



Federazione Autonoma Bancari Italiani

International Rel.

Via Tevere, 46

I 00198 ROMA

Tel. +39 068415751 Fax +39 068559220

E-mail: progetti@fabi.it

**Partnership: Ver.di - Germany * NSZZ – Poland * Unite - UK * SBFDH - Croatia * BBDSZ – Hungary *
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**

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

TANDEM Activity 3.2 Workshop – Vilnius 9 – 10 June 2011

Venue: Neringa Hotel – Gedimino Prospektas, 23 Vilnius - Lithuania

WORKSHOP ACTIVITY REPORT

On June the 9th and 10th the participants on the Tandem project, which is co-granted by DG Employment, Social Affairs and Equal Opportunities, meet at the Neringa Hotel in Vilnius, Lithuania, for the second session of the project.

The participants/representatives are:

- 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)
- Antonino Bajardi 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);
- Darius Kiziakiewicz for NSZZ Bancowiech (Poland);
- Zbigniew Jackiewicz for NSZZ Bancowiech (Poland);
- Andrea Kirchmayr for ABI (Corporate Partner) (Italy);

- Giorgio Verrecchia as Legal Expert (Italy);
- Prof. Gianni Arrigo as Legal Expert (Italy);
- Lucia Elsa Peveri for UILCA (Italy);
- Elena Foggiato for Unicredit HR management (Corporate Partner) (Italy);
- Irmantas Jasevicius for EWC Unicredit (Lithuania);
- Rita Krumina for Unicredit LT HR management (Latvia).

The programme is as follows:

PROGRAMME

Vilnius 9 - 10 June 2011

Venue: Neringa Hotel - *Gedimino Prospektas, 23*

VILNIUS – (LT)

AGENDA

9th June 2011 - (h 13.00): Participants arrival

13.30: *Participants registration*

Plenary Session¹

14.00: **F. Savi (*Fabi*)** - Presentation of the Workshop - aims and objectives

14.20: **G. Arrigo (*Proj. Expert*)** - procedures, mechanisms and relevant achievements.

14.40: **G. Verrecchia (*Proj. Expert*)** - Social Dialogue, *most significant aspects*

15.00: **A. Kirchmayr - (*ABI*)** How the European Social Dialogue can have a positive influence on the EWC activities (*and vice versa*): the point of view of the employer's associations.

15.30: Coffe break

15.45: **A.Di Cristo (*Fabi*)** - How the European Social Dialogue can have a positive influence on the EWC activities (*and vice versa*): the point of view of workers' representatives.

16.15: **M.Ongaro (*Fisac-Cgil*)** - **Lessons that can be learnt by the EWCs**

¹ With simultaneous interpreting for: Italian, English.

16.45: Discussion –

Chairman: Gianni Arrigo

17.45: **P. Gentile (Fabi)** – update of the draft web site normadialogue.eu

18.00: **Closing the session**

10th June 2011 - (h. 9.15)

Plenary Session²

“Social Dialogue at sectoral and national level: a comparison between the respective countries”

Chairman : **W. Portelli (Mube)**

issues of the debate

09.30 - 11.30 National Experiences:
Germany - Italy - Spain - Poland

11.15: Coffee break

**11.30: Focus Group
of the Social Partners**

Drafting steering lines for parties shared considerations for the European Commission, on the needs for development of the EU sectoral Social Dialogue -

Guided by G. Arrigo

13.00: Lunch break

14.00: Focus Group - Conclusions *Draft: parties-shared considerations to be addressed to the EU Commission* - **Guided by G. Arrigo**

15.00: **M. Bossola
(Fabi dep. General Secretary)**

Final evaluation by the Panel

² With simultaneous interpreting for: Italian, English.

15.30: **E. Iozia**

(President UNI Finance) - *The Sectoral Social Dialogue as a means to overcome the crisis*

16.00: **F. Savi (Fabi)**

on the final dissemination Conference - Turin 11 nov 2011. Partners' involvement and practical informations.

End of the activity.

Invitation

On June 10th, In the afternoon, after the end of the activity, the participant will be guided to a visit of Solidarity structures sponsored by Fabi and Prosolidar in Lithuania.

It will follow a social dinner.

The transport service will start from Neringa Hotel.

Do not miss it !



