

## Report on bilateral workshops

### Description of equal/similar/different situations in any field in the analysed countries

Austria	Czech Republic	Hungary	Poland
<b>1. Collective agreement systems and industrial relation</b>			
<ul style="list-style-type: none"> <li>- obligatory and voluntary employers associations,</li> <li>- obligatory and voluntary employees associations,</li> <li>- 97% of employees are covered by collective agreements, mostly at national branch level</li> <li>- the state does not interfere (no tripartite),</li> <li>- in public sector collective agreements are negotiated indeed by the trade union and the representatives of the state but the results of bargaining are taken over and implemented into legal regulations,</li> <li>- in science &amp; research sector there is a collective agreement but it does not cover the whole sector,</li> </ul>	<ul style="list-style-type: none"> <li>- tripartite,</li> <li>- 60% of contracts are exclusively negotiated between employers and employees,</li> <li>- 90% of collective agreements are company agreements,</li> <li>- in health sector there is no employers association,</li> <li>- there are 7 branch collective agreements (...),</li> <li>- company agreements are in addition to the branch agreements but on a by far higher income level than collective agreements,</li> <li>- in Czech Republic there are many international companies, thus in some of them international workers councils and international collective and company agreements (?as I understood they have no coll. Agr.?) are being implemented,</li> </ul>	<ul style="list-style-type: none"> <li>- there are only 3 branch collective agreements (bakery, construction, electronic industry),</li> <li>- most collective agreements cover only single companies,</li> <li>- only trade union confederations and employers associations or organizations negotiate collective agreements,</li> <li>- legal regulation say how many % of employees must be trade union members so that a trade union can negotiate a collective agreement,</li> </ul>	<ul style="list-style-type: none"> <li>- there are 12.000 collective agreements in Poland, mainly at company level,</li> <li>- one of the most important problems is the lack of employers associations, which makes bargaining process in many fields hardly possible,</li> <li>- employers associations are sometimes even disbanded in order not to maintain collective agreements,</li> <li>- it would be important to encourage employers to create voluntary employers associations (example of an incentive – access to public “orders” restricted to companies, who have collective agreements),</li> <li>- there is a crisis in sectorial dialogue in Poland related to employers and the government’s reluctance,</li> <li>- there exists a legal regulation</li> </ul>

			<p>regarding branch collective agreements bargaining in Tripartite, however it has only been used once in the social sector (SANEPID),</p> <ul style="list-style-type: none"> <li>- one of the problems mentioned is the fact that all employees benefit from collective agreements, even if they are not members of trade unions, what discourages many people from joining trade unions,</li> </ul>
<b>1.1. The (individual) working contract in the focus: its legal basis, its minimal requirements (transparency directive)</b>			
<ul style="list-style-type: none"> <li>- types of work contracts: written contracts usual for continuous work, oral, de-facto possible (schlüssige Handlung),</li> <li>- in reference to quasi-employment but legally self-employment contract there are very strict regulations (concerning differences) in the Austrian law and it is not too easy to abuse it,</li> </ul>	<ul style="list-style-type: none"> <li>- wages are mostly confidential,</li> <li>- it is not possible to convince most managers to implement wage tables,</li> <li>- young employees have often higher wages than older and more experienced employees</li> <li>- income career rather through change of employer than career in the job,</li> </ul>	<ul style="list-style-type: none"> <li>- only in written form,</li> <li>- it is legally regulated which content it must include,</li> <li>- but very popular praxis: freelancers are employed as a single-person companies (they obtain worse conditions than those guaranteed by labour law),</li> </ul>	<ul style="list-style-type: none"> <li>- individual working contract is regulated by Polish Labour Code which is consistent with respective EU regulations,</li> <li>- collective agreements and labour code regulations do not cover self-employment (which is often practised recently, however recently Tripartite agreed on regulations limiting inappropriate use/abuse of this form of employment),</li> <li>- legal regulations concerning working contracts and collective agreements bargaining are quite good, but their realisation is a problem,</li> </ul>

