

Členská schůze Základní odborové organizace FLÚ

7. 4. 2022 13:00–15:30

Committee members in attendance: Teresa R. Baron, Jan Frei, Juraj Hvorecký, Robert Novotný, Pavel Nývlt, Martin Profant, Darja Zoubková.

Members in attendance: Olga Baranová, Jan Bierhanzl, Julie Černá, Joseph G. Feinberg, Vlastimil Hála, Hynek Janoušek, Rudolf Kolářský, Magda Králová, Petr Kužel, Ivan Landa, Ondřej Majer, Dagmar Matušková, Vladimír Mikeš, Jiří Růžička, Alena Sarkissian, Martin Steiner, Tereza Virtová, Jiří Voženílek.

Juraj Hvorecký welcomed the present members and summarized the events of the past year:

Last year, the elected committee **took over the agenda** from the previous committee, there are problems only with the planned change of the bank's leading union account. The problems stem from the fact that the trade union has an ID number, but not an executive registered in the Commercial Register.

The number of members **remains stable**, oscillating around 75, which makes us the largest basic trade union organization in the Trade Union of Science and Research Workers (hereafter OSPVV).

The Committee has met a total of **seven times** since June 2021. Minutes of the meeting are available in Czech and English on the unions' website. The committee discussed the issue of working from home, amendments to the collective agreement, bonus checks for members, meal vouchers, the director's order to take leave, the issues of attestations and chaining of contracts, the working rules, the collective agreement and the union's budget. Representatives of the committee also attended discussions regarding the activities of the OSPVV.

Juraj Hvorecký introduced the issue of **meal vouchers** in more detail: Due to the extreme demands they represent in terms of administration, the Committee supported the abolition of paper meal vouchers. The flat rate contribution could already be more advantageous for employees; however, it may be canceled.

Robert Novotný clarified that the committee had only a word of recommendation in this matter and that he advocated that employees have the opportunity to decide for themselves between electronic meal vouchers and a meal voucher package.

Martin Profant suggested turning to the trade union headquarters to discuss the abolition of the meal voucher.

Juraj Hvorecký further stated that members have come to him with complaints that electronic meal vouchers were not accepted in many places, and he expressed the belief that there would be a similar problem with electronic meal vouchers from other providers. He suggested to the members that these complaints be addressed to the institute's management during his visits to the individual departments.

Alena Sarkissian pointed out that she also has experience with electronic meal vouchers from another provider and that she does not have such problems with having this card accepted.

Juraj Hvorecký then raised the issue of the collective agreement: on the initiative of the previous committee, the management of the institute offered to discuss a new collective agreement and sent its proposal to the committee for comments. The committee turned to the lawyer of OSPVV, but he sent his statement too late to be able to send it to the members in good time. The lawyer of OSPVV pointed out, above all, that a substantial part of the proposal repeats the provisions of the Labor Code, sometimes inaccurately. According to the institute's management, this is a harmless duplication, but the OSPVV lawyer has warned that inaccurate paraphrasing could potentially be harmful. Juraj Hvorecký emphasized that the proposal takes into account the attestation rules for the first time and explicitly mentions open-ended contracts. He added that the committee has discussed in detail whether to enshrine in the collective agreement rules limiting the chaining of fixed-term contracts, and that he had agreed with the institute's management that the attestation rules were a sufficient guarantee for further increases in open-ended contracts. The Committee therefore does not support an exhaustive definition of the conditions under which employees would have to be offered an open-ended contract. Juraj Hvorecký emphasized that a look at the results of attestations over the last five years shows a gradual increase in the number of people employed for an indefinite period, which the committee considers to be a sign that the system is working well. He then opened the discussion with the members in attendance.

Joseph G. Feinberg said he was surprised by the discrepancy between the current wording of the proposal and the previous committee's efforts to introduce a rule that a third contract with an employee would be for an indefinite period, unless there were special reasons to the contrary. According to the current proposal, the employee is not entitled to a contract of indefinite duration and the reasons why he *should* receive it must be stated.

Ondřej Majer praised the binding of the collective agreement to the attestation rules, agreed with the current wording of the proposal and warned that the proposal spoken of by Joseph G. Feinberg would have a negative impact on the operation of the institute.

Martin Profant emphasized that the provision for an open-ended contract in the collective agreement is not progress in itself, as this contract is a legal norm, with the exception of chain contracts of a fixed term. This exception is necessary for the functioning of the institution, but it needs to be regulated. He also pointed out that the attestation commission cannot be a partner of the unions, since it guides the management of the institute, which also decides on contracts. In his opinion, there is no need to repeat in the collective agreement why we want to keep the chaining of fixed-term contracts, and the current wording is problematic for other reasons as well, but the main problem is in employment contracts signed by new employees. He expressed the hope that the idea that an open-ended contract was a kind of reward had already been dismantled; he believes that chaining fixed-term contracts for 20 years is unacceptable.

Joseph G. Feinberg, in response to Ondřej Majer, said that attestation, was of course important, but questioned whether it should be emphasized in the collective agreement; the union's job is to emphasize what is good for employees.

Juraj Hvorecký drew attention to the problematic elements of the amendment to the collective agreement on the chaining of fixed-term contracts from 2013.

Darja Zoubková pointed out that the amendment was created in the year when the Labor Code was changed, and that under the specific conditions of scientific work there is no point in proceeding confrontationally against the management of the institute.

