



Non-financial reporting directive (2014/95/EU): an opportunity to develop the participation and inclusion rights of people with disabilities and prevent the risk of social dumping. The crucial role of EWCs and Trade Unions

VS/2019/0048

Wrap-up of the results of the Steering Group

Antonio Masciale

FIRST , National Training Officer

Antonio Masciale - Meeting online 12.11.20

- VS/2019/0048

The WG1 composition



Area of investigation: good practices and national and corporate collective agreements in the European banking sector on disability management

The working group 1 consists of trade unionists coming from:

**FinansForbundet (Denmark),
CFDT Banques (France),
ZZP Ubis (Poland),
OSPPP (Czech Republic),
OZPPaP (Slovakia),
KSS (Republic of Macedonia)**

facilitator

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Document 1: Law for the freedom to choose one's professional future of 5 September 2018

This law, also known as the "Labour Law", includes a section on the employment of disabled workers. It aims to simplify the obligation to employ disabled workers and to revise the legal framework for companies. It also allows the definitive recognition of the status of disabled worker in the event of irreversible disability, strengthens the right of disabled people to telework and obliges certain companies to designate a "disability" referent.

The law does not call into question the principle of a minimum employment rate (6% of the workforce) but allows changes to be made to this obligation to employ disabled workers.

This reform is based on the following observation: thirty years after the 1987 law, the objective of 6% of workers with disabilities has not been achieved. People with disabilities continue to face significant difficulties in accessing and maintaining employment.

The employment rate in the private sector is only 3.5%; a person with a disability is now three times less likely than average to be employed. Based on the principle that no one is unemployable if they are helped, the Freedom to Choose Their Professional Future Act seeks to unlock access to training for the most vulnerable groups.

This law is applicable as of 1' january 2020

Strengths

Simplification of the declaration procedure for companies when they employ disabled workers.

Extension of the obligation to all companies (even those with less than 20 employees)

Weaknesses

The obligation to hire 6% of people with disabilities may still not be respected.

Companies prefer to pay a penalty that is still not high enough to dissuade companies from complying with the law

Opportunities

Integrate disability as a truly inclusive approach, change the reductionist vision of disability in companies

Threats

The law should allow access to training for vulnerable groups, but at the same time promotes the individualisation of training and leaves everyone without real help to train. It is the most educated people who are trained in France and not the most fragile and precarious.

Document 2: Framework agreement on the employment and integration of disabled people within the Crédit Mutuel sector

The Crédit Mutuel sector is only a small part of the French banking sector. The most important part, the commercial banks, including Société Générale and BNP Paribas, have not signed a sectoral agreement on the employment of people with disabilities.

This framework agreement was signed in 2009 and is based on the Act of 11 February 2005 on equal rights and opportunities, participation and citizenship of persons with disabilities. To develop the employment and integration of disabled people, the agreement foresees actions in favour of hiring and training people, to encourage job retention and adaptation to technological change, and to adapt workplaces.

The branch will organise negotiations on how to implement these actions, namely the conditions for raising awareness among company stakeholders, cooperation with specialised local and regional bodies and institutions, measures to promote recruitment, career development and training conditions.

All the means implemented, in particular training measures, must aim to keep disabled employees in employment, by seeking with them a working environment compatible with their state of health, their physical capacities and their professional skills.



Strengths

Addresses the concrete aspects of the management of disabled people in the company, everything related to HR intervention at the hiring level, but also training and adaptation of the workstation

Weaknesses

No medium- and long-term action plan. It takes time to include disability in internal cultures

Opportunities

The approach is part of a collaboration between companies and an external network of local actors and institutions

Threats

This approach seems incompatible with the new Professional Future Law, which refocuses initiatives at the State level and removes their prerogatives from local authorities and regions.

Document 3: Matmut Agreement for the employment of people with disabilities and family carers

Three-year period from January 1,2019 to December 31, 2021

MATMUT (Mutuelle Assurance des Travailleurs Mutualistes) is part of the insurance and mutual insurance sector in France. This insurance company is characterized by a relatively humanistic and inclusive vision compared to large insurance companies such as Axa Group.

The group is an actor involved in the social economy and has been pursuing a proactive employment and integration policy for people with disabilities for several years. Thanks to the involvement of all stakeholders in the company, the employment rate for people with disabilities rose from 2.23% in 2008 to 6.66% in 2017, a very significant increase that reflects the commitment and success of this approach.

This new agreement is a continuation of previous actions but above all it establishes an innovative mechanism in favour of disability.

Four areas of development:

- Strengthening the role of each of the actors
- Hiring and integration plan
- Measures to promote quality of life at work and job preservation.
- Training and awareness-raising for all employees on all disability issues.