After the participants registration, Franco Savi, the project manager, opens the plenary session on June the 9th at 2.00 p.m. declaring that the main purpose of the 2nd session is to “confront the situation in the member states and compare the materials and topics which have been examined by the European EWC’s”, adding that “one of the major aims, is to confront the works of the union representatives with the ones of the European Commission with the aim of a reciprocal and fruitful exchange of ideas and experiences”.

The project manager stresses the importance of working together and trying – through the exchange of views and experiences – to get the most out of it.

Furthermore he adds that “the EU funds us with the hope to have direct interlocutors without being obligated to pass through national governments” and informs us that “today’s session

will start with our legal experts, Prof. Giorgio Verrecchia and Prof. Gianni Arrigo, who will explain us how the social dialogue works; a lot of us know already how it works, but for others it will be an in-depth exploration. We will hear, after that, a contribution by Mr. Andrea Kirchmayr of ABI (Direzione Sindacale e del Lavoro) who will tell us how the social dialogue influences the EWC's."

"After that the following contributor will be Mario Ongaro and Angelo di Cristo. The latter will talk about his experience as a direct member of the EWC, in fact as the President of the Unicredit EWC.

Pietro Gentile will conclude today's session by addressing the web side which is, for now, a draft."

Anticipating the following day Mr. Savi explains that *"tomorrow's activity will consist in sharing national experiences"* and takes the advantage to greet the Baltic exponents, Mrs. Krumina from Unicredit LT and Irmantas Jasevicius from the EWC Unicredit in the Baltic states. *"Rita is a member of the Unicredit EWC and we invite Rita to participate actively in the meeting sharing her points of view with us. Later on tomorrow we will go ahead with the focus group and the conclusions of the focus group."*

Franco Savi explains that at about 1 p.m. there will be a lunch break and invites the colleagues who do not depart afterwards to participate in our trip to Kaunas which will be focused on solidarity. *"On the way to Kaunas"* says Savi, *"we will stop shortly in order to get a glimpse of one of Lithuania's famous landmarks and we will close our day with a social dinner in the old town of Kaunas."*

After this articulated introduction the floor is handed over to Prof. Gianni Arrigo.

The professor explains that the social dialogue is ambiguous as some agreements are transposed in direct agreements meanwhile others are only guidelines or useful tools. *"This duplicity depends upon the receiver as some are directed only at member states meanwhile others are directed at the European Community. The European Commission (EC) wishes to strengthen these Committees through financing them directly."*

Prof. Arrigo enlightens us that the main intention of the EC is to invigorate the social dialogue.

"Another aspect of the social dialogue is that it is relatively young, about ten years, and it has to be seen in the diversity of the bargaining systems in different countries."

The floor is passed over to Prof. Giorgio Verrecchia who begins saying that *"it's not easy to talk about social dialogue because there are missing links. But let's try to find a definition of social dialogue: it's a bargaining power between themselves and between public powers, which is, in our case, the EU and it's a natural outcome of "collective autonomy"*.

Dr. Verrecchia adds that the *"social dialogue is not characterised by the power of the social partners but by the interest of the EU to foster the dialogue. At the European level the roles are inverted: top-down."*

He tells us that there is a vast heterogeneity of the systems of industrial relations and collective bargaining in the older member states and even more so in the new member states, due to a different organisation of trade unionism and collective bargaining systems. The union rights are different from member state to member state and as an example lawyer Verrecchia mentions industrial actions: in most member states strikes are recognized and regulated by national law but in some states they are merely tolerated without any proper juridical regulations.

The professor observes that there is a natural *"resistance"* of industrial relations against any interference by EU law because of the widespread idea that the collective phenomena should be left to the autonomy of the social partners. Nonetheless the European trade unions have always showed their favour towards Community interventions promoting systems for employee involvement in business (right for information, consultation, and participation).

“Where and when does the social dialogue start?” asks Dr. Verrecchia and declares that in 1957 with the *“Treaty Establishing the European Economic Community”* social dialogue isn't even mentioned and this changes only at the end of the year 2000 in Nice with the proclamation of the *“Charter of Fundamental Rights of the European Union”*. Art. 28 of this Charter gives a fundament to the right of collective bargaining and action: *“workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements”*. However, continues Prof. Verrecchia in his exposition, the very first time the social dialogue is mentioned is in 1987 with the Single European Act (in Art. 5): *“One of the objectives of this Act is the stimulation and the fostering of the social dialogue”*.

