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PRAXIS
FROM LAW TO PRACTICE
CONFERENCE 28.09.13 ATHENS
GOLDEN CITY HOTEL

REPORT

Introduction.

Objective of the transnational Conference was:

- To provide trade unionists with information on the aims and activities preview in the framework of the PRAXIS project.
- To sensitize trade unionists on the rights they have following the European and national laws as far as information and consultation are concerned.
- Trade unionists from Italy and Greece to exchange opinions and experiences as far as the situation concerning information and consultation in their respective countries is concerned.

Conference proceedings

Mr **Valentin Mocanu**, Fratia, ex Deputee Minister of Labour of Romania, Mr **Gabriele Guglielmi**, Secretary of International relations of CGIL and Mr **Kostas Margaritis**, Secretary of OBES greeted the Conference.

The following participants took the floor for a short presentation:

Godeanu (representative of Columnnia, an employers' association in Romania). We have a lot of things to build together and a lot of problems in common to resolve. Most of all we need development.



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Nivos (president of the trade union of Heineken Patras, EWC member). The countries of European South face great problems with the crisis. We have always thought we have different legal frameworks and different cultures in the different EU member States. Now however, we see that we have problems in common and that employers go to other continents to find low wages and virgin consumer markets. Europe has to find from within the means to face the problems. Everything gets worse but we have by our nature to be optimists. The policy we have applied up to now may not be adequate. From now on we must promote propositions and not findings.

Hatzis (Organisation for Mediation and Arbitration). Our Organisation has been discredited by the new laws. Compliance or non-compliance with the provisions about information and consultation is left to the initiative of the parties. They try to pass changes to this point through the code of lawyers. Perhaps OBES could intervene.

Gilaris (IKEA). We obliged last year the management to come to consultation for 3 days. Perhaps the time was wrong. We didn't keep minutes. Perhaps our positions, although we had a lawyer with us, were also wrong. We participated in a meeting of the EWC in Stockholm 3 months ago. The issues faced by the trade union are not connected with political parties but with survival. The bad thing with the Law is that it does not preview sanctions for the employer that does not keep the procedures of consultation.

Papaharalampous (president of the trade union of Agfa and member of the EWC). We are a small subsidiary of the multinational. We have 2 branches, one in medical equipment and one for printing shops, both of them facing problems, printing shops because the sector has diminished and medical equipment, because they don't pay. Up to now we have consultation and it goes well. We have had some cases of early retirement.

Diamantis (Praktiker). We are the Greek branch of a German company. We have had 500 dismissals, although we are a very profitable company. The German mother company is bankrupt due to a scandal. The management does not accept to keep minutes during consultation. The Presidential Decree 240 has to be changed and it has to preview that keeping minutes is compulsory.

Hristoforou (Nokia). The company has proceeded with redundancies since January. Consultation takes only place for the forms.

Bartzaklis (president of the trade union of Boutaris-Kampas-Mythos). Our company is in the sector of beverage. It has many problems but we don't have redundancies yet.

Haritidis (president of the trade union of ELKO). Our company produces white devices. First problem arose in 2003, when we suffered the first dismissals. Today, the production as well as the number of workers have diminished.

Flegas (president of the Federation of Electricians). Many things have changed and sectoral collective agreements have weakened. Company-based collective agreements are being promoted instead. Collective Agreements are not compulsory any more.



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Souvaliotis (President of the Local trade union Federation of Patras and vice president of the Federations of operators). The policy of memorandums has levelled everything, consultation included. There are serious effects of the crisis in the European South. The money is gathered in a few hands only, while we assist in the cutting of jobs. The crisis in our region began with closures of industries since 2004. The policy the governments follow is wrong, but they keep following it. They should create growth. Patras is an industrial area, the third city in the country and has suffered from deindustrialization. There are no provisions for building infrastructures (eg gas for cheap energy, roads). There is an urgent need to put development goals.

After that Mr **Katsampanis**, expert of OBES has presented the slides about the legal framework and the application of information and consultation.

