

EQUAL OPPORTUNITIES AND COLLECTIVE BARGAINING AGREEMENT FOR BANK EMPLOYEES

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Bank employees have a relevant leadership in Brazilian union movement struggle for equal opportunities in life and work. They went beyond traditional debates on gender and race when they embraced fighting for equal rights for homosexuals and transsexuals. The struggle for equality in the category began in the mid-1980s, with a claim for *child care financial assistance* during 1986's salary campaign.

The struggle strategy for equal rights embraced: a) a political action, represented by collective bargaining including clauses to promote equality and fight against discrimination, through marches and acts of protest in campaigns of mobilization and awareness and interventions with government leaders and congress men in federal, state and municipal levels, through proposing laws to combat various forms of discrimination and; b) performing researches, studies and reports on the situation of women and black people employees, based in Annual Social Information Report (RAIS) data and the Employment and Unemployment Research by Dieese, besides seminars and thematic conferences.

In this paper we will develop bank employees' historical process of achievements and will assess opportunities of the category to move forward in its equal opportunities collective bargaining endeavor.

Context, historical background and conceptions

The importance of equal opportunities for bank employees must be understood within the context of resuming union activism at the end of the 1980's with the emergence of a movement renewing leaderships, conceptions and practices within Brazilian unionism, which became known as the "New Unionism". And for some reasons, bank employees were one of the categories which most stood in this movement.

In first place they proposed to create a new type of political organization and union representation by founding in 1985 the National Department of Bank employees – NDB as part of the so-called Unique Central of Brazilian workers (CUT) organic structure. The objective of such structure was to overcome fragmentation of workers organization and the collective bargaining, both inherited from the "varguista" structure created by Getulio Vargas (a Brazilian president).

The NDB was the seedbed of future national entities of the category. The

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first one was the National Confederation of Bank employees from CUT – NCB-CUT - founded in 1992 and responsible for the signature of the First National Collective Labor Convention of bank employees in that same year. The second one was the National Confederation of Financial Workers from CUT – Contraf-CUT - founded in 2006, and currently representing workers of the financial area. These national structures effectively organized the category all over the country and managed to develop a national collective hiring; surpassing decentralized collective negotiations in force until end of the 1970's.

In second place, in mainstay of collective bargaining unification, thematic groups were created to deal on such specific issues as Health and working conditions, Banking safety and Equal Opportunities. This last one was originated in 1997 in the Permanent Commission on Race, Gender and Sexual Orientation.

These groups were constituted to meet the complexity of problems faced by the category in its daily working activities, much exceeding traditional demands of salary increase. It was seen that such problems should not be treated only during base data periods, but as well in specific thematic rounds, through periodic meetings and previously defined agendas. As result of this process the category stated in 2002, in its Collective Agreement, the first clause on Equal Opportunities, as follows:

Clause 52 - "The parties adjust to each other constituting a Bipartite Commission to develop campaigns of awareness and orientation for employees, managers and employers to prevent undue distortions leading to acts and discriminatory approaches in working environments and in the society in general".

In third place, bank employees brought "new collective actors" to the center of the debate and the political action, empowered by the Brazilian union renewal movement, particularly the women, since the category was always attended by a strong female presence. It was ratified by the board of its first national union entity, the NCB-CUT, whose chairmanship was twice occupied by women. Currently, women are in the chair of largest Brazilian bank employees trade unions; result of preponderance acquired by feminist movement within bank unionism.

To conclude, a greater responsiveness of bank employees to issues related with equality compared to industrial categories such as metallurgical workers may be related to the fact of being a middle class category, reacting faster to cultural and behavioral society changes, among which struggle for equal rights between men and women and against discrimination arising from sexual orientation. Middle class workers, due to the fact they have a socio-economic condition less degraded than most of industrial workers, are in general more prone to join claims not only regarding salaries.

The creation of NCB in 1992 from unification of collective agreements in the same year drove bank employees to discuss about equal opportunities in

their national campaigns and in the negotiating table with the National Federation of Banks – Fenaban.

The starting point was a series of debates on ILO Convention n. 111, of 1958, referring to “Discrimination in Employment and Occupation”, ratified by Brazilian government in November 1965 and enacted by Decree n. 62.150 of January 19, 1968, during military dictatorship.

