists we propose that EWCs do not have only information and consultation as their sole destination, but that they are also able to intervene. Information is a tool, from which we may benefit if we use it to get knowledge and prepare ourselves and our positions. For example, to face the data protection challenge we got information, which not enough to sensitize our





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members. We had to ask for information by an expert lawyer. Information is good but not always enough. Trade unions have to develop their own independent initiatives.

Michel Poutrain, CFE CGC AGRO

During the last 2 years in France we had major legislative changes in social issues. In 2017 Macron made major changes in representation, terminating the institution of Councils of Enterprises and Councils for Health and Safety, merging them into one called CSE (Conseil Social d' Entreprise), in which the profile of health does not exist anymore, only the safety one. All companies employing 11 employees or more have to establish a CSE. In addition, things have changed regarding VET and negotiations. We had to make a change to the new institution CSE. We started in 2018 negotiations for the representation in CSEs with the purpose to improve the minimum conditions of CSE. In 2019 we had to renew all representatives with the aim to establish CSEs in all companies until the 1 of January 2020. For us, labour, it is important because representativeness that depends on the number of unionists permits to undertake negotiations. Representation in France has 2 levels: national level and sectoral on one hand and representation in the company on the other. In order to ensure representativeness, we want to secure participation of 10% in the first round of elections (this stands only for trade unions elections; for transnational representation the minimum representation is 8%).

This is the main part of our job this year. Beyond that, in order to support our members, we have developed some training courses on the changes. Gender equality does not exist. Women gain less and the representation of women is still low. We passed from the logic of results to the logic of means. Elected representatives of CSEs constitute the means to secure professional equality between genders. They have 2-3 years to achieve that through studies, information and consultation and the use of experts.

In order to make a diagnostic study and ensure equality, CSE representatives can have an expert committee. The law has planned the reform but not finished it, as the law puts a limit from 300 employees up, so SMEs are not included. We are now trying to delete this limit. To do their job the CSE members have to agree on a number of indicators and to an action plan for the implementation of legislation. They have to monitor the results of the action plan annually.

Doing this, representatives need records and reports and they have to create a data base of social and economic data to which they should have access to (BPEs-bases de données économiques et sociales de l'entreprise). All companies employing more than 300 employees should have this Database. This database should include reports with indicators and data regarding professional and family activities of all employees. In the database should be included also the strategy and agreements for gender equality. Employee representatives but also the Ministry of labour and labour Inspectors may consult these data. There are other innovations, for instance companies have to reach a score. Each company has to achieve 75 points. If this is not the case, the company has to pay financial fines. The indicators are the same for all companies in all France (for companies employing under 250 employees there are 4 criteria and for those with over 250 employees five criteria). The problem is that the implementation





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law defining fines is not published yet, so we don't know the fines. However, the General Secretary for Gender Equality undertakes to inform the public on the companies that do not follow and trade unions that have strong information and consultation, can inform their members using also social media. I will finish with our slogan "Do not forget that we are all here because a woman gave birth to us".

Question: Despoina Konstantinou, Labour Center of Katerini

This legislation has come after consultation with employees? Are there issues that are not covered? Do you consider this legislation good for employees?

Michel Poutrain. This reform has come because of pressure by feminist organisations and trade unions. In France there is actually a cultural change towards the presence of women. Important role played the tsunami following the Weinstein case. The problem in France is that there are several trade union organisations, yet in the private sector the representation is only 10%. In the public sector instead the trade unionism is stronger and the representation bigger.

As unionists, we need to make positive efforts to have more women in representative positions. As still the representation of women is small. Regarding the acceptance of legislation, it is good by women, especially young women of less than 30 years of age, taking into account that they wish not to be treated as mothers only, nor as professionals only but in a more holistic way. The cohort of women 40+ has accepted less positively the law. On the contrary, women 62+ are more positive, as many of them have been active for achieving gender equality.

Kostas Margaritis. Now we have strikes in France. Could you comment on the reasons?

