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## NEW EWC DIRECTIVE- NEW PERSPECTIVES

CONFERENCE ATHENS 19.11.11

GOLDEN CITY HOTEL

### MINUTES

#### Introduction.

The aim of the transnational Conference was:

- to inform trade unionists on the new Directive 2009/38 on the EWCs as well as on the latest news about the transposition Laws of the Directive in Greece, Bulgaria and Romania.
- to exchange views and experiences between trade unionists and EWC members on the perspectives of the new Directive and how EWCs can best take advantage of its provisions.

#### Proceedings

The Conference started with introduction of *Mr. Aristidis Hatzisavvidis*, former President of OBES. Mr. Hatzisavvidis has explained the framework created by the adoption of the new EWC Directive and the problems of its transposition to the Greek Law.

Around two years ago, the Ministry of Labour has established a committee to prepare the draft of the transposition of Directive 2009/38 into Greek national law.

Very early, on 26/4/2010, OBES released and sent to the Greek Workers' Confederation (GSEE) draft positions on the transfer of the new directive into Greek law but these were not taken into account in the final draft of the PD as shown the minutes of the committee.

Once OBES received from GSEE the final draft text of the new PD, it has sent to multiple recipients (GSEE, trade unionists, etc.) analytical draft of its positions by e-mail on the 27/12/2010, in order that they can study them and have an exchange of opinions. One has to note that the draft text of the new PD contained numerous anti-labour provisions.

Furthermore, OBES asked GSEE to intervene to the Ministry of Labour for this reason, which was done through a letter of GSEE to the Minister of Labour Ms Katseli dated 11/1/2011. Furthermore, the first edition of these positions was sent by OBES to the Minister of Labour Ms Katseli on the 28/1/2011. These positions were improved, and OBES forwarded the second edition of these positions to the General Secretary of the Ministry of Labour Ms Stratinaki on the 12/4/2011, during a meeting held in her Bureau. Ms. Stratinaki, opted for a transposition Law instead of a presidential decree. This solution was also chosen by the majority of European Union member-states, as shown in the table issued by the European Commission containing all the laws transposing this Directive in each EU member state up to 31/08/2011. This table is available in:

<http://ec.europa.eu/social/BlobServlet?docId=6888&langId=en>

The positions of OBES have also been sent to the Minister of Labour Mr Koutroumanis and to the hierarchy of the Ministry of Labour on 12.7.2011 (second edition) as well as on 07.11.2011 (third edition).

The third edition of positions was improved comparing with previous versions, following the round table meeting on EWCs with the participation of trade unionists coming from trade unions and local Labour Centres, which was organised by the OBES on the 19/9/2011.

Finally, the current fourth edition of positions was prepared following the announcement of the draft Law by the Ministry of Labour. The draft Law contains significant improvements if compared with the draft PD, so observations of OBES have been adjusted accordingly.

Mr Hatzisavvidis has stressed the fact that the trade union movement has to have elaborated positions and insist on them. If this is the case, it can succeed in gaining positive changes.

Mr Flegas, President of the Federation of electricians, has greeted the Conference and has stressed the point that trade unionism nowadays cannot be the same as it used to be. It has to develop know-how and use this know-how in order to gain better positions. In the current conditions trade unionists have to focus on vindicating well documented claims. It is also important that trade unionists do not participate in the sharing of power; they have to act using ethics. In this way young workers will be attracted again to be trade unionists.

Mr Pastrapanski, CITUB, and Mrs Starcheva, PODKREPA, have presented the greetings of the Bulgarian representatives.

Mr Puiu and Mr Iancu from Cartel Alfa, Romania have thanked for the invitation to participate in the project and the Conference. They said that their Federation has 100 trade unions with over 25.000 members. Twenty seven out of the 100 trade unions correspond to multinational companies. Hence, the subject of the present Conference is of major interest for them. Nowadays, the multinational groupings have put great pressure to the Romanian government, which therefore has changed the labor Law. This fact generates a lot of problems for workers and trade unions. NOKIA has

relocated its production to Romania from Germany in 2008. It has left Romania for the Far East without previous notice in two days in 2011, leaving 3200 persons unemployed without any repercussion for the company. This is why they firmly believe that EWCs constitute a new tool that offers us new opportunities. They wish OBES good success in these difficult times.

Mr Hatzisavvidis has stressed the fact that one has always to remember that the trade union movement is the basis for any achievement of the labor force. If the trade union movement is not strong enough we cannot expect that employers will consent to any positive changes. He then passed the floor to Mr Katsambanis.

Mr Katsambanis, expert of OBES has included in his presentation an overview on what is going on in Europe and worldwide in combination with the role of EWC in the current situation. He has also presented the similarities and differences of trade unions in various EU member-States, the work relation models as well as the industrial relations Law in Europe. He has made a brief presentation of EU Directives and Regulations concerning workers' representation and rights, highlighting the points of improvement of the new Directive 2009/37 stressing on the issues of information and consultation and the impact of the new Directive on existing and new EWC agreements. Finally, he has shown a short presentation of the work done by OBES related to the EWCs (see presentation).