In article 1 of ILO Convention 111, the term “discrimination” refers to:

Any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation

For union leaders, it was clear the existence of inequalities and discrimination at the banks, particularly expressed with relation to women and black people. Even though it is a category with strong female presence, especially in public banks, it was notorious the small female participation in higher hierarchical levels. In the case of black people, still today it is quite clear their small percentage in the workforce.

Nevertheless, the National Federation of Banks (Fenaban) refused for a long period, recognizing any type of discrimination in banks. It was only in 2001, almost 10 years after unification of the collective bargaining process, which the category achieved to settle a thematic table on equal opportunities.

Despite that refusal, the category began to organize in 1997 to debate and face the problem of discrimination in banks. In that year was celebrated the First Meeting of female banking employees and it was created the Secretariat for Gender, Race and Sexual Orientation Affairs as part of the organizational structure of National Confederation of Bank employees.

In 2000, the category held a national seminar: “Towards building Egalitarian Relationships in the World of Labor” and even facing refusal of Fenaban to recognize existence of discrimination in banks and negotiating clauses on this issue, bank employees maintained it as flagship of the National Campaign of that year. As a result of this, bank employees obtained in that same year, following clause of the Collective Labor Agreement (CCT):

Unions will introduce the results of the research on this subject through a discussion between the parties.

That was the first step to open negotiations regarding fight against discrimination and promoting equal opportunities in the banks.

In following National Campaign (in 2001), bank employees succeeded in constituting a thematic table on equal opportunities to: a) know and analyze socio-economic profile of bank employees; b) identify possible acts of discrimination against women, black people and homosexuals and c) propose actions

to mitigate or overcome such situations.

In the same year, NCB-CUT did a research on “Faces of bank employees: a map of gender and race in bank employees area” together with Dieese. The research, forerunner in the Brazilian union movement, showed for first time the existence of gender and race discrimination in banks, verified through salary differences, a reduced participation of these segments in management positions and in less frequent opportunities of career advancement.

Data disclosed by the research provoked great discomfort among employer’s representatives, which refused to admit discrimination in banks. However, it caused a change of employers’ attitude regarding this issue, going from simply denying to recognizing the existence of “diversities” within the banks – but not necessarily of discriminations.

The notion of diversity, although represented a “signal” of banks to accept specific negotiations on equal of opportunities, is substantially different from the notion of inequality declared by union leaders of the sector of bank employees.

Diversity is understood as the existence and interaction of various groups – for example, men and women, black and white people, natives, hetero and homosexuals – in a society or a company. Diversity is natural and desirable on a plural society and what must be arranged through public and corporative policies is the existing difference between these groups regarding their access to opportunities. This difference is result of qualifications and skills of persons, mainly brought about by level of education and professional training. Therefore, individuals, no matter their race, color of skin, biological sex or sexual orientation, will have access to better opportunities in the labor market in so far as they get better qualifications and level of education.

Here is where we see the idea of meritocracy able to “solve” the problem of different positions occupied by individuals in a company. In brief, salary differences and possibilities to reach higher positions are based in individual merits and not in “subjective” factors such as sex or race. There is no discrimination, but differences in the access to opportunities arising from more or less merit to reach them. This can be mitigated by using adequate public and corporative policies. It is worth mentioning that the meritocracy concept does not interact with the policy of racial or gender quotas, considered as wrong and paternalistic by banks since it does not tackle the source of differences in the access to opportunities.

Bank employees see the problem from a viewpoint of inequality, which is not a natural phenomenon, but an event socially built and reproduced. Inequalities include certain structures of political and socio-economic domination, and must be overcome through active policies (quotas, for instance). Therefore, access to opportunities is not the same for all social segments, since there are huge inequalities in their “starting positions” (rich and poor, men and women, black and white people, etc.).

These different conceptions guide banks and bank employees’ strategies

in the thematic table of negotiations regarding equal opportunities. For banks, it is a matter of adopting “good practices” of people management to standardize access to opportunities. Therefore, clauses on this issue to be stated in the Collective Agreement must only be behavioral “inspiring”. Concerning union leaders of bank employees, they need to adopt active policies defined in the Collective Agreement.

