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**FeS UGT - Spain \* MUBE - Malta \* UNI - Europa \* FIBA /Cisl \* Uilca \* FISAC/Cgil - Italy.**

**Employer participants : A.B.I. Associazione Bancaria Italiana \* Unicredit Group \* Intesa Sanpaolo**

**ref. No. VP/2010/001/0264 – co- granted by DG Employment, Social Affairs and Equal Opportunities**

**“TANDEM” Project: European Work Council and Sectoral Social Dialogue: proceed together to overcome the crisis.**

TANDEM Activity 3.2 Workshop – Seville 3 – 4 March 2011

**Venue: Universidad de Sevilla, Salon de Grados, Facultad de Ciencias del Trabajo,  
C/ Enramadilla, 18, 41018 Sevilla - Spain**

## **WORKSHOP ACTIVITY REPORT**

On March the 3<sup>rd</sup> and 4<sup>th</sup> the participants on the Tandem project meet at the Labour Science Faculty of the University of Seville for the first session which states in it's title also the scope of the project: European Work Council and Sectoral Dialogue: proceed together to overcome the crisis.

The participants/representatives were:

- Klaus Grunewald for VERDI (Germany);
- Peter Konig for VERDI (Germany);
- Igor Samardzija for SBFDH (Croazia)
- Sandor Toth for BBDSZ (Hungary);
- William Portelli (President of MUBE – Malta);
- Adrian Borg for MUBE (Malta);
- Emilio Corral for FES UGT (Spain);
- David Le More for FES UGT ( Spain)
- Marco Berselli for FIBA-CISL (Italy)
- Dotto Caterina for FIBA-CISL (Italy);
- Mauro Inclettoli for FIBA-CISL (Italy);
- Mauro Bossola, FABI Dep. Gen. Sec.,
- Luca Panfietti for FABI (Italy);
- Franco Savi for FABI (Italy);
- Pietro Gentile ICT-Expert for FABI (Italy)
- Angelo di Cristo for FABI (Italy);
- Roberto Aschiero for FABI (Italy);
- Andreas Biernath for FABI (Italy);
- Mario Ongaro for Fisac CGIL (Italy);
- Giusy Cucinotta for Fisac CGIL (Italy);
- Giorgio Verrecchia as Legal Expert (Italy);
- Prof. Gianni Arrigo as Legal Expert (Italy);
- Lucia Elsa Peveri for UILCA (Italy);

- Silvia Boniardi for UILCA (Italy);
- Guido Decidue for UILCA (Italy);
- Elena Foggiato for Unicredit (Corporate Partner) (Italy);
- Patrizia Ordasso Corporate Partner for Intesa San Paolo (Italy);
- Prof. Antonio Ojeda - Legal Expert (Spain).

## FOREWORD

The purpose of the Tandem project is, putting it simply, the discussion among the member state sector unions of the state of implementation of the Directive 94/45/EC, the situation of EWC (number, importance, goals and state of social dialogue achieved, frequency of meetings and so on), the training and working experience situation of EWC members and.

Another important topic is the study of the potential and the implementations of the new Directive 2009/38/EC.

The importance of the EWC in the financial sector is growing and accelerating among the recent manifestations of the financial crisis which imposes new and far reaching challenges on the companies, it's workers and their trade unions in order to survive in an ever more competitive environment which breached down national barriers long ago and has now to be competitive on an even more demanding global level.

The implications of all this on the workers are perceived in their everyday professional life but the pressure which builds up upon them is also perceived by their families and in their private life and the scope of the EWC here is also to mitigate and lessen the pressure which builds up on them as a result of ever growing budget and flexibility demands related to restructuring processes often related to mergers and acquisitions.

Therefore the scope of the EWC in this context is to allow both partners of the social dialogue (workers and financial sector companies) to *understand* better each other and their needs and to find solutions in a responsible and shared way.

Yet the EWC potential is not fully exploited, and there is still a lack of information and consultation rights to which EWC are entitled in particular as concerns those of transnational restructuring and the enhancement of training of qualified people to participate in the relevant decision taking groups.

A positive aspect of the good practices outlined by the EWC in the credit sector is that it had positive impacts on other sectors, too.

The Target project was also organized in the consciousness that the social partners, in order to maximize the synergy between the European and the national level have to share better their experiences, works and texts at all levels through information, training and promotional activities and do have to make the results of their works public and accessible.