Furthermore Art. 151 of *Treaty on the Functioning of the European Union*, states, that social dialogue is one of the objectives of the social policy of both the EU and the member states. Art. 153 of the same treaty subtracts some matters, such as remuneration, the right of association and the right to strike and lockout, but nonetheless it is within this same regulatory framework that social dialogue gets its importance. Dr. Verrecchia explicates that the Maastricht Treaty introduces a new article, the N. 152, which is further strengthened with the Lisbon Treaty and which recognises a new dimension on social dialogue which doesn't have the limits of the Art. 153. In the words of the Professor it's a *“constitutional norm which recognizes and fosters greater autonomy of the social partners. The EC can also foster the consultation by the social partners.”* He makes clear that when the EC decides to legislate, it summons up the social partners, consults them and asks for their opinion. Parental leave is a classic example.

“What is the most important approach?” asks the lecturer, *“the council will never give the green light to agreements between the social partners. Each member state can transpose the agreements in the most convenient way”*.

The speaker also informs us that the intention of the EC was to introduce a binding norm and that it establishes sectorial committees for social dialogue. Their role is to act as an advisory body on economic and social developments in the various areas of EU policy, and, indeed, they take up a lobbying role in the EU institutions.

Dr. Verrecchia informs us that there is also a norm which recognises European Collective Bargaining at the enterprise level, the so-called Joint Transnational Collective Bargaining, performed at the level of multinational companies where on the company's side the negotiating body is always the group management, whereas on the union's side, the negotiating body can be the EWC's but also sectorial trade union federations.

Prof. Arrigo takes up the string of the discourse stressing that the recommendations of the Commission do have a juridical value even if they aren't binding for the member states: *“These recommendations have a meaning for the partners”*.

The floor is handed over to Mr. Andrea Kirchmayr, representative of the Italian Banking Association (ABI), who firstly thanks FABl for the organisation of the project and starts his exposition saying that *“the social dialogue functions because the social partners do want to make it function. There are 40 sectional Committees covering over 145 ML workers, which is roughly three-quarter of the total working force. The Employer Associations are represented by BCESA which participates in the social dialogue and they are conscious that the social relations get very complex if seen from a European perspective.”*

The task of the Banking Committee, according to Kirchmayr, is to formulate the politic for the labour market.

The ABI representative stresses the heterogeneity of the employer associations at European level and declares that ABI wishes that *“the social dialogue has to be a free choice of the social partners without any limitations concerning topics which can be treated.”*

In our sector the social dialogue has been brought forward using the instrument of joint statements.”

He goes on expressing the view of ABI saying that the role of companies is to invest in the relation with the stakeholders (the staff is part of them) without neglecting the environment, staff training, etc. The concept of Life Long Learning (LLL) should always be on a voluntary basis.

Kirchmayr adds that joint statements are an integral part of the Italian National Collective Contract (CCNL).

“ABI is convinced that the social dialogue may influence positively the EWC’s.” Mr. Kirchmayr closes with the faith that *“there has to be a strong conviction and commitment when founding a EWC and that there shouldn’t be any kind of automatism in the constitution of a EWC only because the prerequisites and the necessary dimension are given. The conviction is necessary and has to be seen as an opportunity.”*

Prof. Arrigo takes up his role as a moderator saying that *“the EU lags behind in the juridical process. In the past it has produced jurisdiction regarding the equal economic treatment of the genders but stopped short of regulating the collective relations and bargaining. It was left to the bargaining power of the partners and that’s why the bargaining activity plays a particular importance”*. He adds that *“today both sides are asking juridical norms which should strengthen the relations.”*

This is, in Arrigo’s conviction, an important aspect and he invites the participants to concentrate on these objectives and to try to strengthen the relations in the dialogue committees because it’s in the interest of both partners.

After a coffee break, Angelo di Cristo shares with us his point of view and experience regarding the Social Dialogue and how it can influence the EWC activities in a positive way, seen from the point of view of worker’s associations.

In his experience there is a strong searching for joint statements like LLL and like the social responsibility of the companies. The situation varies in the different countries, e.g. in some countries, like Great Britain, there isn’t an employers association and in some others there isn’t a valid union representation. *“These are situations where joint statements can be adopted by the EWC’s”*.

