



11th of February 2010

Tarifflicht, whereto?

The operational tariff commission from Avaya met last Thursday in Frankfurt to bring the gridlocked tariff dispute back into motion.

In 2007 Jürgen Gallmann had terminated the membership in the employers' association, because that would be obsolete.

But the existence of tariff norms is not a question of fashion but a basic component of the German legal system. Wage agreements are continuing to have effect at Avaya while Gallmann is long since history.

Collective bargaining, in which Avaya wanted to impose special regulations,

came to a standstill at the latest by the announcement of redundancies in December 2008.

In the past year for the first time a collective agreement could be concluded between Avaya and the IG Metall regarding the partial payment of the so-called ERA-Adaptation Fund.

Colleagues who have lost their jobs as a result of the downsizing measures, this settlement brings a payout of 3000 Euros in addition to the agreed dismissal wage.

After the completion of this collective agreement, the IG Metall has formally

asked Avaya to return to the negotiating table and resume the, for over a year interrupted, exploratory talks on a continuation of the tariff commitment.

In a meeting on last Thursday the tariff commission has repeated the willingness to find specific arrangements for Avaya at the basis of existing collective agreements.

Conceivably are also uniform rules for all Avaya locations, especially a uniform classification scheme.

The Amount of wages and wage raises are still to be regulated by the tariff parties.

Such tariff regulations meet the wishes of the majority of the workforce and create a reliability and trust as the basis for a successful company.



On 17th of March the collective works council will be elected, responsible for all employees, no matter which company they belong to. Go voting, only a massive turnout will give the necessary legitimization to the new committees.

On one's own account:

As we often hear that the Frankfurt works council would inform not only on the few works meetings of updates and important, but also uses the "Inform" for it, the following notice on one's own account:

Producer and editor of the Inform is the IG Metall. The layout and the contributions are, however, mainly by us, colleagues of the IG Metall confidants. Thereby we invest a not insignificant proportion of our leisure time and thus ensure that the staff will be supplied with important information throughout the year.

We run for the works council elections on the open list of the IG Metall.

Final Stroke?

The decision to accept all the claims which the staff made against the tariff deduction in 2006 the management anticipated a negative decision from the German Federal Labour Court.

The verdicts of lower courts are now legally binding and it is clear that the deduction was illegal. Therefore the plaintiffs can look forward to a juicy supplementary payment along with interests. For the future, the salaries will be increased with the reduced AT allowances.

Avaya has agreed to all those who have objected in 2006, to be treated equally.



Gisela Ungeheuer and Siegfried Winter in December 2005

Remains to be seen what happens to those who remained inactive in 2006. The objection period forfeited all claims that date back more than three months. Whether the claim is forfeited for the future, has to be clarified in each case.

Avaya wants to draw a line under that matter.

Simultaneously the company went legally on thin ice again when it refused to pay the ERA-structure component last year.

On 24th of January 2010 Siegfried Winter again passed over 364 letters to Avaya, in which colleagues claim their rights to that payment.

Who wants to hand in its claims too can do it directly to the personnel department till the end of February.

If necessary this matter has to be clarified legally too.

The IG Metall and its confidants will assist you in this dispute.

Interessenvertretung bei Avaya

Gisela Ungeheuer and Siegfried Winter, model plaintiffs in the lawsuit against the tariff deduction in 2006, are also top candidates of the "Open List IG Metall" for the works council election

Inform: Gisela and Siegfried, what do you say to the company's give in on the tariff deduction in 2006?

Siegfried: I can still remember exactly how Gisela found out that deduction was not okay.

We together with the other confidants of the IG Metall then informed the colleagues and encouraged them to make their claims.

Gisela: At the same time we have tried to find a way with the management, which saves the colleagues of the lawsuit. We were not sure at all that the majority was prepared to sue the employer. But it could not be helped.

Inform: And then you have made yourselves available as model plaintiffs.

Gisela: Sure, so works trade union action. Without the support of the colleagues it won't work. But one must also accept the responsibility and do the work. We have done it in this case.

Siegfried: In case of the ERA-structure component, we will do it the same way. At the invitation of Mr. Runge to wait for the time being, we have reacted immediately. Otherwise we would have missed all deadlines..

Inform: You also head the open IG Metall list for works council election. What is important there for you?

Siegfried: The separation of GABG and GEBG takes place at the moment. At least when the financial investors will make money from Avaya again there will be no talk of One Avaya anymore. And then there must not be a second service force. That was insolvent at the end and the last colleagues left without dismissal wage..

Gisela: The short-time work for all of Avaya will probably be suspended only to be continued later. But then there must be improvements as how we have implemented it for the SKF in Dietzenbach.

Siegfried: To defend fair working conditions will remain important. In the tariff area this means that we will fight for the continuation of tariff commitment. In the STIP and SCP contracts we just have to provide transparency and legal certainty. It can not be that someone achieves the agreed objectives but afterwards does not receive the agreed payment.

Gisela: Because of the tariff flight we got no salary increase in the last years. In case of the length of working hours, five-day week, the duration of vacation the collective agreements are still effective yet. But it won't be easy preserve all of these standards with the normal means of the works council.

Siegfried: That is why we tried to bring forward the tariff movement last year. Unfortunately, other members of the works council sometimes behaved very passively.

This perhaps is the essential difference, we do not just talk.

Inform: Thanks for the interview.

Noch 35 Tage...

bis zur Betriebsratswahl in Frankfurt.

Die Kandidatinnen und Kandidaten der „**offenen Liste IG Metall**“ stellen sich am Mittwoch, den 24. Februar ab 11:30 Uhr vor. Dies findet mit der Präsentation des offiziellen Betriebsrats-Wahlplakates in der Kleyerstraße (neben der Eisenbahnbrücke) statt.

Dazu möchten wir euch alle herzlich einladen, um bei einem Umtrunk und einem kleinen Imbiss die Plakataktion mit unserem Motto „**Deine Stimme, damit sich was bewegt**“ zu feiern. Wir freuen uns, euch an diesem Tag zu begrüßen. Nutzt die Chance das Team der offenen Liste IG Metall kennen zu lernen. Wir stehen euch für ein persönliches Gespräch, eure Fragen, Wünsche und Anregungen zur Verfügung.