A considerable amount of time, especially on the second day of the Target project in Seville, was dedicated to the exchange of experiences, views and ideas among the participants.

Here under follows the programme of the Workshop:

Working Activity 3.2 – workshop

## PROGRAMME

Seville 3 - 4 Mar. 2011

Venue: Universidad de Sevilla  
Salón de Grados  
Facultad de Ciencias del Trabajo.  
C/ Enramadilla, 18.  
41018 Sevilla

## AGENDA

3<sup>rd</sup> march 2011 - (h 12.00): Participants arrival

3<sup>rd</sup> march 2011  
**Plenary Session<sup>1</sup>**

*15.00: Participants registration*

15.15: F. Savi - Presentation of the Workshop – aims and objectives

15.45: Opening of the plenary session.

*Welcome address, in the name of the  
Chancellor of the University of Sevilla:*

**D<sup>a</sup> Lourdes Munduate Jaca**

*Vicerrectora de Relaciones  
Internacionales,*

*Welcome address from the Dean of  
the School of Labour Sciences*

**Prof.a Milagro Martin Lopez**

16.00: M. Bossola FABI Gen. Dep. Sec.  
Introductory Report: *"The european context of Credit and Finance industry. The economic and financial crisis and its effects on Social Dialogue and Collective Bargaining."*

*16.30: Coffe break*

16.45: G. Arrigo, G. Verrecchia - *The new Directive N.2009/38 and the most significant aspects for a more effective relationship between European Work Council and Sector Social Dialogue.*

17.15: Discussion between the Social Partners – moderator: G. Arrigo

18.00: Closing of the first session.  
*Setting of three Working Groups, operating in the following social dialogue session; set of themes and topics to be explored during the social dialogue sessions.*

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<sup>1</sup> With simultaneous interpreting for: Italian, Spanish, English.

4<sup>th</sup> March 2011

## **Plenary Session<sup>2</sup>**

9.00: G. Arrigo - Updating / summary of the first Session.

9.10: Report by Antonio Ojeda Avilés. – University of Seville – “*The role of National and European Social Partners in the transposition process of Dir. N. 2009 / 38.*”

9.45: A. Di Cristo, in collaboration with members of E.W.C.s .- Summary of the E.W.C. activity in the banking sector – “*How Trades Union can influence / improve the debate and initiatives of the EWC for the sectoral social dialogue and in the multinational companies in Europe.*”

11.05: *Coffee break*

11.20: discussion – moderated by G. Arrigo

12.00 1st Working Groups Session  
*(three working groups)*

13.00: *Lunch break*

14.00 2nd Working Groups Session  
*(three working groups)*

15.15: *Coffe break*

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<sup>2</sup> With simultaneous interpreting for: Italian, Spanish, English.

15.30: Reports by the spokespersons of each Working Group

16.30: P. Gentile – presentation of the draft web site **normadialogue.eu**

16.45: Discussion - closing seminar check by **A. Ojeda Aviles.**

17.30: G. Arrigo - “*The next step: themes for Vilnius workshop*”

18.00: G.Arrigo - Final assessments.

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After the participants registration conducted by Andreas Biernath the plenary session is opened on March the 3<sup>rd</sup> at 15.30 o'clock by the project manager Franco Savi who informs us that after this first important session there will be another one in Vilnius where we will analyse in depth the implications of the new Directive N. 2009/38/EC and a final session in Turin in autumn of this year.

In the words of the project manager *"we are here to understand with which tools the workers can face the companies. In the last century we have seen great achievements in the labour market conditions. Recently the EC has introduced new regulations and we are here to compare the different levels of workers rights"*.

Franco Savi thanks the authorities for the hospitality and for the wonderful university premises. He passes then the floor to the Vice Dean of the International Relations of the University of Seville Dr. Lourdes Munduate Jaca who addresses a welcome on behalf of the Chancellor of the University of Seville, saying that the faculty of Labour Sciences is the ideal setting for this meeting. She continues saying that it's a great honour to welcome us on the premises of the University of Seville which won an important international award for excellence and in her words *"it's great to proceed together to overcome the crisis"*.

Subsequently at 15.45 o'clock follows a welcome address by the Dean of the School of Labour Sciences, Prof. Milagro Martin Lopez, who says that the new Directive 2009/38 wants to ensure that workers are properly involved, as only the right involvement of the workers makes them co-participants in the decisions taken by their company.