<b>1.2. The impact of the legal frameworks on the contract</b>			
<p>Sources of law:</p> <ul style="list-style-type: none"> <li>- general national law,</li> <li>- labour law (Arbeitsrecht),</li> <li>- working time act (Arbeitszeitgesetz),</li> <li>- Labour constitution law (Arbeitverfassungsgesetz),</li> <li>- European law, e.g. Council Directive 91/533/EEC an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship</li> <li>- Professional regulations (Berufsrecht): there exist in Austria differences among different provinces,</li> <li>- there is no minimum wage for all employees by law, only by coll. agreement,</li> </ul>	<ul style="list-style-type: none"> <li>- there is minimum wage for all employees, independent on education, qualifications, experience,</li> <li>- legal distinction between white colour and blue colour</li> <li>- <b>legal definition of minimum formal requests of the work contract: .....</b></li> </ul>	<ul style="list-style-type: none"> <li>- there is minimum wage for all employees,</li> <li>- work law book defines minimum requests for contracts</li> <li>- the cafeteria system (bonus vs. wage raise)</li> <li>- collective agreement may extend number of possible overtime</li> <li>- the importance of the so-called Employees' Law</li> </ul>	<ul style="list-style-type: none"> <li>- there is one general minimum wage for all employees in all sectors (around 1.200 PLN) negotiated within the frame of Tripartite,</li> </ul>
<b>1.3. The position of collective agreements between contract and laws</b>			
<ul style="list-style-type: none"> <li>- in Austria categorization is included only in collective agreements,</li> </ul>		<ul style="list-style-type: none"> <li>- a detailed description of work places and responsibilities is available in individual work contracts,</li> <li>- in Hungary categorization is included in legal regulations, <b>(Remarks: maybe we translated</b></li> </ul>	<ul style="list-style-type: none"> <li>- in a working contract a respective collective agreement is not always mentioned,</li> <li>- a description of a position is usually contained also in individual contract (tasks, responsibilities),</li> </ul>

		<p>false texts? we should look at the whole cascade of legal documents – in Austria collective agreements play significant role, but maybe in Hungary less important-for the purpose of our project)</p>	<ul style="list-style-type: none"> <li>- greater and greater part of income constitute extra payments, but the basic wage does not increase – this influences not positively the role of collective agreements,</li> <li>- additionally, due to participation of some employees in EU projects (R&amp;D sector) big differences in incomes exist among employees working at the same institution and doing very similar work,</li> <li>- metal sector: in Timken an employee is informed about the valid collective agreement and discusses with the employer his/her categorisation,</li> </ul>
<p><b>1.4. The different levels of collective agreements</b></p>			
<ul style="list-style-type: none"> <li>- conception of collective agreement – it covers more companies of one branch and can be only negotiated by a trade union,</li> <li>- Extension (Satzung) – the collective agreement may be extended for the whole branch if it previously covers more than 50% of the total number of employees,</li> </ul> <p>Other special forms:</p> <ul style="list-style-type: none"> <li>- conception of company agreement: it is not negotiated by</li> </ul>	<ul style="list-style-type: none"> <li>- collective agreements of lower and higher level,</li> <li>- labour ministry can expand the collective agreement of the higher level for the whole branch,</li> </ul>	<ul style="list-style-type: none"> <li>- branch collective agreements,</li> <li>- company collective agreements,</li> </ul>	<ul style="list-style-type: none"> <li>- there are branch collective agreements, however in Poland there exist mainly company collective agreements,</li> <li>- currently in metal industry and in research &amp; development sector (universities) works aimed at creating branch collective agreements are being conducted,</li> </ul>