Strengths

This agreement is a complete and innovative system that implements all the actions that allow for the real integration of the disabled

Weaknesses

Rely on Matmut's partnership with the protected sector (specialised in the employment of disabled people) but insufficiently on broader partnerships of a local or regional type

Opportunities

Can be used as a model in terms of training managers and supporting actors in the fight against prejudice

Threats

Risk of remaining an isolated model because the new law, paradoxically, seeks to limit the required actions to be put in place



The issue of employing disabled and physically handicapped persons is dealt with in the framework of Czech legislation. We have chosen these two laws, the Labor Law, the Anti-Discrimination Act,

in the Czech Republic, there is no agreement on specific conditions. Only 2% of all collective agreements in all organizations, which associate CMKOS, concerns this issue. In the financial sector this percentage is even lower, only in the 2 largest banks in the Czech Republic

We do not have any agreements within the financial sector.

On the other hand, there is a large number of voluntary associations in the Czech Republic.

- **DOCUMENT'S TITLE: No. 235/2004E. Employment Act and brief excerpt related to disable people**
- **COUNTRY: Czech Republic**
- **TYPE OF DOCUMENT: National law**
- **CONTENT (KEY ELEMENTS)**
- **duty to employ disable people**
- **possibility to buy services or products from sheltered workshops instead employing**
- **possibility to buy service or products directly from disabled people**
- **protection of disabled people in working relations**

- **Because of the GDPR, sometimes it is difficult for an employer to determine whether an employee has an invalidity or has recently become disabled during employment. The employee is not obliged to report it.**
- **Therefore, some companies offer better benefits for disabled employees to receive this information. In the banking sector, some banks offer, for example, more points in the so-called Cafeteria, from which a disabled employee can pay for rehabilitation, spa, etc.**
- **Therefore, the employer often approaches a simpler solution and buys services and products from sheltered workshops.**

Strengths:

the employment of disabled people is treated in the legislation

tax relief for employer support employment of disabled people

income tax allowance for disabled people

Opportunities:

The possibility of creating new companies focused on the employment disabled people

involving more disabled people in “real life”

Possibility of creating new consulting agencies for disabled people

Weaknesses:

Often changes in provisions

uncertainty for employer and employees

questionable efficiency for employer

potentially misused by companies

Threats

excluded these people from society

higher costs for social contribution



DOCUMENT'S TITLE: Act No. 5/2004 on Employment Services;

<https://www.zakonypreludi.sk/zz/2004-5>

COUNTRY: Slovakia

DOCUMENT'S DATE: 13.1.2004

TYPE OF DOCUMENT: *National law*

- **CONTENT (KEY ELEMENTS)**

- Section 8 of the Act defines disabled people as one of the groups of disadvantaged jobseekers.
- More favorable rules and conditions against the standard ones, allowing employment of disabled people.
- Section 63 imposes an obligation on employers to employ 3.2 per cent of disabled people out of the total number of their employees, provided they employ at least 20 employees and provided the relevant Office of Labour, Social Affairs and Family keeps records of disabled people in the register of jobseekers. At the same time, a fully disabled employee (an incapacity of more than 70% for the purpose of carrying out paid work) counts as three disabled people.
- Section 64 lays down that the obligation to employ the mandatory proportion of disabled people under Section 63 may be fulfilled by employers also by placing an order suitable for employing disabled people in a sheltered workshop or sheltered workplace set up by a disabled person who runs a business or works as self-employed person.
- In the event of non-compliance with the mentioned obligations, employers must pay a special charge for not complying with mandatory proportion of disabled employees - Section 65.
- Employers may obtain a contribution from the state for setting up a sheltered workshop or sheltered workplace or a contribution to keep a disabled person employed - Section 55-57. Also, employers may obtain a contribution to have the operating costs of a sheltered workshop or sheltered workplace reimbursed and to have the costs of transport of employees reimbursed - Section 60.

- ***COMMENTS/ CONTEXT INFORMATIONS/RESULTS AND IMPACT OF THE ABOVE DESCRIBED SYSTEM***
- In Slovakia, the inclusion of disabled people is comprehensively addressed in Act No. 5/2004 on Employment Services. That is probably reason, why there is no need to deal with this topic within the social dialogue. Only thing which is solved in some CA is possibility to provide more days off work for the parents with disable children.