In spite of these different conceptions, bank employees advanced in some issues regarding their collective bargaining. Among them, we can mention the Diversity Census (in 2008 and 2013) and thematic table quarterly meetings to monitor actions developed by banks in the cause of equal opportunities; inclusion in 2009 of a clause foreseeing extension of all rights detailed in the Collective Agreement to homosexual couples and achievement, also in 2009, of maternity leave of 180 days.

In parallel with negotiations, bank employees continued producing information on discriminations already existing in banks, through studies based in RAIS, PNAD and PED-Dieese. They produced and disclosed several publications, among others, reports on Shared Relationships (2001 and 2003) mentioning women’s “double working day” and also talking about Prevention and fight against sexual harassment at work. Every each year, special newspapers’ editions are launched for the International Women’s Day, Black Consciousness Day, and LGBT Pride Parade. Bank employees also organized meetings, workshops and thematic seminars. Among others, forums on Black Invisibility at the Financial System (2012 and 2013) and Female bank employees Meetings (2005, 2007 and 2013). To conclude, the National Collective on Gender, Race and Sexual Orientation organizes periodical meetings to plan actions of the category about these issues.

The Contraf-CUT received in 2010 the prize “Citizenship and Respect for Diversity” to honor working in the cause of equal opportunities in the working world.

Journey fulfilled by bank employees struggling against discriminations and for equal job opportunities shows how slow and controversial can be the process to achieve some conquests. It could hardly be different, considering it is a relatively new issue within labor relations and in union agenda, where economic matters always prevailed.

Bank employees profile. Data shown by fenaban diversity census

The national negotiation between banks and bank employees is a complex and permanent one held in 1st of September, the base date of the category and in quarterly thematic tables dealing on safety, health and working conditions and equal opportunities, the main subject of this paper. Debates have a high technical level, frequently sided by data and statistics justifying respective reasoning and demands.

At various times, employers and employees question the origin and consistency of introduced data, even if they are public information, such as one made available by Annual Report of Social Information – RAIS -, by the National Household Survey Sample – PNAD - or other public access data source. Therefore, bank employees always asked to Fenaban common data to be used, and if possible, originated in their own banks, like financial demonstrations published and disclosed quarterly in internet.

The first Banks' Diversity Census in 2008 was a pioneering initiative to homogenize data bases. The initial Contraf-CUT proposal was a research to be done "in four hands" or in other words, by technicians from Fenaban and unions. Fenaban did not agree with the proposal and suggested a research to be done by a specialized company. Contraf-CUT accepted it and the hired company was the Center for Studies of the Work Relations and Inequalities – CEERT. The costs of research were undertaken by Fenaban, which also became responsible for the whole logistics.

We will introduce here data of the II Diversity Census, collected between January and October 2014 and disclosed in November 2014. These data will be compared to the Census of 2008, when applicable. In the questionnaire of Census of 2014, following a suggestion of the National Collective on Gender, Race and Sexual Orientation from Contraf-CUT, were introduced questions regarding sexual orientation to broaden information on the profile of the category.

It is worth mentioning that CEERT does not make available census micro-data to Contraf-CUT, only tabulations. Even with this limitation, the Census is a very important tool to analyze bank employees' evolution of profiles.

Regarding the racial issue, the II Diversity Census showed an increase of black employees (black and mixed race) in banks, going from 19pct in 2008 to 24.8pct in 2014. Meanwhile, participation of black employees in banks is quite inferior to their participation in total of Economically Active Population, which according to the National Household Survey Sample (PNAD) was 58.7pct in 2012

Data of PNAD 2012 on percentage of Economically Active Population with a university degree (full or unfinished) also shows that 52.4pct are black people. Meanwhile in banks, black people are less than 25pct of the employees with a university degree (full or unfinished).

These differences between data of PNAD-IBGE and the II Diversity Census show that reduction of inequalities of opportunities was slower in banks than in the rest of the country. This could be related, among other reasons, to quota policies established in federal Brazilian universities and also social policies promoting access to universities, such as ProUNI and FIES.

Still based in PNAD 2012 in public banks there are more black people: 21.5pct, than in private: 16.5pct and this is related to ways of access to jobs in public banks: through public contests. Besides, contests have adopted quota policies to make easier the access of black people, natives and disabled people to jobs in the public sector.