She adds that the framework of the meeting is in line with the address of the University thanking us for having chosen their premises for this meeting.

At 16.00 o'clock the floor is handed over to Mr. Mauro Bossola, Assistant Secretary General of FABI and also Responsible for International Relations.

Mr. Bossola gives first of all his thanks to all participants for being here and regrets for not being able to make the presentation together and interact with representatives of ABI (Italian Banking Sector Employers Association) but unfortunately they have had other commitments in their home country.

In his report with the title "The European Context of Credit and Finance Industry. The economic and financial crisis and its effects on Social Dialogue and Collective Bargaining" the Assistant Secretary General points out that the crisis has had and does still have an important impact on the social front.

He stresses then that according to an ILO report from 2009 35 million working places have been lost in the world since the outbreak of the crisis in 2007 and that there are 100 ML *"working poor"*, people who have a labour income but who are not able to survive decently.

In his examination Mr. Bossola points out that, in the opinion of FABI but also of other Italian and European Unions, the economic crisis and the following dramatic social crisis are not accidental but are the disastrous results of choices brought forward by the *free market fundamentalists* and by industrial politics focussed on short, if not even shortest, terms.

Thereby he thinks that the responsibilities are traceable in interests of persons and lobbies who have put interests of workers and consumers behind the ones of large international banking and financial institutions who are interested only in yields for the shareholders when not their own.

He points out that it's telling that the Anglo-Saxon countries, where the crisis originated, are the ones where banks and financial institutions have had to be rescued with public money in a kind of nationalisation. He continues, saying that *"without exaggerations we can say that the caricature of the capitalistic system characterized by no rules and social responsibility, invented by theorists of the new liberalism and their belief in self-regulations of the market, has failed clamorously impoverishing the workers/consumers, forcing them to take debts upon them in order to be able to continue to finance their consumes"*.

*On top of that the workers, who are also the major tax contributors, are the ones most directly affected, through direct and indirect taxes, in closing the holes opened in public finances after the nationalisation of financial institutions”.*

Coming from Greece, where Mr. Bossola has had a meeting with Greek Unions, he informs us that the atmosphere there, like also in the Balkans, was very gloomy.

He stresses, furthermore, that the financial crisis, which originated in the USA and has heavily involved Europe, has brought some states of the Euro-area, like Greece, on the brink of insolvency exposing them directly to the international financial speculators.

As a result this would transform the characteristics of the crisis, shifting them from the financial, economic and social level to the level of crisis of public debt with additional and heavy implications concerning the populations involved in the inevitable income slashes, increases in the retirement age and further labour market deregulations. *“And here we see once more, that the major burden of it all is put upon the shoulders of who is living solely from his or her salary”.*

Countries like Ireland, Spain, Portugal, Great Britain and even France and Germany did have to inject enormous amounts of public money into the banking sector.

The legislator did have to move quickly and actually did take action swiftly founding three different European Agencies with the task to control the systematic risks of banks and these agencies will support the activities of the ECB and the Financial Stability Board. Other innovations concern the new balance sheet rules introduced with Basel III.

A new regulation has been asked in shifting the attention from the short term to a more sustainable longer period, particularly what concerns the bonuses and more in general performance related income of the top management.

The new rules related to Basel III will be adopted into European legislation through a Directive about new minimum capital requirements which should be presumably ready in the second half of this year and should include a system of new ratios relating to the debts of the banks and stronger limitations regarding the use of financial leverage which was one of the main causes of the crisis.

The revision of the MIFID Directive regarding the selling of financial products and, for the first time, the regulation of hedge funds and funds of private equity will complete the efforts on European level.

Mr. Bossola adds that a positive aspect is that these changes are adapted after a consultation of the unions albeit we have to be aware that the changes will also directly affect the white collar workers.

Continuing his exposition Bossola cites the Financial Times: *“when everything goes well the banks make profits on an international scale. When they crash, they are the cause of transnational problems.”* Thereby it's not surprising for him that, given that the epicentre is in the financial sector, that the same is the one with the greatest loss of labour forces; according to ILO between August 2007 and February 2009 325.000 people lost their job.

Mr. Bossola mentions the most significant losses which affect, not surprisingly, mostly American and British banks, but not only.