Juraj Hvorecký warned that the budget outlook for next year is very bad. Ondřej Majer and Juraj Hvorecký expressed dissatisfaction with the fact that the results of the five-year evaluation were hardly reflected in the financing.

Joseph G. Feinberg expressed dissatisfaction with his over-reliance on earmarked funding and believed that unions should look for ways to reduce it.

Juraj Hvorecký pointed out that the FLÚ has a very high share of institutional funding relative to the AV. On the subject of the collective agreement, he emphasized that trade unions were not allowed to protect only some employees, which would be the result of a situation in which many employees would be given an open-ended contract and thus jeopardize the flexibility of the institute. Ondřej Majer pointed out that terminating an open-ended contract is very difficult for employers.

Martin Profant expressed the belief that open-ended contracts are deserved by more employees than currently have these, and that even such a contract will not prevent termination of employment if the employer deems it necessary.

Alena Sarkissian asked if there were statistics on which workers had a contract of indefinite duration, taking into account age or number of years worked.

Joseph G. Feinberg stated that, as of 30 June 2020, 8 out of 32 V6 employees, 33 out of 56 V5 employees, 28 out of 37 V4 employees and 11 out of 32 V3 employees had a fixed-term contract extended more than twice.

Alena Sarkissian called for a more detailed discussion on the level of security that labour unions want to guarantee to employees, and what would be counterproductive.

Robert Novotný warned that the pursuit of precise definitions would lead to a counterproductive reduction in the flexibility of the institute; in the CMS, open-ended contracts for V5 and V6 staff alone would exceed institutional funding. Juraj Hvorecký agreed and reiterated that in the opinion of the committee, an exhaustive definition of the reasons for concluding a contract for an indefinite period is unrealistic.

Magda Králová pointed out that the **wages of O5 employees** have grown significantly less than the average growth at the FLÚ in recent years, and are closer to the minimum wage than the average wage at the institution, which she feels discriminatory, given that to her knowledge, no men are employed in this category. She also pointed out that category O employees did not have career rules and that the insufficient remuneration of category O5 employees would also indirectly affect all researchers.

Juraj Hvorecký promised to discuss this issue with the institute's management. This is a sign of a wider problem with tariff wages; the level of the average wage is distorted by grants.

As the guarantor of the preparation of the regulation on gender equality, Julie Černá expressed her conviction that this regulation will bring a real improvement in the situation, and pointed out that men also work as editors at the FLÚ.

Jiří Růžička **renewed the discussion on the chaining of fixed-term contracts** by pointing out that the conditions in the CMS are likely to be specific, and by calling for the relevant exceptions to be formulated in the collective agreement.

Robert Novotný emphasized that, from his perspective, all employees in the V4-V6 categories deserve open-ended contracts, but that the institutional financing of the FLÚ is insufficient for this. He would not be opposed to the calculation of the percentile of the institutional wage budget for contracts of indefinite duration.

Tereza Virtová proposed to **examine which departments have what number of employees with more than three fixed-term contracts** and the number of years of their employment, and to use this data to introduce a rule that employees be offered an open-ended contract after working for a given number of years, so as not to jeopardize the flexibility of the institute.

Martin Profant warned that the necessary data could only be collected by HR professionals who have many other responsibilities, and it would be very time consuming – several months, by his estimate.

Darja Zoubková, Martin Profant and Robert Novotný warned of various reasons for the distortion of such statistics.

Joseph G. Feinberg expressed the belief that whether employees received fixed-term or open-ended contracts is budget neutral. He suggested that the management of the institute must justify why it does not establish open-ended contracts with employees who meet certain criteria. Petr Kužel later agreed. Juraj Hvorecký warned that this would unfairly benefit employees who would be certified soon after the introduction of this rule, and Robert Novotný later warned that if the head of department had to justify withholding an open-ended contract, it would lead to conflicts in departments.

Joseph G. Feinberg asked if the committee had **negotiated with management about wage developments** and warned that there were **unfortunate formulations of the "partners will strive for"** style, carrying little impetus, in the collective agreement.

Juraj Hvorecký replied that the negotiations with the management on wages this year did not take place due to a provisional budget; however, the director promised that the budget increase would be directed to wages. The unfortunate wording in the draft collective agreement will be corrected in accordance with the statement of the lawyer of OS PVV.

Joseph G. Feinberg returned to the **issue of chaining fixed-term contracts** and suggested that analyses of the impact of the proposed measures be carried out by the institute's management.

Robert Novotný suggested raising the question of how many employees in categories V5 and V6 (given the current ratio of the number of employees in these categories) the institute would be able to pay from institutional salary funds. He also agreed with Petr Kužel's statement that the number of years worked is a better criterion for establishing an open-ended contract than the employee's number of concluded fixed-term contracts.

Darja Zoubková and Jan Frei suggested other possible relevant issues: the number of employees over 70; the average age at which staff leave the institution; or the number of employees aged 35-45 with an open-ended contract. Jan Frei also suggested commissioning an expert to define the data that would help the decision.

Juraj Hvorecký reiterated the question proposed by Robert Novotný, although he is not sure what the data will be for.

Martin Profant expressed the hope that this would be the first step towards an agreement between the two currents of opinion in the trade union.

Tereza Virtová called on the committee to incorporate the comments from today's meeting into the draft collective agreement. The committee accepted this request.

Juraj Hvorecký promised to hold another membership meeting as soon as the draft collective agreement was in a commentable form after discussion with the management, and ended the membership meeting.