Ninos. There should be provisions for penalties and sanctions. We can see it work in other cases. Recently there is a regulation previewing a penalty of 9.900 Euro per person they find working in a company without being officially declared. There were declared 45.000 new employees in a month.

Ganatsa (president of the trade union and member of the EWC of CITYGROUP). Unfortunately, dialogue takes place only for the forms. Capital is not bound to anything but to get more profit. So far, we have not had layoffs but three voluntary retirement packages. Following the closure of BNP Paribas management has curtailed activities. For example, it doesn't present any business plans because it argues that it keeps studying them.

Malamas (president of the trade union of Vodafone). Telecommunication companies Vodafone and Wind tried to merge, but this was not feasible, because of the Competition Commission. They try now to create a joint venture company for antennas and technical support (network sharing). They have called the trade union to a meeting and then they have sent an email mentioning thank you for the consultation.

Following that, Mrs. **Spiliotopoulou**, expert of OBES, has presented the slides with the findings, conclusions and suggestions of the survey in the framework of the PRAXIS project that has been undertaken in Greece, Romania and Italy concerning the application of the Directive and the legislation referring to information and consultation in practice.

Mocanu. We face a common situation; there are only some differences in the laws. Everybody complains not about the Directives but about their implementation in real life.

Social dialogue, except information and consultation includes representation and collective bargaining. Social dialogue is not simply a matter of philosophy, but it is preview by the basic Treaty of Rome. Its goal is both parties to reach a result and common understanding. The social dialogue, however, is governed by the respective correlation of forces and this should not be forgotten. Analysing the strength of the trade unions, we see that it depends on the number of their members, their structure,



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their expertise, their ability to communicate both outwards and as inwards and finally on the existing laws and regulations. Today we can observe in Romania:

- Concerning the number of members, decrease of member mainly in the private sector
- Concerning the structure, fragmentation in 5 Confederations, also due perhaps to the interest of some persons to keep their positions
- Concerning expertise, it is not possible to recruit experts
- Concerning communication, the possibility to communicate with trade unions-members has diminished. Externally, the mass media puts obstacles, blocking the contact of the trade unions with the public opinion or commenting and presenting everything in black.
- As for the legislation, its aim lately is to weaken the power of unions. For example, the Law 62/11, which hit the sectoral and national collective agreements for the benefit of the company-based ones. At first we thought this happened only in Romania, but we have seen similar things to happen in other countries, so there must be a master plan. The flexicurity has not given the expected results of profit maximization. National governments under pressure from abroad and from the capital, not from the employers, had devastated the correlation and the balance of power that existed before.

Verrecchia. The survey showed that on the one hand, we had positive results, in the sense that it seemed trade unions are informed about the existence of Directive 2002/14, however, it revealed that they had not any information about what happens in practice.

What is happening in Italy? We say that consultation takes place within Collective Agreements. But what if this does not happen? It is preview that if the employer does not inform employees about the existing risks there is a fine of 3000-8000 Euro. In fact no such fine has been imposed. We have 1500 labour cases that have been heard in the Courts of justice, but none of them concerned European Directive 2002/14. There may be a violation of the Collective Agreements, but there is no reference to the Directive, nor is there any recourse to the Courts for this reason, nor has anybody asked the Courts for prejudicial clarifications. On the contrary, all these have happened concerning the Directive 1994/45.

According to the Directive itself, its aim is to function as an information mechanism in order to preview risks and empower the confidence between the 2 parties (employers-employees), which have not been accomplished up to now. The legislation has hence to be improved.

In Italy there is article 46 of the Constitution which refers to the right of collaboration of workers and employers in the management of the workplace. There are no such laws but the European Directives, little by little, preview this right. There should be therefore a second generation Law.

Haritidis. The training seminar as well as the Conference were of very high level.

Mocanu. It has been very interesting and most of all very useful.



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Alina Gaia. Our Confederation organizes training sessions for trade unionists, covering mainly other subjects. We have the opportunity through this project to develop training sessions on information and consultation as well.

Kostas Margaritis. We thank very much all participants. We have forwarded to you the conclusions of the survey. We will inform you on any further actions we will undertake on the subject of information and consultation.



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