Drawing up on his experience Mr. Di Cristo mentions a positive example from Germany, where, based on the LLL concept, there have been positive agreements regarding computer literacy training. He goes on saying that *“only in some countries the joint statements are inserted inside the national collective contracts. Between 2000 and 2005 there have been signed two joint statements and from 2006 on we concentrated on verifying the state of social dialogue”*.

In the conviction of the Unicredit EWC President it’s important to find best practices which can be applied in all countries where the EWC is present. However he encountered problems while trying to disseminate the best practices. The source of major problems is the political interference which he found on the side of the French Employers Association which didn’t, and still doesn’t want to let in Turkey inside of certain committees.

Furthermore there is, in his eyes, a lack of sensibility, as there is a certain common conviction that the national legislation is sufficient.

“I have a dream”; citing Martin Luther King, Angelo di Cristo says that it’s important and fundamental that there should be a strong seeking for social dialogue.

He sees, instead, a tendency to forget that the root of today’s crisis lays in the financial system and although it’s originated in only some countries – mainly the Anglo-Saxon – in the meantime it embraces all countries. As the main important source of trouble, Angelo di Cristo sees the selling activity of banking products.

Prof. Arrigo takes up again the moderation, saying that in his eyes, till now, there wasn't any real and important exchange of points of view between the partners, and as an example he mentions the relation with banking customers which has been treated in some countries, but not in others. Another example is the tracking down and control of best practices: *"If they are unknown, they aren't best practices, indeed they don't exist."* Furthermore *"it's not possible for the Commission to disseminate them; and anyway, it's up to the social partners to disseminate them"*. Another important thing is that *"once acknowledged, these best practices should become a living point; otherwise it doesn't have sense"*.

Prof. Arrigo acknowledges the quantity of work produced between the social partners but *"it's not important what you produce, important is the quality of what you produce. You have the possibility to create new job environments which should help to harmonise family time and working time"*. The Professor invites us to try to analyse it all from the point of view of European Committees.

The next pronouncement is by Mario Ongaro, who takes up the discussion announcing that he likes to tackle some issues related to the Commissions Communication n. 557 of 2004: *"I think that the sense of this communication is quite clear: it talks about exploring synergies of social partners. It says that the EWC's have done a lot of agreements; at least that's what was said back in 2004. It's also a fact, that the Commission has inserted a review of the Directive"*.

Mr. Ongaro continues, stating that one of the main objectives is the avoidance of redundancies and for that purpose terms like flexibility and relocation are relevant.

He says that the issues at stake are very important and that the new Directive stresses this point several times, doing it in N. 14 and then over again in the articles which have been modified.

Important issues for Mr. Ongaro are also information and consultation and the EWC's must exert a vital role on this issue. *"The question we should put forward is how to use the EWC in order to handle the changing conditions? I think a possible answer is the active presence of the unions and their social partner and the new Directive opens new possibilities for union presence and action"*.

Mr. Ongaro goes on affirming that the new Directive permits also the presence of an expert, chosen on behalf of the union-side, in the meetings of the EWC's, and that this gives the unions the possibility to exercise better their role which has to be proactive.

Speaking from his perspective and experience as a member of the Coordination Group of UNI-Finance he does have, unfortunately, to notice often, that the agreement of 2004 is not wholly known and understood by the single members of an EWC. In several EWC's there isn't the necessary consultation.

Referring to the previous exposition of Mr. Kirchmayr, Mr. Ongaro replies that he doesn't agree with him on the issue of the constitution on new EWC's because the same Directive says something different when it proclaims that an aim of it was also the constitution of new EWC's. In his eyes the constitution of new EWC's has also the aspiration to underwrite decent agreements.

Mr. Ongaro concludes saying that in some countries EWC's are the only institution representing the workforce.

At this point, around 4.30 p.m., Prof. Gianni Arrigo opens and moderates the discussion saying that *"the Social Dialogue isn't something which takes power out of national institutions but, on contrary, it's an additional and complementary institution, which finds it's justification in the complexity of our society. The system is based on the collaboration and*

the dialogue of the social partners. The same Commission hopes to be supported in their activity by the social partners. One problem is how the EWC's feedback, another one concerns the selection of the members of the EWC. There is also a lack of the necessary social sensibility, particularly in countries of recent admission".

