

### 3. INSTITUTIONAL FRAMEWORK FOR COLLECTIVE BARGAINING AND AGREEMENTS IN THE SECTOR

(Some particulars from the Greek experience and practice)

At present, in our country, collective bargaining covers a broad range of subjects as:

- terms on the signing, operation and termination of individual labour agreements (thus introducing collective limitations to the employers' managerial right);
- issues pertaining to trade union presence and activity in work places; these issues can be regulated on a more favourable basis than that provided by Law on trade union leaves of absence and facilities; also issues pertaining to the deduction-payment to the trade unions of union membership dues.
- issues pertaining to social security and medical care, with the exception of those issues which relate to retirement pension rights, Funds under state supervision and issues pertaining to compulsory insurance;
- questions pertaining to implementation of a business policy to the extent that this directly influences labour relations (e.g. investment policy, mergers, buy-offs, outsourcing etc.);
- questions pertaining to interpretation of the terms of Collective Agreements by the parties directly involved;
- issues that come within the range of competence of the Employees' Councils in every enterprise, (e.g. Working Regulations, Hygiene and Security Regulations, training programmes, allocation of leaves, additional remuneration and incentives etc.);
- regulations pertaining to organising the working time;
- regulations which stipulate the rights and obligations in the relations of the two contracting parties, like the clause regarding preservation of vested rights, ways for resolving disputes etc.
- procedures and terms of collective bargaining, mediation and arbitration in order to resolve collective disputes, so long as they offer to the employees and their trade unions greater protection in relation to the procedures and regulations provided by law.

The institutional framework on Collective Bargaining recognises not only the right but also the obligation to bargaining, and it establishes:

- the rights of the workers' side to be kept informed by the employers and/or by the competent state bodies;
- the obligation by the parties to conduct a dialogue in good faith having the intention to end in a mutually acceptable result;
- the obligation by the parties to give reasons for/document their proposals and counterproposals.

The institutional framework in force and the complex developments in the financial system require on the part of the trade unions:

- a great and systematic effort at the level of documentation, setting targets and getting prepared for bargaining;
- a systematic technical and trade union support to the direct bargaining, mediation and arbitration (an independent body on mediation-arbitration functions in our country to resolve collective disputes);
- the application of modern techniques in order to promote demands and conduct negotiations.

An issue which is of particular significance to the sector is the combination of the sectoral with the enterprise Collective Agreements (Collective Agreements in each bank). This combination can only be understood within the framework of a complementary and successive bargaining, during which

- the sectoral Collective Agreement comes first and establishes the basic rules and the arrangements which are generally compulsory in the sector;
- the enterprise Collective Agreements follow and they specialise, improve and enrich it, in the particular work places.

For many years now, the sectoral Collective Agreement between OTOE and Banks constitutes the sector's shield with

regard to wages and institutions, to the extent that the law does not permit an arrangement, divergence or exception at enterprise level more unfavourable than its provisions.

The enterprise Collective Agreements enable the trade unions in each Bank to demand those financial and/or institutional arrangements for their area which will only be more favourable than the sectoral Collective Agreement; they specialise these in accordance with the potentials and priorities in their area, complement them and extend them and, thus, they open the way for these arrangements to become generalised covering the entire banking sector.

The successful so far combination of the safeguarding-equating function of the sectoral Collective Agreement with the aggressive-diversifying-decentralised mechanism of the enterprise Collective Agreements extend and safeguard the implementation of the sectoral arrangements and also the collective intervention itself at the level of enterprises, and they limit the margins for non-transparent, arbitrary and one-sided employers' practices.

As we shall see further down, the development of the aforementioned institutional framework as well as that of basic sectoral infrastructures pertaining to issues of protection of employment and documented planning-implementation of training programmes can be improved and enriched through the assistance of PREMEQ.