Michel Poutrain. In France there is a massive wave of social restlessness and crisis that leads to big strikes. This is because the government has expressed its willingness to change the retirement system in two ways. At the moment the pension system is still based on redistribution base. The pension is calculated in the public sector on the basis of the last 6 months and in the private sector on the basis of 25 years with highest earnings. The second way the governments to reform the system is by abolishing special regimes. For example, persons working in the trains can retire at an age of 52-55 years old. For us, we support the redistribution character and are not so interested in special regimes. Our proposition for the future is a system with points. Now a person does not know the pension he/she will receive. This is because each year the financing of pensions is an issue of governmental budget. We defend the current strikes because we believe that an employee has the right to know at any time what pension he/she can receive for the rest of his/her life. Now in France, there is a minimum pension for those that have worked for 42 years. If someone decides to retire in 62, he/she can get a minimum pension. If he/she decides to work until 67 he/she will get more money. A person 67 years old who has not completed the minimum years of work, can still get a pension, which is less, corresponding to the years he/she has worked. There is a minimum guarantee for those that have different working conditions, having to do with the years a person has paid social insurance. After the reform the calculation of the pension will be based on the entire professional life of the person. That means that





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a lot of things will change (the minimum age may change from 62 to 63-64 and the maximum age can go to 70).

There is equality but not perfect because most women work with partial work and get less pension.

Another measure of the government refers to people with high salaries that pay big social charges. The measure previews that the salary which is taken as a basis for the calculation of the pension will have a limit. This measure is to reduce the pensions and those high salary employees may pay private companies like AXA and Blackrock. The government wants to abolish the bilateral committee between employers and employees. I think that it wants to put a hand in the reserves of the state union for the state budget.

Ermanno Bonaldo, FAI CISL. Presentation of the case study for the Gruppo San Benedetto.

The Gruppo San Benedetto produces non-alcoholic drinks. It is the biggest in Italy, with companies in Spain, Hungary, and Poland with over 2.000 employees and it distributes its products in more than 100 countries. Its core business is mineral water. The company pays a special attention on the protection of the environment. This is also connected to providing training to its employees related to their job requirements. In this case the trade union plays a major role in consultation at both local and national levels. We have a collective agreement at national level previewing social and pension rights for employees. The company agreement previews benefits for the employees for health, free time and family benefits. We have (depending on the productivity) up to an extra payment for employees. Extra benefits are free distribution of products, money for school, health and accident insurance and a gift for couples reaching their 25 years of marriage. Beyond the national collective agreement for vacation, the group pays the cost for university studies in themes of its interest e.g. chemical engineering, environment etc.

The FAI CISL is the most representative union in the group. The company agreement is a whole book that includes the national collective agreement. We needed a lot of time to prepare the company agreement, which previews among others raise of salaries, working time and time for families. The signing of such an agreement is not an easy thing. The proposal of the group was accepted by the employees in a General Assembly. Here are some issues of the agreement compared to the collective agreement:

There will be 6 representatives in the Health and Safety Committee voted by the General Assembly instead of 3.

There cannot exist fixed-term contract after 6 months of employment only permanent contracts.

Overtime. Employees may put their overtime to a bank to be used by other employees. E.g. if I have worked 10 hours overtime, I can put 5 hours in the time bank and get paid for the rest

Bonus based on objectives, €2.350 in 2018, €2.400 in 2019 and €2.450 in 2020.





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A part of social charges may be invested in the company.

The difficulty FAI CISL of Venice had was a period of crisis with the company. The HR manager sued the trade union, the trade union gained the cause in the court and the HR was fired.

As a matter of fact the companies behave according the trade union they confront with and this is different in each country. For example Barilla doesn't have the same relations with trade unions in Italy and in Greece.

Finally, the representative in the San Benedetto EWC is a colleague from FAI CISL. EWCs are weak, as they have only information & consultation role. In the EWC they promote a new regulation in order to have access to the data/information. For this I think it is essential to have social dialogue in the food sector as well as in the agricultural sector with the European Commission. We undertook the presidency in European dialogue for the agriculture sector. It was a very great honor for our trade union that our presidency was voted by both employees and employers.