Mr. Arrigo invites us now to create, ad hoc, a Social Dialogue.

David le Morre, an effective member of the Santander EWC, sets out saying that there is a missing link in the communication practice of the EWC's: *"Mr. Botin is not interested in the participation in any EWC, as he fears that there might be a kind of imposition."*

David stresses also the lack of presence of the EC and asks, challenging, what the Commission is actually doing. Taking up a recent front-page news item, he asks, how a "fool" national politician can be allowed to say that the Spanish cucumbers aren't safe to eat, provoking for the Spanish agriculture losses of up to €250 ML.

Mr. Kirchmayr declares that it's up to the capacity of the social partners to reach results and he underlines once more his dislike for the impositions of above.

Mr. William Portelli expresses his view saying that joint statements should be binding in order to constitute an effective framework. For him timely information is vital, not only at local level but also on EWC level, as is the implementation of the agreements and not the quantity.

The MUBE President informs us also that in Malta there isn't a national contract.

For Angelo di Cristo the Social Dialogue isn't the solution of problems but an instrument for their resolution.

Prof. Arrigo takes up the microphone stressing the importance of LLL which has to include the over 50's workforce. Other big issues in need of focalization, according to him, are the gender parity and the workplace security issues. These aren't issues which, according to the Professor, can be treated by the Commission; they are left to the bargaining power and activity of the national partners.

The floor is given to Mauro Bossola, member of the Executive Committee of UNI-Finance, who informs us, that he will talk in tomorrow's session about the crisis and the Social Dialogue. According to the FABI Deputy General Secretary, the fundamental prerequisite of any settlement or agreement is a political will between the parties to find a point of contact: *"There has to be a reciprocal interest. The desirable win-win situation doesn't necessarily mean that both parties have to win, but there can also be a situation where both parties, trying to meet halfway, loose something, being, all the same, square with each other, and seen like this it can be a success all the same".*

The FABI front man explains that the Social Actors do have to perceive the utility of their action, and for that they have to be highly motivated, and *"then we have the possibility of implementation"*.

He carries on saying that the agreement on Life Long Learning (LLL) has been transposed inside the Italian National Collective Contract of the banking sector (CCNL) and thereby it has been a success. *"However it's difficult to translate these norms in national agreements, particularly where there isn't a strong union representation. Thereby I see the institution of Social Dialogue as a very important instrument and the difficulties we may encounter on our way have to strengthen us only. Furthermore we do have to be aware that the crisis risks evolving in an antisocial direction especially if, and when, the social partners, discouraged by the current situation of economic crisis, should decide to rest on one's oars – a situation which would only worsen things."*

Mr. Bossola concludes inviting us to *“be conscious of our power and possibility to lock open the doors of Social Dialogue where previously it didn’t exist because there was a lack of sufficient union structures.”*

At this point Prof. Arrigo takes up the moderation citing the Art. 4 of the Joint Declaration of the EU Bank Social Partners: *“Regular training and Lifelong Learning opportunities should be routinely and systematically made available to all employees regardless of their position or type of work contract.*

Assumption that certain groups of employees, e.g. women/older workers are not interested in development must be avoided. The social partners recognize the need to promote equal opportunities for employees in relation to Lifelong Learning. Care should be taken to ensure that atypical workers, such as part-time staff or evening shift workers are not excluded from training opportunities by virtue of their working hours. Companies and training providers therefore need to be sensitive to the particular circumstances of part-time staff and the need to arrange the timing and location of training to suit their working patterns. Lifelong Learning will help develop transferable skills, which will increase employees’ employability.”

The following discussion is opened by the FABI Deputy General Secretary who asks, at this point, whether it’s only up to the employer to take the initiative on LLL. Prof. Arrigo answers him saying that it doesn’t have to be, from the moment, that it’s part of the CCNL, but then again it’s difficult, in reality, to let respect everybody the existing norms.

The following statement is by Mr. Mauro Inclettoli of FIBA-CISL who puts forward a somehow challenging question: *“Considered that the state would like to let us work till the age of 75, on contrary of the companies, for whom 50 would be enough, who shall pay for the time between?”* Mr. Inclettoli’s second provocative question regards the actual destination of the money the Commission gives out for LLL.

