



## **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 POLAND

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



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Let's start  UniCredit Group

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## Collective Agreements and Individual Contracts in Poland

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National system:

- According to the Labour Code, every employer of more than 20 workers must adopt waging regulations. If there are trade unions in the company, the employer must discuss and get these regulations agreed with the unions. The unions and the employer may choose to sign a collective contract instead of the waging regulations. The rules and procedure of adopting the collective contract are defined in the Labour Code. A signed collective contract does not eliminate individual work contracts which are based the collective contract.
- Collective contracts in Poland cover the employees of a company (collective contracts) or the employees of many companies (multi-company collective contracts).
- Among all companies of the Group in Poland, only Bank Pekao S.A. has a collective contract in place. The other companies use waging regulations.

## Employee Representation in the local Group/Company

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- The law says that the trade unions represent their individual members before the employer on individual matters. The unions represent all the employees before their employer on collective matters. Worker Council is a body eligible for being consulted and informed and it can also represent all the employees.
- Members of the Worker Council are elected by the company's trade unions, if there are any. Union members elect their management boards who represent them before the employer.
- Bank Pekao SA has 7 union organisations and a Worker Council elected by them in July 2006. Trade unions are not present in all the subsidiaries but Worker Councils are found in most of them.
- The number of meetings between the unions and the employer is defined by the regulations (the general Labour Act and the company's internal regulations). Meetings between the unions and the employer at Bank Pekao S.A. are held at least once in a month.
- The frequency and topics of these meetings depends on current developments and on the powers given to the unions by the collective contract.

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

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### Company system:

- Please list the major topics of Information (specifying if provided for by Law or by Company regulations)
  - Level and structure of employment,
  - Average salary,
  - Expenditures from the company welfare fund
  
- Please list the major topics of consultation (specifying if provided for by Law or by Company regulations)
  - Employment restructuring, lay-offs
  - Transfer of manpower to other employers,
  
- Please list the major topics of bargaining (specifying if provided for by Law or by Company regulations)
  - The company's internal regulations on the terms of work (waging regulations, company welfare fund regulations, collective contract adopted by the company)
  - Lay-off agreement
  - Average monthly salary growth in a year
  - In Bank Pekao: distribution of quarterly bonus, distribution of the motivation fund, division of the base pay growth fund.

## Focus on POLAND (part 1)

<b>TOPIC</b>	<b>LEVEL OF NEGOTIATION – IF PROVIDED</b>	<b>NEGOTIATION NOT PROVIDED</b>
<b>BASIC SALARY</b>	<i>NATIONAL – minimum salary: negotiation with Tripartite Committee</i> <i>COMPANY – negotiation with Unions over wage categories</i>	
<b>WORKING HOURS</b>	<i>COMPANY</i>	Possibility of having personalised working hours
<b>HOLIDAYS</b>	<i>COMPANY</i>	
<b>JOB CLASSIFICATIONS</b>	<i>COMPANY</i>	
<b>PROFESSIONAL DEVELOPMENT</b>	X	X
<b>WELFARE: PENSION SCHEMES</b>	<i>COMPANY – negotiation with unions, if the employer plans to introduce a new pension scheme</i>	
<b>WELFARE: HEALTH INSURANCES</b>	X	X
<b>ANY OTHER WELFARE “BENEFIT”</b>	<i>COMPANY – negotiation with unions over company welfare fund regulations and possible talks on the size of allocations to this fund</i>	

## Focus on Poland (part 2)

TOPIC	LEVEL OF NEGOTIATION – IF PROVIDED	NEGOTIATION NOT PROVIDED
ILLNESS	<i>COMPANY – negotiation with trade unions on higher sick-leave compensation than that offered by national law</i>	
MATERNITY LEAVES		X
INDIVIDUAL DISMISSALS		X
SAFETY AT WORKPLACE	COMPANY	
Any other issue		
Any other issue		
Any other issue		

## Company restructurings

### Collective dismissals/redundancies

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- In a lay-off situation, an employer of more than 20 people (a 10% employment reduction, if the employer has 100-200 workers; 30 people, if the employer has more than 300 workers) must follow the provisions of the *Act on special procedure of terminating work contracts with employees for reasons beyond their control*
- Under this Act, the employer and company trade union organisations enter into negotiation to reduce or prevent lay-offs. Collective contract provisions may also be applied here, if they address lay-offs
- According to the Act, the unions and the employee negotiate an agreement regulating the situation of employees intended for lay-off. If no agreement is reached, the employer must define this approach in a special regulation. Whenever a lay-off affects more than 100 employees, the employer must co-operate with the Job Centre to define the forms of assisting those laid-off on the labour market.
- The rules of transferring labour to other employers are defined by the law (Labour Code). Both, the dismissing and the receiving employers should reach waging agreement with trade unions, especially when the transfer involves a change in the salary and welfare allowances
- A change of workplace within one employer (relocation to another town) is governed by the Labour Code and requires agreement of both parties. The place of work is a key element of the work contract.



## **Contribution to the Joint Declarations: Training, Learning and Professional Development**

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**According to the Polish labour law, the employer must:**

- **Organise work in a way that ensures making a full use of the working hours and reaching high performance and quality by workers who contribute all their talents and skills,**
- **Help the workers to improve their professional qualifications,**
- **The professional qualifications required at various positions and jobs may be defined by the company's internal regulations (if they are not described by special regulations)**

## **Contribution to the Joint Declarations: Equal Opportunities and Non-Discrimination**

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**Under the Polish labour law, the employer must:**

- **Prevent employment discrimination, particularly, on the grounds of sex, age, disability, race, religion, nationality, political outlooks, trade union membership, ethnic origins, creed, sexual orientation, and on the grounds of being employed for a specified/unspecified period of time, or a full/part time contract (ban on any type of discrimination)**
- **Follow unbiased and fair criteria in evaluating the workers and their performance**
- **Meet—as far as it is possible—the welfare needs of the employees**
- **Control inter-personal relations and atmosphere in the company**
- **Give the employees equal treatment, including wages (ban on waging discrimination)**

**An employee whose right to equal treatment was breached is eligible for a compensation not smaller than a minimum national average pay.**