He informs us that also Mario Draghi, the governor of the Bank of Italy, invited to restructure the banks as the current difficulties are due to structural problems and *“we have to bear it clear in our minds that this will mean further losses of working places in our sector.”* The banks are fostering the use of home and internet banking and that will have necessarily repercussions on the working places and, indeed, *“for the first time the occupation in the banking sector in Italy is descending, something which in other countries happened already years ago.”*

In conclusion of his exposition Mauro Bossola says *“we assume that the social dialogue between companies and unions is the best way to balance in a satisfactory way the naturally opposed interests.”*

The FABI front man concludes his exposition wishing success for the present meeting and for the TANDEM initiative, *“success which shouldn’t lack, given the high calibre participation of social partners.”*

Before the coffee-break the word is given to Prof. Gianni Arrigo who says that the constitution of EWC has given companies the possibility to have valid interlocutors able to explain company decisions to the workers. On the other hand to the unions it gives the possibility to have new members particularly in countries where the union representation is still relatively low. The new directive also underlines the role of the unions in the process of restructuring.

After the break at 16.45 o’clock Gianni Arrigo addresses the new Directive N. 2009/38/EC and the most significant aspects for a more effective relationship between European Work Council and Sector Social Dialogue.

The Professor informs us that the new directive was written in prospect of an enlargement of the EU. *“The Directive 94/45/EC and the Directive 2009/38/EC are the fruits of two different epochs and epochal changes: enlargement of the EU in 1989 and the financial crisis of the last years. Anyway the second change is the one more significant.”*

*“Furthermore the commission is saying that there should be a connection between European and national level”.*

In the Professors words *“the most precious area of activity for the unions are the EWC’s. Social partners play a very important role when it comes to implementing the new Directive of 2009”.* *Although the effect of the crisis has been the same everywhere, the implications have been very different from country to country.*

Making a practical example Prof. Arrigo cites a big industrial company: *“if FIAT closes a plant in a country, that has very direct and immediate impact on the other plants, thereby the unions in different countries do have to communicate directly between them.* *Although the Directive does not refer to negotiate or bargaining activity it includes however information and consultation rights which should be used. Companies can not refuse to present information’s to the SNB which can also exercise influence on the interpretation of transnationality.* *EWC’s have to foster and promote social dialogue in different sectors”.*

At around 17.00 o’clock Prof. Arrigo hands the floor over to Dr. Verrecchia who broadens the approach in this project in connection with the new Directive.

According to Dr. Verrecchia the legislator has had a very clear idea at the time of implementation of the old Directive in 1994: the EWC’s did have to be very agile.

He continues his exposition stating that each time a company moves to different countries this can produce distortions for the workers.

Dr. Verrecchia explains that the 2009 Directive contains aspects of social dialogue. The first Directive didn’t treat, in the body of the text, the transnationality issue, which was instead stressed in the re-casted Directive of 2009 which also broadens the scope of action.

Furthermore the speaker elucidates the participants on the fact that the legislator often leaves intentionally space to interpretations leaving it to the national partners to find co-divided terms of agreement. These open spaces for interpretation have to be closed sometimes by the European Court of Justice.

Dr. Verrecchia continues counting the critical aspects extracted by experts in the Directive 94/45: *“The old Directive didn’t give a precise role to the unions. EWC was a lay council in 1994 and where there is no adequate structure that can cope with the mass of information’s provided*

*by the companies, there is no sense in it. The legislator did however recognise this weak point and the 2009 Directive has evolved in the part concerning the involvement of the social partners”.*

Another weak point which wasn't defined sufficiently is, according to Dr. Verrecchia, the problem with the confidentiality clause and the possible opposition of secrecy which often excludes the workers representatives from vital information's being delivered. He suggests us at this point to not hesitate to undertake a very important step whenever it is necessary: to go to the judge with the problem asking advice and judgment about the fact if certain important questions can really be kept secret as, in his words, *“the Directive is not a “stone” but on contrary it will often be modified by judgements of the European Court of Justice”.*

Furthermore he reminds us that the Directive has to produce a result and the result is the involvement of workers. *“The companies do have the freedom to take decisions and unions shouldn't reduce unnecessary the speed of implementation of company decisions. But it's vital that they get all the information needed and that the information is given timely”.*

His exposé generated a debate among participants on the confidentiality and secrecy issue and in relation to that Dr. Verrecchia cites Art. 8 which defines confidentiality: *members of the EWC and employee representatives are not authorised to reveal any information which has expressly been provided to them in confidence.* After a general debate around this issue the first day session closes at 18.10 o'clock.