“At this point I have, given the late hour – it’s past 6.15 p.m. – to try to compress, somehow, my presentation” says Pietro Gentile, whose task in the Tandem project is to construct, open and follow the Tandem web-side and nourish it with audio and video footage produced by him during our Tandem Dialogue sessions. In his, thereby, necessarily short explanation, he informs us that the web-side will be ready between October and November of this year and that it will be based on an “open-source-system”. *“It will be our business card and our way to communicate with who isn’t directly involved in our project”.*

The following day, June the 10th, at 9.15 a.m., Franco Savi, the project manager, gives, in his short explanation, a layout of the program of the day which will end in the afternoon with a social event in Kaunas where we will visit three social structures financed by FABI and Prosolidar and supervised by the FABI representative in Lithuania, Mr. Sergio Paterlini. Mr. Savi summons the activity of the previous day and explains today’s program. In his words *“the aim of the communication is to involve the colleagues and to transmit them the substance of our international activity.”*

Giorgio Verrecchia invites us to go on from the point where we interrupted yesterday’s intense discussion trying to develop a discourse around the following questions:

- Which kinds of participation do have the EWC’s in the agreement-finding-process of the Commission?
- *“the effectiveness”* which is another important issue for him
- Training: *“It seems to me that training was directed at the necessities of the employer excluding certain categories of workers”*
- Importance of union representatives, especially the ones of the EWC’s.

“My invitation goes to everybody to participate in this debate” says Dr. Verrecchia.

William Portelli, in his function as the chairman of the following debate, says that we will focus on Social Dialogue in the respective countries trying to see and understand what's going on in these countries.

Klaus Gruenewald, translated from German into Italian by Andreas Biernath, sets out with a description of the German situation. The Verdi manager explains that there are three levels of bargaining:

- The national level
- The company committees
- The supervisory board.

Mr. Gruenewald adds that it's difficult to explain the supervisory board which is working according to joint rules. Furthermore he tells us that lately there is a tendency in Germany towards a weakening or erosion of national contracts and informs us that there are various national contracts, among them contracts for private banks, for the saving banks sector and Santander *"and in addition we fear that Deutsche Bank might get out of the German Banking Federation"*.

The Verdi representative enlightens us that there is also the German particularity which means that for newly founded companies the old contract isn't valid anymore. For this reason it's very lucrative for the companies to modify themselves. The contracts are often limited to only one company. Out of the 700.000 people employed by the German banking sector, some 40% aren't any more employed by the original bank but by a company which is controlled by the original bank.

Mr. Gruenewald keeps on explaining us that the German Employees Committees (Betriebsrat) are elected by all workers and not only by union members. These Committees aren't allowed to stipulate agreements which are poorer in the contents in respect to the National Contract.

After the contribution of Klaus Gruenewald, Portelli asks whether it's better to put forward questions immediately or later and the assembly decides for the latter. Thereby the word is given to Lucia Peveri who describes us the Italian situation saying that in Italy there are two levels of negotiation. The first level is the National Collective Contract for the Banking Sector (CCNL) which regulates arguments like payments and payment levels, working hours and application area of the CCNL. The CCNL, which is valid for 300.000 workers employed in the financial sector, also defines industrial relations systems.

The second level of negotiation is the integrative labour contract. The negotiation regards questions which aren't treated by the CCNL negotiation of the 1st level. Mrs. Peveri of UILCA mentions as examples the company's bonus system, health and security of the working environments, the job classification of the new professional figures, welfare systems, health insurance assistance, industrial accidents, pensions and part-time regulations.

Another important topic is the one of reorganization and restructure of companies. In her discourse Mrs. Peveri stresses that *"in Italy we have a Redundancy Fund, founded some 10 years ago, which gives the possibility to get out before reaching the retirement age without being formally laid off and, substantially, without losing money"*. *"Some 30.000 workers have benefited, in these years, from this fund. In this moment we are renegotiating the CCNL in Italy and the employers are clashing with us because of this social buffer and another social questions"* says Lucia Peveri: *"it's the same problem like the one in Germany mentioned by Klaus – the intention is to weaken us, and when the employers are putting in question the first level of negotiation we do strongly object that development."*

The UILCA representative sees a further possible topic of clashes in regard to the attempt to determine an inferior profile level for the newly hired people. Lucia finds further similarities with the German situation in the problem of internationalization of parts of company activities: *"in Italy we see the outsourcing of a lot of activities, and not only of back-office functions. In Deutsche Bank, where I work, even the elaboration of balance sheets has been outsourced. Generally speaking, I can affirm, that the Social Dialogue in our sector has always been very good, but we are experiencing, in the last 1 ½ years an attempt towards the weakening of our position"*.