In the EWC, the group wants to enforce social cohesion at European level, through European dialogue based on cooperation.

Another issue that the representatives face is that there is no survey regarding data in the EWC. The EWC issues a newsletter with all information which it distributes to all employees. In the EWC participate 6 representatives from Italy, 2 from Spain and 1 from Poland and its coordinator is from Nord Este Venezia. According to INONOVA, the Institute for Innovation, Reform and Protection, the working conditions in the group are good, which coincides with conclusions of the EWC. For this reason, salaries have risen and vacations are longer.

I do not want to give the impression that the working conditions in all companies in Italy are like in San Benedetto.

Anagnostou, BIOME.

BIOME is a chemical industry in Thessaloniki. Its trade union is member of OBES from the beginning.

When the owner of the company has quitted it abolishing job positions, the trade union in tune with OBES philosophy, has decided to take up the factory production and go on. We decided to sell our products not through super markets or distributors but using a solidarity network. So, we sell our products on-line or though trade unions. We have two lines of production:

Cleaning products from natural sources

Ecological cleaning products using certified raw materials.

70% of our production goes to other countries. We chose not to receive state funding nor bank loans because we want to be independent. We depend on our own income and solidarity income.



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Sivano Giangiancomi. The Gruppo Veronesi is concentrated in Northern Italy. It has 2 production lines one for animal food and the other producing food. In the company takes place information and consultation in 3 levels, Department level, company level and national level. In this company we have good cooperation and the company respects information and consultation and involves workers' representatives in the decision making for development. For example, when the company wanted to do some investments to produce new products, it asked for the agreement of workers. Even when it decided to subcontract some activities, it respected our conditions and paid temporal employees some salaries.

The Gruppo Barilla has 8.400 employees, out of them the 5.000 in Italy, a turnover of €3,6 billion in 2018 and €236 million in investments. Our case study refers to Basilicata region. Some years ago in order to make some investments, the company changed the industrial relations (work on Saturdays and Sundays). The trade union worked with the company in the region and concluded to an agreement, the results of which were more VET for employees and increased salaries. This regional agreement was used as a model for the national company agreement. On the other hand we know that in other factories outside Italy the working conditions are not the same. We have to see why in Basilicata they have good conditions and in other places, like in Athens they don't. The EWC can deal with it. Our concern is to find mechanisms for involvement and engagement of employees in industrial relations. Our strength is in our capacity. We use dialogue with the companies and collective agreements and this is the strength of the trade union.

The employers have their own unions. There is a phenomenon that if the parliament wants to intervene, both unions of employers and employees resist. They prefer to negotiate between them. There is no law that the state can interfere in social dialogue. In Italy there are 3 Confederations.

Anastasopoulou, SAE and EPE. GDPR.

GDPR influences also industrial relations. Personal data can be processed for purposes of labour contracts and collective agreements, even if personal data are not stored in a data base as long as

- it is absolutely necessary (it is doubtful who decides if indeed it is necessary)

-for making decisions on a contract or an agreement. In these cases processing of personal data may be done without prior agreement of the employees.

In general though, employees have to have a free choice. Agreement of the employee for processing of his/her personal data may be either written or in digital form. The employer has to inform employees about the purpose of processing their data. Employees have the right to recall their agreement at any time. The agreement must be given under free choice. This agreement is different from the labour contract.

Specific categories of personal data that may be processed if it is necessary are:

- for exercising legal rights



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- for fulfilling legal requirements

Use of cameras and processing through CCTU systems in the working environment is allowed either in public accessed areas to or in private spaces, only if is necessary for the safety of persons and goods.

The company has to justify why the camera is necessary and the employees have to be informed in written. The camera recording cannot be criteria for the evaluation of productivity of employees. DPO has to prove that the employee has given consent. The consent form should be in understandable and simple language and to be accessible. The law concerning GDPR is very recent and it remains to be seen how it will be implemented.

Todor Kachkof and Lilyana Laskova, Podkepa.