<p>a trade union but by a work council (the trade union can help but the final responsibility is carried by the work council; work council representatives are usually members of the trade union, trained by the trade union and acknowledged by the trade union as functionaries of the trade union),</p> <ul style="list-style-type: none"> <li>- minimal wage tariff – if there is no collective agreement and no company agreement, quasi-law by state authority, negotiated by trade union,</li> </ul>			
<b>1.5. The actors and procedures of collective bargaining</b>			
<ul style="list-style-type: none"> <li>- obligatory employers association (federal economic chamber – Wirtschaftskammer),</li> <li>- voluntary employers associations,</li> <li>- obligatory employers association (Arbeiterkammer),</li> <li>- voluntary employers associations = trade unions,</li> <li>- for company agreements (which are however not concerned as collective agreements) work councils and company management are active,</li> <li>- collective bargaining procedure: <b>(include a detailed description</b></li> </ul>	<ul style="list-style-type: none"> <li>- all employers associations are voluntary,</li> <li>- tripartite (incl. representatives of responsible ministries),</li> <li>- in the research organisations the possible income for researches is negotiated about 3 pillars: state budget (minimum wages), subsidies and economic activities &amp; which may enlarge the possibilities to pay better wages or bonus)</li> </ul>	<ul style="list-style-type: none"> <li>- employers associations are not organized</li> <li>- federal economic chamber (Wirtschaftskammer) was disestablished in Hungary and there exist also no worker's chamber (Arbeiterkammer),</li> </ul>	<ul style="list-style-type: none"> <li>- economic chambers in Poland does not have employers association character, thus cannot negotiate with trade unions (only voluntary employers associations, sometimes created with the governmental initiative under the pressure of trade unions, can participate in this process),</li> <li>- works council does not have right to negotiate collective agreements either, only representative trade unions (in a company where below 1.000 workers are employed a trade union must</li> </ul>

<p>which Michael presented?)</p>			<p>represent at least 10% of employees, in a bigger one – at least 7%),</p> <ul style="list-style-type: none"> <li>- research &amp; development sector: at present there are conducted changes in functioning of research &amp; development institutes (their consolidation) and the negotiations aiming at establishing the Main Council (Rada Główna) as a subject (employers representation), which can participate in collective bargaining process,</li> </ul>
<p><b>1.6. The different contents of collective agreements</b></p>			
<p>Most important for our project:</p> <ul style="list-style-type: none"> <li>- categorisation (groups) + wage tariffs + income career regulations,</li> <li>- research &amp; development – qualification groups/levels, points, appraisal interviews,</li> </ul>	<ul style="list-style-type: none"> <li>- managers are not covered by collective agreement regulations,</li> </ul>	<ul style="list-style-type: none"> <li>- wage tables – they are not parts of collective agreements but they are included in legal regulations,</li> </ul>	<ul style="list-style-type: none"> <li>- research &amp; development sector: in scientific collective agreements there are categorisation tables included but with very wide wage ranges,</li> <li>SANEPID (sanitary-epidemic stations sector): as it is a budget sector – wages are regulated through an ordinance of the Ministry of Health,</li> </ul>
<p><b>1.7. Differences between private and public sectors concerning agreements</b></p>			
		<ul style="list-style-type: none"> <li>- in public sphere there are trade unions,</li> <li>- in private sphere there are mainly</li> </ul>	<ul style="list-style-type: none"> <li>- in private companies wages are normally kept confidential and are negotiated between employers</li> </ul>

		<p>no trade unions so no collective agreements can be negotiated there</p> <ul style="list-style-type: none"> <li>- e.g. science and research – well developed and established system of categorisation, but it is not so in private sectors,</li> <li>- in public sphere years of experience are of significance, but not in private sphere (wages are mainly agreed between an employee and an employer)</li> </ul>	and employees,
<b>2. The impacts on the quality of the individual contract concerning rights, job description, income and (income) career</b>			
<b>2.1 The definition parameters in law, collective agreements, contract</b>			
<b>2.2. The influence of labour market and company decisions</b>			
			<ul style="list-style-type: none"> <li>- research &amp; development sector: in the future the categorisation should be based on results of employee's evaluation (currently one also has to write annual reports concerning his/her work results (e.g. number of articles published, etc.) but it seldom has any influence on e.g. promotion of an employee),</li> </ul>
<b>2.3. Development through change of job resp. career in the job</b>			
		<ul style="list-style-type: none"> <li>- EU recommendation for scientists: ? European researcher</li> </ul>	example of a constructor career (see at the end of the report),