William Portelli gives now the word to Darius Kiziakiewicz from Poland, who starts his exposition saying that *"it's important to start a discussion, but still more important are the results achieved in the discussions. The financial sector in Poland employs 150.000 people but since 2007 the occupation went back by 5.000 people"*. In Darius opinion *"there can't be Social Dialogue where the rules of Social Dialogue aren't respected. That's why in most cases we see declared but not implemented values. Obstacles to Social Dialogue are given in cultural differences between east and west. Furthermore in Poland there aren't well defined rules in regard to mobility of employees."* For the Polish representative problems arise also due to the fact that in absence of an employers association in Poland there aren't institutionalized interlocutors for Social Dialogue. In Poland there aren't also Supervisory Boards nowadays and *"although we have had one till 1996 it was subsequently cancelled, interestingly, by the President of the National Bank of Poland"*. The economic situation in Poland is, according to Darius, only apparently good; in reality it's not good at all.

David Le More Martinez speaks on behalf of Spain using a Power Point Presentation. When describing the Spanish situation he speaks about the current crisis and the causes of it which lay principally in the only recently past housing sector boom. The following bust of that sector has led to readjustment problems in the saving banks, which have invested in the past heavily in the building sector.

"In the current situation there aren't any more credit concessions for small and medium businesses and this aggravates the situation from any point of view." The Spanish bargaining activity in the last years is seen by David as a failure and, in his expectation, the shift to the right in politics will lead towards an invitation for the employers to be harder with the employees and their trade unions: *"Nowadays the employers are refusing to sign the Collective Contract because they want local agreements. They are rejecting the contractually consolidated basis, trying to start all over again each time."*

Emilio Corral Aloras completes the description of the Spanish situation given by his colleague. He informs us that the Spanish national bargaining activity is interrupted. The political situation is characterized by instability, the unemployment level is very high and the trade unions thereby are very preoccupied. The employers' association hopes, absurdly as it may sound, that the currently precarious economic situation deteriorates even more because they are hoping in an intervention by the European Commission which would strengthen their bargaining position: *"That's why I think that the Social Dialogue is in peril"*. Emilio adds that the unemployment rate among the young people is at 45%; he closes his gloomy description telling us that the saving banking sector represents 50% of the entire banking sector and that the National Contract of that sector has been terminated.

The next description is given by Sandor Toth who makes us acquaint with the Hungarian situation which is also dark and has a negative future outlook. *"We are assisting a negative development as the employers have the power to influence the government decisions and we are preoccupied by this as we know that the government is preparing a new labour law. For us it seems as if the government wants to pull back the watch in time."* Mr. Toth enlightens us know that some 80% of the Hungarian banking sector is controlled by foreign entities. Furthermore *"the banks do have an economical problem related to a banking tax introduced by the government. This tax is very high, is valid till 2013, and it makes it for us very difficult to negotiate any salary increments. It should stay like that at least for other 2 years."*

During the following question time at 10.50 a.m., Angelo di Cristo asks whether this tax is valid only for foreign or also for Hungarian banks and Sandor Toth answers that the tax regards all banks. Mario Ongaro asks Klaus Gruenewald questions regarding the German situation, Dr. Verrecchia wants to know whether the results of the European Social Dialogue are somehow included in the negotiation activity for the new Italian CCNL and Mauro Inclettoli notes the somehow curious situation in which the Spanish representatives hope that the government does not interfere meanwhile the Hungarians do wish to have some kind of – positive – government interference or contribution.

Mauro Berselli notes that the disparity between social classes increases ever more not only in society but also in the companies.

After a short coffee break the exchange of national experience goes on with Klaus Gruenewald who explains that the German unions are assisting a new development towards a decentralized form of organization which creates obstacles to Social Dialogue because workers are acting like owners of a shop. *“In Germany we are assisting on a reduction of our sector and on Social Dialogue which we have to reconstruct with new structures”* informs us Klaus Gruenewald.

Emilio Corral says that the law allows externalizations of services but in companies towards which these services are externalized there aren't any minimum standards.