The higher presence of black people in public banks, stated by the PNAD, is ratified by data of the II Diversity Census, when they show that 44.9pct of black people (black and mixed race) knew about the job by seeing public announcements, against 20.7pct of white people. Among white people, most frequent way of knowing about job vacancies is through indication of relatives and friends (29.4pct) followed by indications of bank employees (22.8pct).

Therefore, the access to information on job vacancies reaches white and black people through different ways, and this is the first expression of discrimination. The predominance of private contacts with friends, relatives and bank employees – to spread information, is an indicator which may explain part of the exclusion of black people and mixed race persons from banks, since private contacts tend to keep features of color and social class to bank candidates.

The cross-checking of this information also suggests that low presence of black people in Brazilian banks could even be lower if public banks would not have the importance they have within the context of national financial system.

Other information from 2014 Diversity Census regards wage differences between black and white wages. In spite of 2014 having verified that average difference was reduced – now it is 87.3pct compared to previous 84.1pct of 2008 Census, data show it still exists.

This fact is related to other information from 2014 Census: only 18pct of black bank employees got more than three promotions in their careers, against 26.9pct of whites. Among mixed race, percentage was more likely of whites: 25pct. With fewer career advancement opportunities, it becomes harder to increase wages.

In negotiation tables – general and thematic -, Contraf-CUT National Collective on Gender, Race and Sexual Orientation directors have defended private banks adopting a quota policy to expand the presence of blacks in the area and give them more opportunities to advance in their careers. However, Fenaban vehemently rejects the quota policy, by arguing that meritocracy is the best way to promote access to job vacancies and career ladder.

Regarding sex profile, women account for 48.3pct (data from II Diversity Census) as of total bank employees, while in the Southeast region this percentage is a little bit higher: 51.9pct.

Female participation in the banking sector had an expressive growth in last decades, at the same time than transformations of banking organizational model system.

Women, besides having a better educational level, work for lower wages than men. Also, the so-called “female characteristics” such as patience and friendliness when dealing with clients are currently enhanced in banking work, since it is focused in sales and clients’ relationship.

In spite of this, women are still under-represented in banking sector regarding their participation in economically active population – EAP. As per 2012 PNAD data they represent 54.7pct of Brazilian workers.

The difference between average remuneration of men and women had

a slightly reduction, when comparing 2008 and 2014 Census. In 2008, average women's wages were equivalent to 76.4pct of those of men.

In 2014, that ratio was 77.9pct, showing an advance of 1.5pct in six years. If this wage ratio would keep current pace of approximation between men and women working in banks, salary equalization between both sexes would take 88 years to be reached! Besides, ratio between wages of black women and white men is more unequal than between white men and women. Average wages of black women are 31.8pct lower than white men, while wages of white women are 22.1pct lower than white men.

On the other side, women have a much smaller presence than men in executive and management positions – 14.8pct against 22.5pct – and less opportunities of reaching higher positions, since while 31.7pct of men achieved more than three promotions throughout their careers, only 19.9pct of women had the same chance. Besides, fewer women - 36.2pct - remain in banks for more than ten years, than men, which account for 41.3pct.

The II Diversity Census also brought information on disabled bank employees. In 2008 they were 1.8pct of total workers, while in 2014 this participation doubled, reaching 3.6pct.

To conclude, the 2014 Census inserted a question on bank employees' sexual orientation. A total of 87.6pct of the employees participated in the research and only a small parcel decided not to reply the question. 85pct of the employees declared to be heterosexuals, 1.9pct homosexuals, 0.6pct bisexuals and 0.1pct stated having other orientations. Regarding gender identity, 83.8pct of women declared having female gender identity, 2.7pct male identity and 13.4pct did not answer the question. Among men, 83.8pct declared having male gender identity, 4pct female and 12.2pct did not answer.

Diversity Census data is an important source of information regarding bank inequalities. Data was collected directly at the workplaces, thus giving to the research a strong adherence to reality.

However, there are some limitations to overcome making research to provide more detailed information. One of them is supplying research micro-data to unions, so they can make new cross-checking of questions they are most interested in observe and analyze. Once tabulations are ready, nevertheless providing important information, they are an employer's point of view about the reality. Besides, micro-data must provide an identification of financial institutions per segment – public or private – in such a way to allow assessing more accurately if advances detected arise from bank policies or external factors, such as for example adopting a quota criterion in public bank exams.