**The plenary session on the 4<sup>th</sup> of March** is opened at 9.00 o'clock by Prof. G. Arrigo who, after a very brief introduction, gives the floor immediately to Prof. Antonio Ojeda Avilés of the University of Seville, who lectures *“The role of National and European Social Partners in the transposition process of Dir. N. 2009/38”.*

Prof. Ojeda starts stating that with the new Directive *“the commission is encouraging the European social partners in promoting best practice in the way that European Works Councils operate, to making them more effective, especially as agents for change particularly in the process of restructuring.”*

Referring then to yesterday's exposition of Dr. Verrecchia he reminds that the EWC's play basically the role of observers. They do have to inform workers of the changes taking place observing however the rules of confidentiality.

Talking about the transposition he stresses that each country has to install national laws. Some aspects of the Directive are opaque and not very clear. The formation process of the Directive 2009/38 was very complicate and also the transposition in national law is slow: in Spain the transposition is still being discussed in parliament and the Professor thinks that the date of 5<sup>th</sup> of June will not be respected as there is still too much to do.

One of the difficulties in the transposition regards the concept of transnational companies and the definition of the dominant company (e.g. Bofrost).

Referring to a problem emerged yesterday, the concept of confidentiality and secrecy, he informs us that members of the EWC do not have to inform “third parties”, but exactly here lays the problem: which are third parties? Thereby the EWC members are in a conflict situation as they are also obliged to inform workers and if they do not inform them because they do not have to, an important and vital part of them is taken away. The definition of this concept provided in Art. 8 is rather ambiguous as there has to be seen the concept of “severe harm”.

Prof. Ojeda finds very striking the German concept of Mitbestimmung which consists in the presence of workers representatives in the board of the company and this is something very similar to the new Directive 2009.

He goes on saying that we can be very happy about the large number of EWC's constituted, there are almost 1000 but, analysing the data more in detail emerges that there are still 65% of

multinational companies without an EWC. Presenting in this regard a sheet which reflects the current situation he cites some examples: the situation in Spain is still deplorable as of 41 companies which are eligible to constitute EWC only 6 have so far constituted them. A positive example is Italy with 25 EWC constituted out of 66 having the prerequisites. Denmark, with 9 ML inhabitants has many more EWC's constituted in respect to Spain which is a much bigger country (24 created out of 60). Germany is necessarily a good example in the sense of application of the Directive but the percentage of EWC's constituted is less than 30% together with countries like Austria, Spain, Greece and countries of most recent adhesion (0 EWC's in Poland and Czech R. and only 1 in Hungary out of 12 possible). Countries with more than 40% are the Scandinavian countries, UK and Belgium.

There are two different kinds of EWC's in Europe: the French and the German model. The French model does have representatives of workers and representatives of the company and the German model does not have the latter although they do meet regularly also with the employer's representatives. Some countries apply the German and some the French model – the professor prefers the French model.

Concerning the number of members he states the Art. 6 which requests proportionality and equilibrium and what strikes him is that there are some companies of 50 or even more members (Axa, Arcelor, Deutsche Post, Nestlé) with the German company of TUI which topples them all: 119 members.

On the other hand there are some which have 5 or less.

In relation to the content of the agreement he underlines that the basic content is consultation and information on transnational issues. *We talk about consultation when the opinion of the workers representatives is requested.*

Professor Ojeda concludes his exposition with a sympathetic slide picturing a Spanish bull, saying that our task is to fight it.

Franco Savi thanks for the precious contribution to our project and expresses his hope to have the Professor - compatible with his many appointments - with us in Vilnius and Turin.

The project manager says that it is necessary to reduce the number of working groups concentrating our forces on the most important issues as the splitting in too many groups has organizational limits and would make it difficult to report the results afterwards.

*“Instead we would like to make a short record of our session in order to make our work visible to others, especially to union members who do not usually follow international questions”.*

Thereby he proposes a single group and a following discussion.

At 9.45 o'clock the podium is occupied by Angelo di Cristo, Chairman of the EWC of the Unicredit Group, Klaus Gruenewald, Responsible for the financial sector of Ver.di Union in Bavaria, David Le More, International Department of FES UGT and member of EWC in Santander and Lucia Peveri, member of the International Department of UILCA and member of EWC Deutsche Bank.

Angelo di Cristo begins the presentation stating that the following exposition by the panel will illustrate the experience gained in years of activity but that there is no intention in dictating guidelines.

