

Meeting of the steering committee of the FLÚ labour union

2.12.2021 15:00-17:15

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

Guest: Ondřej Ševeček

Taking minutes: Pavel Nývlt.

Juraj Hvorecký welcomed Ondřej Ševeček to a meeting of the Committee dedicated to the draft collective agreement. He noted that the document available to Committee members was much longer than the current collective agreement, and asked how it was created.

Ondřej Ševeček replied that the document was prepared by a law firm; the key point of concluding open-ended contracts was adjusted in an effort to abolish the double-track collective agreement with the trade unions. This does not preclude shortening and reformulating the document into a more comprehensible form.

Juraj Hvorecký noted that the proposal states in many places what the laws say, the observance of which does not have to be enshrined in the contract, and many parts of the proposal are therefore, in his opinion, redundant. He further pointed out that the current wording of the proposal is not binding for management – there is nothing in the document about the conditions under which an open-ended contract could be established with an employee. Something like this could be expected from the collective agreement.

Ondřej Ševeček explained that this is the recommended legal construction of the agreement. He does not consider the number of purportedly redundant passages to be beyond what is standard in this context. He stated that the goal of the institute's management is to gradually increase the share of open-ended contracts on the basis of attestations, even for long-term employees of category V1 who do not aspire to career growth, and category V4. He drew attention to some related problems, such as the question of whether part-time employees should also have open-ended contracts, and the absence of a legal definition of the retirement age for academics. He expressed the belief that clear and universal rules for a transition to open-ended contracts could not be established: given the structure of the Institute, flexibility was needed. He suggested, as a potential way forward, an amendment to the guidelines for attestation commissions, e.g. preference for open-ended contracts for V5 employees.

Juraj Hvorecký agreed that it is probably not possible to create clear and binding rules for all open-ended contracts. He asked why V6 employees at least should not automatically have such contracts. He also drew attention to the potential problem of inconsistencies in the decision-making of attestation commissions.

Ondřej Ševeček explained that employees who would immediately belong to the V5 or V6 category can be admitted to the institute, and they should not automatically have an open-ended contract. He emphasized the lawyers' recommendation not to burden the collective agreement with rules other than very general ones, and to establish further details internally within the institute.

Martin Profant proposed recommending to attestation committees that they discuss the reasons for not awarding an open-ended contract for employees from a given career age.

Juraj Hvorecký pointed out that the management are not part of the attestation committees, and raised the question of whether there was a mechanism that would allow management to veto the award of an open-ended contract.

Ondřej Ševeček emphasized that attestation committees do not have decision-making power; the budget is the responsibility of management. The problem most often arises is that the attestation committees recommends awarding employees a higher qualification level, but there is a lack of resources for that. To illustrate, he pointed out that the budget for next year is still unclear due to the current political situation.

Robert Novotný asked what, according to the director, is the ideal ratio of open-ended institutional contracts.

Ondřej Ševeček replied that there is no ideal ratio; in the case of significant budget reductions, with a large number of employees with open-ended contracts, it would be necessary to lay off a larger number of people. With stable budgets, the group of employees with open-ended contracts could be gradually expanded, an aim that the previous management of the institute has already begun to realise. He also pointed out that the individual departments of the institute, and indeed the individual institutes of the Academy of Sciences, differ greatly in terms of their share of targeted funding.

Pavel Nývlt asked what ought to be done if, due to a bad relationship with a particular employee, a manager negatively influences the decision of the attestation committee. He also asked where (other than in an agreement with the unions) an internal agreement should be formulated as recommended by the lawyers.

Ondřej Ševeček responded that the institute's management is trying to professionalize the support for attestation committees, and that some decisions of the committees are overturned. He sees room for improvement in the attestation rules, but these rules are already long, and few people read them in detail. For discussion within the institute, he prefers normal communication, in particular inviting employees to speak out if they are not satisfied with the decision of the attestation committee. He pointed out that the management of the institute welcomes all sorts of suggestions with regard to attestations, especially when it comes to non-compliance with written rules. He stressed that problematic cases represent a small percentage of all attestations.

Juraj Hvorecký asked if a union representative could be present at the attestations as an observer.

Martin Profant pointed out that the union representative would then be bound by confidentiality, so that it would not be possible to discuss any problems with others.

Ondřej Ševeček suggested that the management of the institute could organize meetings with the union on the decisions of the attestation committee, and individually discuss problematic cases that fall outside the statistics.

Martin Profant suggested that a written statement of the minority be included in the minutes of the attestation in cases where a dispute arises between members of an attestation committee. This would highlight potentially problematic cases.

Ondřej Ševeček emphasized the importance of independent attestation commissions for the functioning of the institute and the difficulties the commission faces in a pandemic situation.

Juraj Hvorecký promised that he would first send his comments on the draft collective agreement to the other members of the Committee for comments, and that he would then send a document with the comments of all members of the Committee to the management of the institute. In conclusion, he thanked Ondřej Ševeček for his time.

After the break (following which were present Jan Freie, Juraj Hvorecký, Pavel Nývlt, Martin Profant and Darja Zoubková) Juraj Hvorecký first thanked Darja Zoubková and Dagmara Matušková for arranging the bonus checks for union members.

Darja Zoubková suggested that the Committee should indicate its willingness to enter into negotiations if the attestation committee decides against establishing an open-ended contract for an employee.

Juraj Hvorecký suggested writing to all those who undergo attestation, to inform them that if they are not satisfied, they can contact us.

Darja Zoubková suggested informing the management that we would be happy to support them in pressuring the institute to increase the share of employees with open-ended contracts.

Martin Profant raised the question of whether the attestation committee should (as before) propose measures, or purely assess the quality of the relevant employee. He expressed the belief that if the attestation committee's purpose is strictly to assess quality, the union might have more room to intervene.

Juraj Hvorecký warned that in that case, evaluations could easily turn into wordplay (for example, the question of whether the employee is 'good' or 'excellent' could become crucial). He also invited the members of the Committee to get acquainted in detail with the attestation rules by the next meeting.

He further informed that the balance of the union account, as of 2 December 2021, amounts to CZK 58,397.33. He further reported on his participation in the OSPVV meeting on October 27, 2021. He emphasized two points in particular: 1) OSPVV is able to provide a lawyer who can comment on the collective agreement and participate in negotiations with lawyers and management on our behalf; 2) the trade union is subject to federal law, which means that a change in the entry in the Commercial Register is free of charge. This significantly improves the possibility of switching to another bank.

Darja Zoubková reminded the Committee that it is necessary to end (as soon as possible) the sending of statements by post.

The date of the next meeting was tentatively set for January 17, 2022 at 10:00.