Other challenge is to go beyond diagnoses and propose concrete actions to overcome inequalities. But for that to occur in a fastest and most efficient way, some consensus on the tenor of these actions must be constructed beyond generic or political recommendations focused in mitigating the consequences of existing inequalities. In view of conceptual divergences in the approach of this matter – inequality *versus* diversity, meritocracy *versus* affir-

mative actions – there is still a long way to go to reach equity in banks, in all its dimensions.

Conclusion

The world of employment reproduces social inequalities, and in some cases, increases them, as shown in II Banking Diversity Census data, particularly regarding differences between men and women and between black and white people. Regarding inequalities between men and women we may see faster and more consistent advances, but even so access of women to top positions is still restricted. But in the case of black and white people – and particularly between black women and white men – inequalities are still too great. However they could be even greater if we wouldn't have the positive results of recent public policies of promotion of racial equality.

Banking union entities have been watching these questions for almost three decades and have tried to face them in their collective negotiation processes in other areas. The *timing* of this process is quite slow and achievements, though being important – considering the small space that equal opportunities occupy in the union agenda, are still quite generic.

Some reasons can be mentioned to explain this fact. First one is the strong resistance of banks regarding negotiation and, above all, the insertion of clauses in the Collective Agreement implying in some degree of control by unions of work force management policies. Affirmative policies promoting equality, such as quotas, are seen by banks as a union's undue way of interference in their management, and therefore they must not be adopted.

Other reason is the yet small visibility of this matter among bank employees, despite being the category which most advanced in this area within Brazilian unionism. The urgency of economic matters and constant insecurity regarding employment are main issues of the union agenda, putting in second place other subjects involving higher subjectivity, and therefore more investment in debates and awareness of employees.

To conclude, the advance in collective negotiations towards higher equity in banks and corporations, is in a general way influencing the pace in which these issues progress in the society and in spheres of powers – Executive, Legislative and Judiciary. In this sense, recent setbacks promoted by the House of Representatives, for example, in women's reproductive rights area, go against the way of historical union movement struggle for equality of gender.

Bank employees struggle for equal opportunities went together with deepening of democratic spaces in Brazilian society, and at the same time boosted fight in other social segments to reach same objective. For bank employees keep advancing it is necessary to increase democratic achievements of the society. To make this happen, we must have a class organized and innovative unionism with modern proposals and ways of acting.

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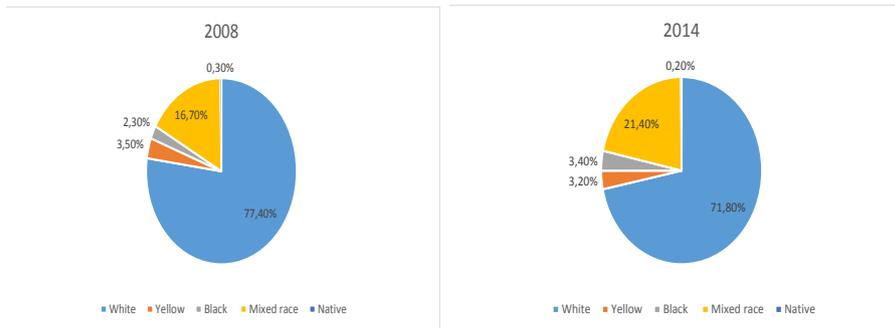
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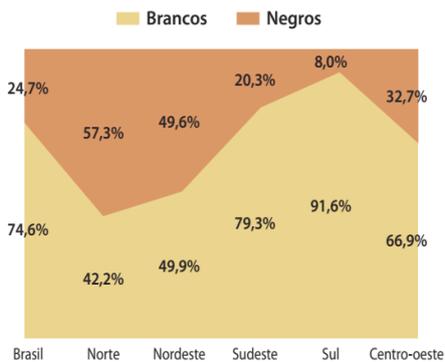
CHART 1 Bank employees' ethnic composition, I and II Diversity Census 2008 and 2014