*“The Unicredit Group has 170.000 employees. There has been made a conscious choice to co-involve colleagues in all countries where Unicredit Group is operating in order to sow the best practices of social dialogue.*

*The information the EWC received in Unicredit was always complete and timely and initially we did have even the problem that the quantity of information transmitted was so overwhelming that we did have had to cut and tell them which kind of information we are interested in because*

*on contrary we wouldn't have been able to cope with it. In any case Unicredit was always collaborative and willing to give us every possible information.*

*Inside of the Unicredit EWC we did constitute a restricted committee of 6 persons which we decided, do have to come from 4 different countries”.*

He continues with the illustration of his experience saying that *“only in one occasion we were asked to keep confidentiality, and this was when Unicredit presented us the new business-plan, a short time before it was presented to the press. On this occasion we did also have to sign a commitment not to use the information provided for insider trading”.*

*“It's important for us to have real workers representatives and not representatives with 2 helmets and for assuring that we are monitoring the members who do not have to be members of the top management”.*

Di Cristo tells us that in the past he has experienced conflict situations relating to that with the German delegates as in some cases they wear up to three helmets: member of the EWC, member of the German supervisory board of the same company and finally union representative always in the same company and that drives him nuts.

The official language in the Unicredit EWC is English although it has seven languages represented.

As an example of successes achieved he mentions the payment of the 13<sup>th</sup> salary in Romania where it was paid individually and an intervention of the EWC resulted in a collective payment. *“The EWC of Unicredit itself is now 4 years old and although the company in one, there are many different cultures”.*

One memorable example of cultural difference was for Angelo di Cristo the following: in an EWC meeting, at which the Germans invited company representatives the latter seated themselves on a podium and that wasn't, in the eyes of the German EWC members acceptable, as they wanted to talk to them on the same level even if it was only an optical problem. Thereby they started to talk to the company representative only after the podium was physically removed by carpenters. This experience was very stimulating for Angelo di Cristo as he understood that formal matters are sometimes indeed more important than they appear to the Italians.

At 10.15 o'clock David Le More takes the floor with his experience at Santander. Santander was, initially, not very interested in the constitution of an EWC as they saw them primarily as a cost. *“But although in the end it was constituted in 2005 we managed to obtain only 15 members out of a population of 187.000 employees and that says a lot. The constitutional process was almost like a bazaar.”*

Mr. Le More considers the level of expertise of its members high but sees a shadow side in the fact that it's difficult to cooperate with Santander. Until now the EWC received the necessary information's only after it has been of public domain. *“We are not anticipating events and that's something we have to work on. The trade union members experience differs a lot between France, Spain and Portugal.”*

The German delegate Klaus Gruenewald takes up the example brought forward by Angelo di Cristo saying that *“culture is a difficult thing: the duration of minutes in Germany is not the same as it is in Italy.”*

Deutsche Bank, Unicredit, Santander and Commerzbank (the latter does still not have an EWC) are the four important financial groups Ver.di has to deal with.

He states also three experiences in insurance companies: AXA, Generali and Allianz and judges the experience with AXA as very good but not the one with Generali. An important factor of success for Gruenewald is the frequency of the meetings: more often there are meetings and higher is the possibility to know each other.

Another important factor for him, which links to the first one, is the possibility to trust each other and the relation with Generali is still lacking in this aspect.

The third factor for success of an EWC is the information: it's important to get all the necessary information and to get it timely.

The microphone is passed over at 10.40 o'clock to Lucia Peveri who talks about her experience as an EWC member of Deutsche Bank. She says that in her experience the culturally heterogeneous composition of the EWC's constitutes sometimes a problem as *"the company talks, as experienced also by Mr. di Cristo, with one voice, meanwhile we talk with a lot of different voices."*

That's why for Mrs. Peveri the EWC's should have an European and not a national vocation, which requires that the EWC's should be composed with persons who have, in every sense, an European vocation.

Another important point for the Deutsche Bank EWC member is the training aspect; *"it's not enough to have only a linguistic training. There should follow also a training related to law, economy and other aspects too."*

The EWC of Deutsche Bank was constituted in 1996 following an initiative of unions from three different countries: Germany, Italy and Spain.

Mrs. Peveri is convinced that the EWC should have certain goals. One could be, to foster social dialogue where it is still missing, e.g. in East Europe.