Sandor Toth specifies that the Hungarian situation is stable which means that the government is able to sell easily their bonds on the market. The banking tax regards not only foreign but also domestic companies and is fixed in relation to the profits of the previous years.

William Portelli stresses that a structure for Social Dialogue is elementary otherwise there can't be Social Dialogue. He underlines the importance of implementation.

Franco Savi thanks everybody and passes the word to Prof. Gianni Arrigo who says that we have to aim at not having two levels of negotiation but at having, hopefully, a future situation where the negotiation is brought forward side-by-side. The necessary information and consultations are to be given timely to the employees' representatives, so to enable them to assess the possible impact on employees' interests and act accordingly. The Professor asks challenging whether we are able to handle the enormous existing quantity of information and agreements. We have to bear also in mind that a lot of these norms haven't been adapted to our changing times and different demands.

In his opinion training of employees has to be organized jointly by the social partners. At the moment there isn't a place where the presidents of the different EWC's can meet and discuss but it is very important that they meet. The assignment of the members of the EWC's is too short in the optic of enabling them to take decisions consciously and with the necessary knowledge. *“Currently, as soon as they start to know and understand their work, they are out again.”* There is a necessity to have rules and certainties. The big organizations have to work together on a mutual basis and they do not have to wait always that the governments determine and legislate on everything. *“We necessitate to have an effective collaboration and the companies' can't hide themselves always behind secrecy excuses.”* He adds that there *“has to be the necessary slowness and the necessary time for dialogue.”*

At this point the project manager informs us about the following Tandem session which will be held at the training facility of the International Labour Organization (I.L.O.) in Turin on the 10th and 11th of November. On the 11th of November there will be a conference of dissemination of the results. After Mr. Savi's illustration of the program for the rest of the day the word goes to Mr. Mauro Bossola, Deputy General Secretary.

The FABI manager expresses his pleasure about having noticed great interest on the matter of our Tandem project even outside of the conference room: *“The aim of the Tandem project was to confront ourselves on the situation in the countries where our representatives come from, and that has evoked great interest”.*

“The Social Dialogue evolves when there is great interest and involvement between the partners and doubtlessly here this was the case.” The FABI Directive Board Member stresses that what we have done here is our main activity, or, in other words, our *“core business.”*

“The crisis, in the midst of which we are in, creates great disparity between the situations in the different countries”.

In his further exposition Mr. Bossola asks whether the Social Dialogue is an efficient instrument in order to overcome the crisis and he reads only some extracts from a paper he prepared in order not to delay the end of our activity. *“The cohesion between the unions on European level is remarkable. The degree of unionization is characterized by a fall in the period which goes from 2000 till 2008 but it’s not so dramatic. The number of precarious contracts and contracts on part-time basis has increased. The unionization rate is good – about a quarter of the employees – although there are big differences in the single countries, with Sweden leading the league with a rate of about 70% and Estonia with only a tenth of that figure. The GDP in the EU has decreased but there are differences inside the single countries, with the Baltic nations which experienced a dramatic decline of up to 15%. Also what’s concerning the unemployment rate there are enormous differences. Our interest in the situation in the single countries is big.”*

Mr. Bossola puts forward some questions and, at the same time answers them:

- *“How did we react in front of this crisis?”*
“The research of solutions has been managed more on local levels and did not come out so much from the European Commission.”
- *“Which tendency can we foresee for the near future?”*
“Not one of prosperity but of crisis in which the single countries, also out of fear, try to close and protect their markets in respect to the outside world. The research body of Deutsche Bank says that “after the crisis the financial sector won’t be the same”, which means that there will be a new positioning of the companies and consequently of the organizations which represent the workers. There is a development towards more variable salaries.”
- *“Do we benefit from the Social Dialogue?”*
Probably yes. The timing of this project is efficient.”
- *“Do we need the Social Dialogue?”*
Without doubt yes.
Necessary is the goodwill between the partners. We do have, however, an increase in the conflicts and difficulties to sign national contracts in single countries. The discourse of this forum is a discourse which can be developed further and I hope that the results will be disseminated in Turin. In Italy we established a coordination between all white collar workers unions.”

Mr. Bossola thanks everybody and hopes to see us soon again.

After a final salute by Franco Savi the works of this second session are closed.

Vilnius, 10th of June 2011

Report by Andreas Biernath