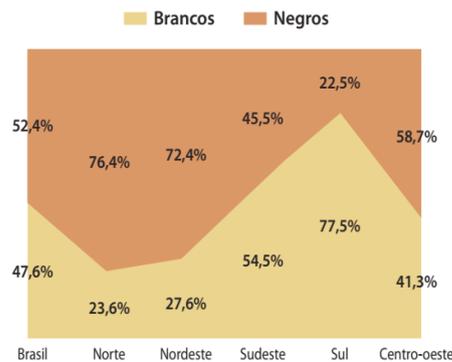
Source: Febraban – Census 2008 and 2014

CHART 2 Percentage of black and white bank employees, per region of origin

Participação (%) Brancos e Negros nos Bancos, por Região Natural - II Censo da Diversidade - 2014



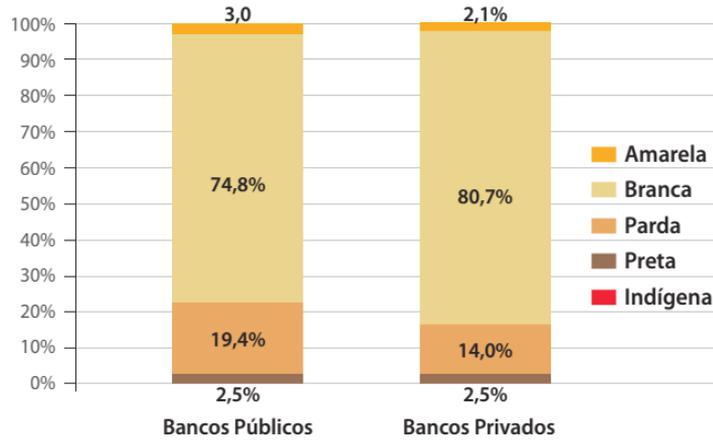
Participação (%) Brancos e Negros na PEA, por Região Natural - PNAD* - 2012



Source: Febraban – Census 2014 and PNAD 2012 - Percentage of white and black bank employees, per region of origin, II Diversity Census – 2014 - Percentage of white and black bank employees in economically active population, per region of origin, PNAD 2012

CHART 3

Composição por raça em 2012 nos bancos públicos e privados



Source: PNAD 2012

Racial composition in public and private banks – 2012

Yellow / white / mixed race / black / natives

Public banks / private banks

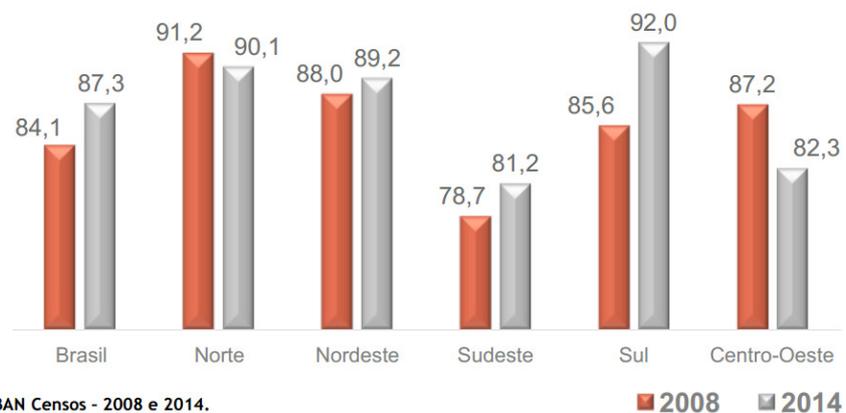
TABLE 1

How bank employees knew there was a job vacancy – Distributed by race / color

| | Brazil | Yellow | White | Mixed race | Black |
|---|--------|--------|--------|------------|--------|
| Through magazine or newspaper's advertisement | 6,10% | 6,50% | 6,10% | 6% | 7,30% |
| Through the internet | 8,60% | 8,80% | 8% | 10,10% | 11,90% |
| Through final tender protocol | 21,20% | 22,40% | 20,70% | 22,80% | 22,10% |
| Through banners and direct mailing | 0,60% | 1,10% | 0,60% | 0,50% | 0,90% |
| Through employment / recruitment agency | 4,60% | 4,30% | 4,70% | 3,90% | 5,80% |
| Through friends / relatives | 29% | 26,80% | 29,80% | 28,30% | 22,40% |
| Through bank employees | 22,60% | 23,90% | 22,80% | 22,70% | 20,40% |
| Others | 0,10% | 0% | 0,10% | 0,20% | 0,30% |

Source: Febraban - Census 2014

CHART 4 Bank employees' monthly average income per color / race



Fonte: FEBRABAN Censos - 2008 e 2014.