Another example brought forward by her concerns missing dialogue with Deutsche Bank in Portugal where the Unions did have to ask for an intervention by Unifinance. Her overall impression is however that Deutsche Bank wants to collaborate.

Follows a coffee-break at 11.15 o'clock and at 11.30 o'clock a discussion moderated by Prof. Gianni Arrigo.

He opens the discussion stating that *"information and dialogue is not just a fundamental right of workers. The knowledge and involvement of workers helps also companies. The unions have the knowledge necessary to resolve problems and the workers have the right to know about their future. It's not a question of slowing down or blocking the decision taking process, it's an occasion to contribute to the development of the system through involvement of workers"*.

In relation to the training issue he argues that training has to have the aim to bring worker representatives in position to manage the situation and to know how to cope with the information obtained.

After the lunch break at 14.00 o'clock Prof. Arrigo invites to intervene e.g. on questions regarding which should be the tasks of the EWC, or if and how the EWC is useful to workers, or which is the new practise or questions related to the new directive.

Angelo di Cristo takes the floor stating that one of the achievements of the EWC was the insertion in the Collective National Contract of the Credit Sector in Italy of the concept of life long learning or continues training of the personnel.

Concerning the influence of EWC on social dialogue he underlines the fact that not all countries do have an association representing the employers and that this constitutes a problem on the way to social dialogue.

In the eyes of Di Cristo the EWC is a very good vehicle for the unions in obtaining new members inscriptions particularly in countries where the adhesion is still low, like Ireland and Great Britain where there are companies without even one union member.

In the experience of Di Cristo every EWC is different albeit the same directive and thereby the social dialogue is also important inside the EWC.

Mauro Bossola adds that often the same national unions are opposing social dialogue because of a kind of “professional jealousy” and Angelo di Cristo points out that this is not only a problem of southern European countries but in his experience it concerns also northern countries.

The Unicredit EWC chairman informs us that not all EWC are established by trade unions.

At 16.30 o'clock Franco Savi calls on stage Pietro Gentile, FABI ICT Specialist, who presents us the draft of the new website on Tandem Dialogue.

Pietro Gentile stresses that the new website is a so-called open source software platform. That gives to everyone the possibility to contribute and integrate the site.

The new web-addresses will be: [www.tandemdialogue.eu](http://www.tandemdialogue.eu), [www.tandemdialogue.org](http://www.tandemdialogue.org) and [www.tandemdialogue.it](http://www.tandemdialogue.it) and the site will contain all new documents, e.g. a list of European Laws but also a video footage on the work of the Tandem Dialogue Group.

Franco Savi emphasises that the aim of the site is also to inform who is not participating directly on the project about the content and the progress of the works.

At 16.45 o'clock follows a debate among the participants.

Mario Ongaro thinks that we have made important steps forward in the direction of recasting of the directive and *“of course we have to comply with national laws but the most important aspect is that the EWC have to be filled with people who are adequately prepared and trained. The representation of workers is a skill which has to be learned.”*

He stresses furthermore that there should be a direct relation in the representation to the number of people represented.

Concerning the SNB *“there is a delicate aspect in the fact that they are set up by company management through local management. The company management has in this a special responsibility to choose well the members of the SNB who should be able to communicate with each other and represent effectively the right share of workers.”*

In reflection of the contributes given above Mr. Arrigo states that we would have to ask the commission and the EU Parliament to introduce rules which should support the trade union constitution and activities in the member countries.

He focuses the attention on the importance of training in order to have people who have the skills, expertise and knowledge necessary to deal with and talk to giants which are, by definition, the employers.

Mr. Bossola suggests concentrating on some core aspects like *best practice* and reminds that the EWC work goes beyond the EU.

After a provocative question directed at Mrs. Ordasso both, Mrs. Foggiato and Mrs. Ordasso agree that *“there is a direct advantage in having a EWC”*.

The following discussion is opened by William Portelli who underlines that the most important thing is to have the right people in the EWC.

David le More stresses the difficult situation on Unionists in some countries in Latin America where, particularly in Colombia, unionists risk sometimes their lives. *“In this we represent a source of hope and that’s one of the reasons why I came to participate at this meeting.”*

Mario Ongaro is perplexed about the number of representatives in some EWC which moreover meet maybe only once a year: *“that doesn’t bring us anywhere and does not have sense. It makes more sense to have a restricted committee which can work more efficiently.”*

Dr. Verrecchia says that the EWC works with a spirit of collaboration. He makes the example of the FIAT plant in Pomigliano where the production impoverishes directly the polish worker and that’s, according to him, a concrete example what transnationality means.