Our confederation is one of the representative workers' confederations in Bulgaria. We work with trade unionists and focus on the process of information and consultation as well as on the last changes and amendments in legislation.

The legislation on information and consultation is based on the constitution of the Republic of Bulgaria. According to Article 41 "Everybody has the right to meet, receive and disseminate information. The implementation of this right cannot be against other rights".

The implementation of information and consultation is carried out through EWCs and trade union representatives of employees through application of the article 7 of the labour code and it is settled by an agreement.

The law has not set up a strict procedure for reaching an agreement. It is clear that once employees' representatives are elected, they may invite the employer to negotiate with them to reach an agreement.

Issues the labour code specifies for information and consultation are:

- Economic and financial results
- Structure of the enterprise
- Development of activities
- Investment and changes
- New methods and processes
- Transformation of the enterprise
- Upcoming mass redundancies and lay-offs.

One of the biggest issues is that very often in Bulgaria make structural changes against the employees, e.g. producing redundancies and lay-offs without prior informing the employees.



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Although the information and consultation Directive has been transposed in Bulgaria in 2007, the transposition is very flexible, there are no strict penalties for its infringement.

In the last years we had 3 cases which went to the court.

- In a case study there is a multinational company, which has a collective agreement signed between the company management and the employees' representatives. In one not determined moment, once, the management proceeded to the change of ownership without informing the trade union representatives of employees. The new owner has put a new company management as he has the right to do and he refused to respect the collective agreements already signed. This is due to the lack of provision in the Bulgarian legislation to force the owner respect the agreements. Additionally, what is even worse, the new owner does not respect the elected representatives of workers. In this case all process should start from the beginning all over again.

This is an example of practices in Bulgaria which shows that the parliament has to undertake the necessary steps to change the situation. At least, the law for information and consultation should be amended for multinational companies, as there is no other legislation. This is a very big trouble for trade unions because this situation exists only in multinational companies of Bulgarian ownership.

Apart from other problems we face, at present we have a confusing situation because two months ago, in November our employers made a very big pressure to the Bulgarian parliament and they submitted a draft proposal of law saying that the first 5 days of sick leave should be paid by the employee, not by the company nor the state. This escalated the tension between trade unions and employers as this situation will have a negative impact on workers, who will have to cover medical expenses and they will not get their salary for sick days.

As we mentioned, in Bulgaria there are two representative trade union Confederations. In this tension and dispute only PODKREPA took a side. The other Confederation hid. We are the only trade union in this battle and we have against us 6 employers' organisations. Because of that we organised a big public protest in the end of November. With this demonstration we declared that if the government accepted this legislation we would continue protesting all this year. Finally there was a draft agreement that employers should pay the first 3 days of sick leave, not the state nor employees. This is promising and it is a first victory for us. Before, the state budget for social security covered all expenses for sickness leaves. After the crisis 2008-2010 following pressure to employers, the government accepted, as a temporary measure, a new rule to free the state budget from this. The employers decided to agree to pay for the first 3 days, while the state would pay for the rest. But unexpectedly, in November the lobbies moved and employers proposed the new measures. This is the main challenge we, trade unions, are facing now and we expect your support.

Sofia Spiliotopoulou, OBES.

We thank very much international participants and interpreters.



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The three case studies in summary are:

- The first case is about telematic monitoring of vehicles of Heineken (supposedly for environmental reasons), as a by-pass to monitor also employees.

In Greece it was agreed that monitoring data is collected for a group of 6 persons and not individually, so it will have no impact on individual employees.

George Tsimekas said that even this measure was denied in Austria.

- Second case is about data protection and the main lesson learnt in this case is that trade unions need assistance from experts in cases like this, because it lacks specialised knowledge.

- The third case refers to the trade union of employees of the National bank of Greece, who faces the challenge of digitalisation of the bank activities. In this case there was a coordination between the trade union and the Federation of Bank Trade Unions (OTOE) along with the Institute of the General Confederation of Greek Workers (INE GSEE) to confront in a systematic and holistic way the digitalisation in banks.

A small group discussion followed.



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