



## **UniCredit European Works Council: Improving Cooperation to Strengthen Social Dialogue**

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Second Main Event

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Industrial Relations - Focus on Germany

**Project co-financed by EUROPEAN COMMISSION**  
Employment, Social Affairs and Equal Opportunities DG



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Milan, 14 - 16 May 2008

Let's start  UniCredit Group

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## Collective Agreements and Individual Contracts within the Country/Company

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In the German system:

- There are both: the possibility to sign individual employee contracts and also collective Labour Agreements
- The collective agreements are at Company level (e.g. works council agreements on the deterministic bonus, on working time, on work regulations). There are also collective bargaining agreements for the German banking industry.
- At HVB we have some works council agreements on different issues, mainly issues of codetermination. The collective bargaining agreements of the German banking industry are binding for HVB AG and HVB IS, but not for HVB Profil and New UPA.

## Employee Representation in the local Group/Company

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- Works councils are entitled by Law to represent the employees within the Employer. Trade Unions delegates can be invited to works council meetings. They only advise and support the works councils but do not represent the employees.
- The works council members are elected by the employees every 4 years.
- In Germany most of the companies have works councils.
- In average the works council and the branch manager meet every 4 weeks.
- There are periodic regular meetings every 4 weeks. There can be extra meetings depending on the current topics.

## Major Topics of Information, Consultation and Bargaining within the Company

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Within the Company:

- The major topics of information provided for by law: the employer shall supply comprehensive information on every matter which might affect personnel (sec. 80 Works Constitution Act)
  
- The major topics of consultation provided for by law:
  - personnel planning
  - the construction, alteration or extension of work, technical plants or working procedures
  - implementation of training facilities
  - important changes in the organisation, introduction of entirely new work methods

## Major Topics of Information, Consultation and Bargaining within the Company

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- The major topics of codetermination provided for by law:
  - in individual staff movements (sec. 99 Works Constitution Act)
  - in the case of dismissal ( sec. 102 Works Constitution Act)
  - matters to the rules of operation of the company and the conduct of employees
  - the beginning and termination of the daily working hours
  - the introduction and use of technical devices capable of monitoring the behavior or performance of employees
  - the implementation of a remuneration system
  - social plan

If no agreement can be reached the conciliation committee shall decide.  
The planned action cannot start before this decision is made.

**Focus on ... (part 1)**

<b>TOPIC</b>	<b>LEVEL OF NEGOTIATION – IF PROVIDED</b>	<b>NEGOTIATION NOT PROVIDED</b>
<b>BASIC SALARY</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X national= banking industry	
<b>WORKING HOURS</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X      X      X	
<b>HOLIDAYS</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	
<b>JOB CLASSIFICATIONS</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X      X      X	
<b>PROFESSIONAL DEVELOPMENT</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	
<b>WELFARE: PENSION SCHEMES</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	
<b>WELFARE: HEALTH INSURANCES</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i>	X
<b>ANY OTHER WELFARE “BENEFIT”</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	

## Focus on ... (part 2)

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<b>TOPIC</b>	<b>LEVEL OF NEGOTIATION – IF PROVIDED</b>	<b>NEGOTIATION NOT PROVIDED</b>
<b>ILLNESS</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	
<b>MATERNITY LEAVES</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	X
<b>INDIVIDUAL DISMISSALS</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X X	
<b>SAFETY AT WORKPLACE</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	
<b>Training</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X	
<b>Antidiscrimination</b>	<i>(NATIONAL/COMPANY/INDIVIDUAL)</i> X X	
<b>Any other issue</b>		



## Company restructurings

### Collective dismissals/redundancies

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- The group/company restructurings must be managed according to the local regulation from an Industrial Relations perspective in the following way:
  - information and consultation with the respective employee representation body (e.g. local works council, central works council)
  - negotiation of a reconciliation of interests
  - negotiation of a social plan
  
- Consultation/confrontation between Company and employee reps:  
The Works Constitution Act provides the rights and responsibilities of the different employee representative bodies in Germany.
  
- Is there the possibility to “social plans”? Are they agreed through negotiation or are they just provided by law?  
There is the possibility to negotiate a social plan.

## Company restructurings

### Collective dismissals/redundancies

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- Employee transfers between Group Companies within the Country (e.g. infra-group mobility): did you ever use it as instrument to manage restructurings?

Sure, it is a well used tool.

- Employee transfers between from/to different cities within the Country (s.c. territorial mobility): did you ever use it as instrument to manage restructurings?

Yes, we use this tool. But the acceptance by the employees depends on the distance between the cities and whether he or she will have to move the household or not.

- Is there any other instrument you used and you would like to illustrate?

We used a lot of part time agreements, early retirement agreements, voluntary termination agreements and sabbaticals. There are also education and training programs for new jobs, but they are not often used.