He continues his exposition saying that *“for FIAT having a polish representative may be sometimes counterproductive and that 65% of the multinationals who have a right to constitute a EWC in Italy don’t do it.”*

Follows an intervention by Mr. Berselli and Mr. Inclettoli in which the latter seeks to arouse a controversy asking the other participants whether they are certain about their goals. He explains his question arguing that as long as it is going about information and consultation there might not be a real problem *“but in the moment we would have to cope with the first difficulties where would we position ourselves? Are we able and willing to overcome jealousies and national interests? Who and in which country would have to be sacrificed?”*

Mr. Bossola explains that the introduction of a super imposed entity produces, as a reflection, the reduction of the tasks of existing entities. He touches also briefly the aspect of social dumping with an example: Motorola came to produce in Europe and more precisely in Great Britain for social reasons and in Germany for reasons of technical expertise. After a certain time a crisis appeared on the horizon and Motorola decided to close, against all expectations, the British plant and this happened because existing labour laws made it for them easier to close a British and not a German plant.

He mentions FIAT as an example of multinational company and a decision to be taken which affects two countries and where he hopes that this would be a situation in which FIAT consults the EWC and acts later on: *“this is a procedure which we would prefer but I see that this is something very difficult to realise.”*

Prof. Arrigo states that *“the EWC shall be instituted in a way that assures the effectiveness of it. The company has to present documents in a timely fashion in order to give the unions the possibility to anticipate change. The potentials of the EWC are extremely far reaching”.*

Mr. Ongaro stresses that in exceptional circumstances there has to be a possibility to convene the EWC, better if restricted committee, in a very short time in order to assure its effectiveness and possibility to work.

Prof. Arrigo says that the sense of the directive is also to foster dialogue and Mr. Bossola states that in his experience the unions normally do not have difficulties to obtain information’s but do have to have the possibility to implement the signed agreements.

Dr. Verrecchia mentions the case of Thyssen Krupp when it decided to close a plant in Italy: the decision, taken by the board of directors, was communicated to the supervisory board but there wasn’t a real participation on the side of the unions. The consultation should produce an effect and possibly an alternative and shared solution.

Mr. Arrigo picks up the example and in this context mentions the German concept of *Mitbestimmung*, which means deciding together because *“in order to be effective one has to be prepared”.*

Both, Elena Foggiato and Patrizia Ordasso inform us that not always it's possible or simple to be timely.

Prof. Arrigo asks which is the function of sectorial dialogue and Mauro Bossola says that *“we have to talk about minimum standards as the companies are very different between them in every sense.”* He reflects, furthermore, that when there are difficulties in obtaining results on transnational level this is substantially due to a lack of political willingness. *“It depends from the unions when agreements about minimum standards are renegotiated as agreements of maximum standards and that doesn't facilitate the unions in stronger and more advanced countries. For this reasons these agreements aren't welcomed by the unions because they aren't the best possible.”*

Angelo di Cristo mentions the attempt to install a Global Framework Agreement in Europe but that wasn't possible in some countries, e.g. Great Britain, because there aren't Associations of Employers and thereby the banks necessarily negotiate on a one-to-one level.

Prof. Ojeda points out that we have to be aware being in a minority but nevertheless try to be in majority. *“We should try to have more EWC and we have the possibility to have them although in this moment we are far from it. There are countries, like Poland, where there is a lot of potential to constitute more EWC.”*

The Deputy General Secretary of FABI who organised the TANDEM project concludes the Seville meeting stressing that we have had an extremely positive experience which will continue in Vilnius and find it's conclusion in the final in depth meeting in Turin. He hopes that our experts will continue to bring forward contributions.

In his opinion the project started in the right way and he gives our thanks to the Dean and the whole university for their part in hosting our event. Further thanks go to the corporate representatives whose presence was much appreciated and, last but not least, to Andreas Biernath.

Mr. Bossola concludes appreciating the active involvement of the experts who didn't give only statements and the excellent job done by everyone.

The workshop closes at 18.00 CET with an invitation by the Project Manager Savi to be together tonight for dinner.

Seville, 4<sup>th</sup> March 2011.

*Report by Andreas Biernath*