Mr Ninos, member of the EWC of Heineken has emphasized on the importance of communication for the effective operation of EWCs. One has to distinguish between the internal information, that is to say information forwarded by the central management to EWC members or information exchanged between the members of the EWC on one hand and information to/from the local or national trade unions and finally the workers and employees on the other. The EWC is informed and informs. It does not negotiate. Any confusion about its role has to be omitted. It has to cooperate with the multinational company as well as with the national trade unions. Some EWCs make use of the information more effectively. What have we achieved up to now? Why do we wish to formulate attentively the transposition Law? We have achieved a lot up to now. It is the case that local management may not have a proper position. We have the possibility to address directly, though the EWC, the central management. In this way trade unions get a stronger voice. I would like to tell you an example. The central management of Heineken has decided to centralize accounting department, what is called Global Business Centres, in Cracow, Poland, which may interpreted as loss of 1700 jobs in various countries. This subject has been initially introduced to the Select Committee of the EWC. Exchange of information and suggestions actually flow through internet, highlights and e-room. This means that information attains everybody. At this point we have to stress that if there are gaps, the Law which is valid is that of the mother company. The mother company has to justify why it proposes a change and we have to express our position after consulting our technical experts. To have this possibility is extremely important. During consultation with central management, in this case, we sustained that out of these 1700 employees the jobs of which are in peril, those that wish so may move to Cracow, some may move to other departments, some may change professional profile and finally those close to pension, may have some incentives to retire. This we achieved through a combination of correct information, consultation and negotiation

of the national trade unions. We are aware that there are differences between EWCs, yet we can achieve results.

Mrs Fountea, lawyer has dealt with the subject of consultation and its definition in various directives and the national Law in Greece as well as with Works Councils. She has sustained that WC will be called to play an important role in the process towards flexible forms of work and signing of special Collective Agreements. Nowadays, employers proceed unilaterally. They should though have previous consultation even in the case there are no trade unions in the company. The employer should pay experts in order that workers formulate a grounded position. In Greece fortunately there is both jurisprudence and protective measures. For example some forms of alternative work are invalid because the required procedures have not been respected. The lower limit of 50 employees in order that a company signs a collective agreement has been abolished. The limit of 6 months after the ending of their aim for the works councils is being abolished as well. Works councils are far from being solely theoretical. They risk to be used by the capital, which may establish fake works councils and fake trade unions. The Company Collective agreements outweigh the sectorial ones. Consultation has to be based on knowledge and the employer is obliged to pay in order that employees/workers acquire this knowledge, if he is asked to. Actual situation, though, has the risk of fragmentation of the trade union movement.

Mr Florentin Iancu, has spoken about the short history of EWC in Romania, the transposition of EWC directive to the Romanian law system and the new law project to modify the existing regulations (see presentation).

Mrs Veselina Stercheva, PORKREPA has presented her ppt presentation on the implementation of the recast Directive 2009/38/EC. She has stressed that there is no EWC established under the Bulgarian Law, but they prepare their trade unionists how to use the new Directive and that is why they organize seminars. They also make efforts to establish collaboration and consensus at national and transnational level (see presentation).

Mrs Kokarida, EWC member AGFA. She has the experience of representing Greek employees in the AGFA EWC in Antwerp. There they experience their similarities as well, of course, as their differences. Trade unionism is undergoing a crisis. There is a problem with consultation. The central management seldom asks for their opinion and there is a gap of information. At an instance they got the information two days before the meeting with the central management, so they did not have the time to inform the trade unions and to prepare documented positions. EWCs admittedly though, are an important tool and one can, with the cooperation of experts, achieve a lot.

Mr Theocharis, Gaz company, spoke about the work relations in his company and asked for continuous information.

Dr Kourtesis, expert, said he has examined EWCs during his doctorate thesis. He believes that a lot of EWC can be established in Balkan countries and there may be created even poles of Balkan participants in EWCs.

Mrs Starcheva said that there are 47 Bulgarian EWC representatives and that a EWC has been established following the initiative of a Bulgarian trade union.

Mr Katsambanis said that there have been initiatives for the establishment of EWCs in National bank, Eurobank and Alphabank, which are not finalised yet. OBES tries to develop a South East European model for EWCs with pronounced involvement of trade unions.

Mr Tsimekas, Heineken EWC. There is a big need in the present conditions for the greatest possible involvement and participation of trade unionists in the EWC. Even if these trade unionists are not the best possible they are preferable to simple employees/workers for members of the EWCs. This way a lot of risks are avoided and they constitute a guarantee for the future. Simple employees, with no previous experience when facing technical issues, cannot easily resist to pressure from central management and may be pushed to positions against colleagues' interests. EWCs should, to his opinion be converted to organs with the power to negotiate.

Mr Hatzisavvidis thanked all participants and asked them to give OVES their e-mails in order that they get information and assistance if they have EWC related problems to resolve.

**PHOTOS FROM CONFERENCE**