		card (Europaforscherkarte)	
<b>2.4. Income tables and individual income; statistics and transparency</b>			
<p>- Income tables and categorisation (groups) are in detail described in collective agreements, categorisation depends e.g. on:</p> <ul style="list-style-type: none"> <li>• level of independency,</li> <li>• level of difficulty,</li> <li>• level of responsibility of the job/position.</li> </ul>	<p>- e.g. in science &amp; research: evaluation in reference to: education, professional experience, work outcomes (publications, projects, international cooperation),</p> <p>- wages are often kept confidential, work council representatives can obtain access to wage lists, but have to keep these information confidential,</p> <p>- though, there is a brochure published yearly by a private company for the government, where average wages for various jobs are presented,</p>	<p>- example from railways sector: there are 19 category groups, however currently the education (e.g. completing university study) is of more importance than years of professional,</p> <p>- wages in individual contracts must be often kept confidential,</p>	<p>- in company collective agreements wages are even by 50% higher than in branch collective agreements,</p> <p>- wages in individual contracts are kept confidential, negotiated between an employee and an employer,</p>
<b>2.5. Who is covered by collective agreements? - company with all or only a part of the workforce; branch, exceptions</b>			
- experts are also covered by collective agreement regulations,	- managers are not covered by collective agreements,		- collective agreements cover all employees, except of highest management,
<b>3. Documentation and transfer of professional experience</b>			
<b>3.1. Documentation of working contract; description of job quality and details, income and social security fees</b>			
<b>3.2 Documentation at the end of a job</b>			
- at the end of work contract an	- certificate of employment by	- still 20 years ago each employee	- there exists a legal regulation

<p>employee has the right to obtain by request certificate of employment from an employer,</p> <ul style="list-style-type: none"> <li>- the employer must not include any negative statements concerning the employee in this certificate,</li> </ul>	<p>employees request,</p>	<p>had an “employee’s record book”, in which during the whole professional life their experience were documented,</p> <ul style="list-style-type: none"> <li>- since 1999 every employee has the right to receive by request a certificate of employment from the employer,</li> </ul>	<p>concerning certificate of employment: it must be prepared by an employer and handed in to an employee on the last day of employee’s work,</p> <ul style="list-style-type: none"> <li>- however, it does not contain any information concerning work quality, level of responsibility, categorisation,</li> <li>- in a certificate of employment there is information about the way of termination of employment (e.g. due to disciplinary reasons), which can constitute an disadvantage for an employee while looking for a new job,</li> </ul>
<p><b>3.3. Recognition of professional experience by the new employer within the country (cross company, cross branch) and cross border</b></p>			
<ul style="list-style-type: none"> <li>- acknowledgement of professional experience gained by previous employer, often after submitting a certificate of employment,</li> <li>- collective agreements in Austria limit acknowledging of professional experience gained in previous companies to max 10 years typically,</li> <li>- within six months an employee must provide evidences of education or professional experience,</li> </ul>			

<b>3.4. Impact of documentation and recognition on contract and income</b>			
		- in private companies very often not important, in public sector it has influence on income level,	
<b>3.5. Legal tools of documentation and compatibility of professional experience and competence:</b>			
- certificate of professional competence,		- EUROPASS,	
<b>3.5.1. The EU transparency directive and its national realisation in law</b>			
<b>3.5.2. The European Qualification Framework and its 8 levels as a common pattern to compare</b>			
- implementation of EQR into national EU member states systems is currently in process, thus EQR might be specified more precisely afterwards,		Proposal to integrate levels in the work law book	- EQF could be as a basis for categorisation in collective agreements,
<b>3.5.3. Possibilities, limitations and comments</b>			
		- in some areas Hungarian system seems to be more clear and accurate, - Is EQR often enough to the bottom (is everything included)? - it would be useful if members of trade unions were present at university job fairs, they could advice there together with e.g. representatives from Austrian trade unions, requiring from an	- in the analysed company collective agreement from the metal sector (Timken company) such a table exists and it should be easy to adjust it to EQF, - position of SANEPID: it will be difficult to apply EQF to all positions as e.g. in some jobs creativity is not only not expected from employees but simply not desired