DOCUMENT'S TITLE:

Act No. 580/2004 on Health Insurance, <https://www.zakonypreludi.sk/zz/2004-580>

Act No. 461/2003 on Social Insurance, <https://www.zakonypreludi.sk/zz/2003-461>

COUNTRY: Slovakia

DOCUMENT'S DATE: 1.11.2004 23.11.2003

TYPE OF DOCUMENT: *National law*

- **CONTENT (KEY ELEMENTS)**
- Employers who employ disabled people pay lower compulsory deductions for such employees, as regard health insurance it is half of that of employees who are not disabled
- The similar principle is apply also for compulsory unemployment insurance

DOCUMENT'S TITLE: Act No. 311/2001, Labour Code;

<https://www.zakonypreludi.sk/zz/2001-311>

COUNTRY: Slovakia

DOCUMENT'S DATE: 8.8.2001

TYPE OF DOCUMENT: *National law*

- **CONTENT (KEY ELEMENTS)**
- Employers may give notice to disabled employees only with a prior consent of the relevant labour office, otherwise, such notice is invalid.



DOCUMENT'S TITLE: Disability Discrimination Act

COUNTRY: *Denmark*

DOCUMENT'S DATE: Act number 688 of 08/06/2018

- **TYPE OF DOCUMENT: 1. *National law***

CONTENT (KEY ELEMENTS)

- **The purpose of the law is to prevent discrimination on the grounds of disability and to promote equal treatment**
- **by persons with disabilities**
- **The protection applies to both situations where the impairment has no bearing on performance the specific work, and where the person because of the disability has a specific need for the workplace to be adapted to the individual**
- **The Discrimination act also requires employers to make reasonable adjustments scope for the special needs arising from a person's disability.**
- **The act includes also a positive special treatment, where employers – in an employment situation – can choose to emphasize an applicant's disability in the election between two equally qualified applicants.**



Strengths:

it is an act.....
It says all the right stuff
it has different type of tools to keep and recruit people with disabilities on the labor marked

Weaknesses:

nobody knows about it and the possibilities of the law and neither do the employers.....
hiring people with disabilities should be difficult to avoid (ESG, CSR sustainability code o.a)

Opportunities:

Threats

- **DOCUMENT'S TITLE:**
Protocol on the possibility of local agreements on jobs on special terms
- **COUNTRY: Denmark**
- **SECTOR: Finance**
- **National Sector collective agreement**

- **CONTENT (KEY ELEMENTS)**
- **The first priority is to retain current employees with reduced work capacity**
- **it is important that the finance sector takes its share of social responsibility for employees with reduced work capacity**
- **the sector has a responsibility to create an inclusive labor market for employees who have been subject to attrition, accident or illness--**
- **the social responsibility should be implemented locally at the individual company**



Strengths:

a part of the collective agreement
it states that the sector (also) is responsible
for creating an inclusive labor market

Weaknesses:

Nobody uses it and nobody keep an eye
it is very soft formulatet.....
There are no penalties if the employer does
not retain already employees

Opportunities:

it would been very nice if we could make
the social chapter must more binding for
the sector and the local employers.....

Treats

other experiences presented in Prague



Survey



Corona agreements

By Annette Mikkelsen - International koordinator FinansForbundet

Survey



We have sent out three times to members through our newsletter News for Members to encourage them to reply via the link:

1st time in May (Danish link)

2nd time in October (Danish link)

3rd time in November to English speaking members (English link)

By Annette Mikkelsen - International koordinator FinansForbundet -

Corona agreements



There are no enterprise agreements, but an agreement covering the whole sector that we have concluded with the FA (finance employers association). It is located on our website here:

<https://www.finansforbundet.dk/media/p45fh44l/coronaaftaleokt-dec-2020underskrevet.pdf>

The corona agreement was renewed and prolonged in October entering into force on 1 November until 31 December 2020. Paragraph 4 covers the case of members in specific risk groups. See abstract from agreement translated into English below.

Translated from Danish



“4. Homework

FA and Finansforbundet agree to suspend the framework agreement on telework.

The companies strive to normalize the work situation for those employees who have work environment challenges when working from home as soon as possible.

The company aims for some of the employees to continue with homework for some time to come. Therefore it must be considered which work tasks / areas can be solved from home without a significant decrease in productivity.

Employees belonging to special risk groups, or whose household members belong to special risk groups, must be taken into account



Employees who, due to the authorities' recommendations for a gradual reopening after an epidemic outbreak of COVID-19 in Denmark and / or reduced care opportunities, do not have the opportunity to work the current working hours, and will not be deducted from pay in the period up to and including December 31, 2020.

Employees who, in accordance with the authorities' recommendations for a gradual reopening after an epidemic outbreak of COVID-19 in Denmark, can make their labor available, but choose not to do so, may be deducted from their salaries.”

By Annette Mikkelsen - International koordinator FinansForbundet -



Diversity and Inclusion

https://www.unicreditgroup.eu/it/unicredit-at-a-glance/diversity.html?intcid=INT-IG_CTA0021



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Thanks

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