		employer a certificate based on EQR,	
<b>4. Summary of cross border migration of professional staff - interviews: facts, trends and proposals</b>			
Additional report			
<b>5. First ideas how to improve the information and advice chain from the home country till the new workplace in the target country</b>			
- EUROCADER, - Webpage of Labour Chamber (Arbeiterkammer),	Finding answers to the following questions: - How/Where can information be spread in internet? - Which information should an employee obtain from a trade union from home country? - Is it possible to establish links to trade unions on web pages of institutions like federal employment offices, etc.?	- internet is a good and useful source, though a personal conversation/contact act better, thus trade unions should not resign from it, - cooperation between national and especially international trade unions is of high importance, - general information should be available in internet,	employees do not inform trade unions about plans of changing working place/country, do not ask for help (“if we have known, maybe we could help, although trade unions do not have such information”),
<b>5.1. Possibilities and first aid by the trade unions in the home country</b>			
- one of the goals of this project is to make work councils conscious of the responsibility and importance of their role in employment of foreign employees (so that these employees are offered fair conditions, wages, to prevent wage dumping,			
<b>5.2. Responsibilities and possibilities for trade unions and works councils in the target country</b>			
	- it would be very good if foreign employees already before a job		

	interview contact a representative of work councils to receive necessary information,		
<b>5.3. The questions of the good information at the right moment</b>			
<b>6. Ideas, requests and proposals for the transnational workshop in March in Vienna:</b>			
<b>6.1. Contents</b>			
<ul style="list-style-type: none"> <li>- Mobility network of EUROCADRES – it would be very good to incorporate more people in this network</li> <li>- ?????Austrian trade union’s representatives could advice how to create more uniform collective agreements or how to act to establish employers associations</li> <li>- ???career (career path) of an constructor – for each analysed country,</li> <li>- important role of EUROCADRES – to inform employees where they can look for help,</li> <li>- necessity of closer cooperation between trade unions from different countries (international companies in the globalized market – need to work towards ensuring common working conditions for their employees in various countries),</li> </ul>	<ul style="list-style-type: none"> <li>- proposal: everybody should prepare something referring to European Qualifications Framework (EQR) - adjustment of national tables – then in Vienna comparison of the results,</li> <li>- collecting information sources/institutions, where respective information should be available</li> </ul>	<ul style="list-style-type: none"> <li>- to look more exactly at legal regulations – what is regulated at which level?</li> <li>- idea: a common web page of all trade union containing legal information, collective agreement musters, available in various languages, or a common/shared links to all trade unions on their own home pages,</li> <li>- a table presenting similarities and differences among various countries, e.g. in reference to legal information, required education and professional experience evidences, etc.,</li> <li>- but how can we make it public? How to finance and who should keep it up to date?</li> </ul>	<ul style="list-style-type: none"> <li>- it would be very useful if information concerning the last group to which an employee was classified (categorisation) was included in certificates of employment in the whole Europe,</li> <li>- importance to work on convincing both sides: employers but also employees,</li> <li>- importance of implementation career development path,</li> </ul>

<b>6.2. Methods</b>			
	- it is still to early – we should decide about it and the contents after all 3 workshops (e-mails exchange)		

Example of constructor’s career (Timken company – Poland):

- a young employee with completed education is classified to the second group of the categorisation table of Timken company - the average wage he/she can obtain is around 3.000 PLN, after 3 months he/she can receive wage raise of around 1.000 PLN,
- wage is confidential, negotiated only between an employee and an employer,
- a private company prepared the categorisation and wage table, usually employees begin with 80% of the average wage from a given class and continue till they are at the level of 120% of the average wage,
- once a year there is conducted an employee assessment and the trade union negotiates then raises,
- two issues are included in this assessment: working security and costs (e.g. how many working tools an employee uses out, etc.),
- additionally – white-collar workers have focus tasks, fulfilling of which is evaluated,
- all employees are evaluated and a ranking of the results is prepared,
- then - if the trade union successfully negotiated a raise – not all employees receive equal raise, i.e. 10% of employees, who are evaluated as the worst workers in the analysed year, do not receive raises,
- collective agreement is not negotiated every year – only the level of raises,

**Additional remarks:**

- CZ colleagues will send categorisation tables for science & research (Pavel have sent already coll. agreem. catogorisation for scientific sector) and chemistry sector and we will compare and look where the differences are (before the workshop) - RECEIVED
- HU colleagues will send brief translation of categorisation tables from legal regulations (where available), and information on collective agreement-coverage,