■ 2008 ■ 2014

Brazil / North / Northeast / Southeast / South / Center - West

Source: FEBRABAN, Census 2008 and 2014

CHART 5

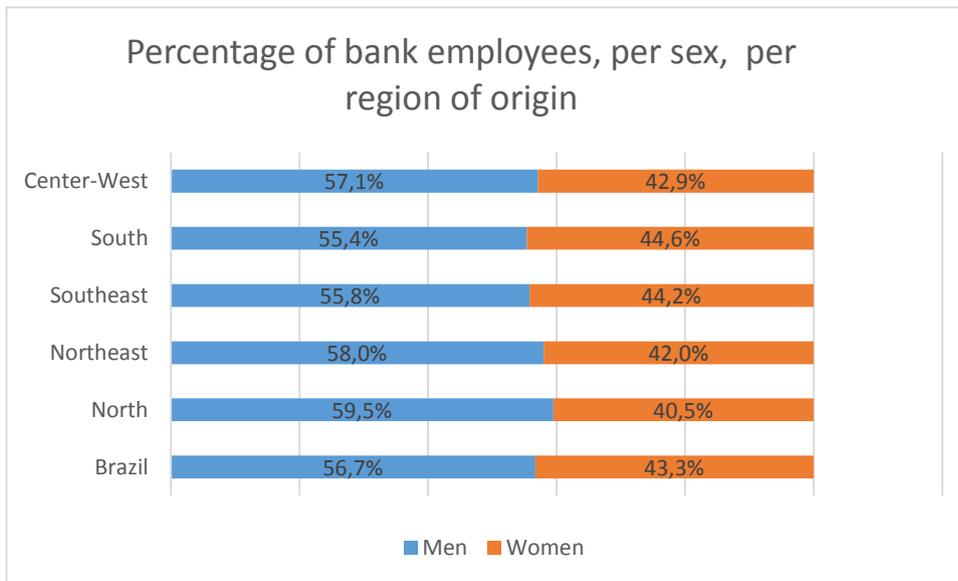


CHART 5.1

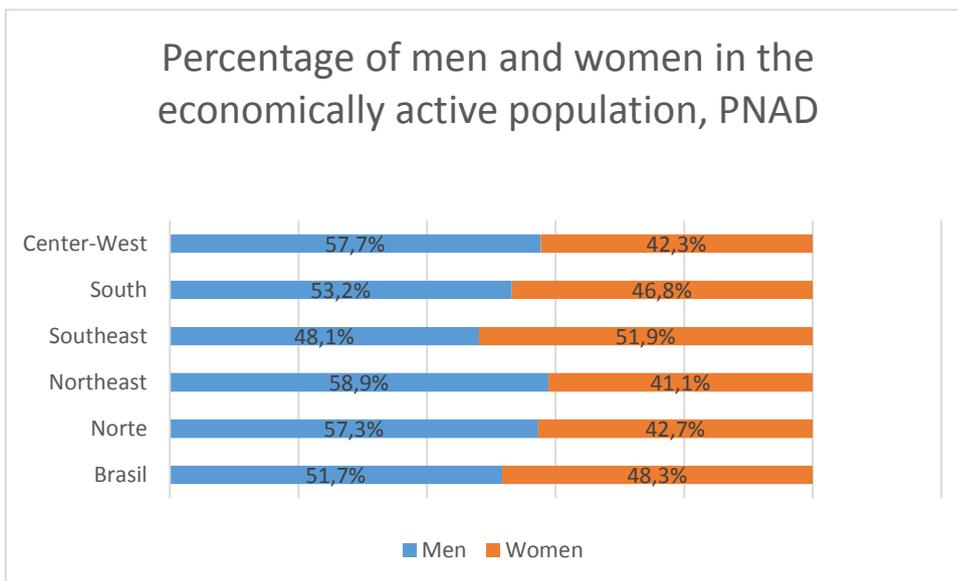


CHART 6 Ratio between men and women bank employees' average remuneration, per region of origin

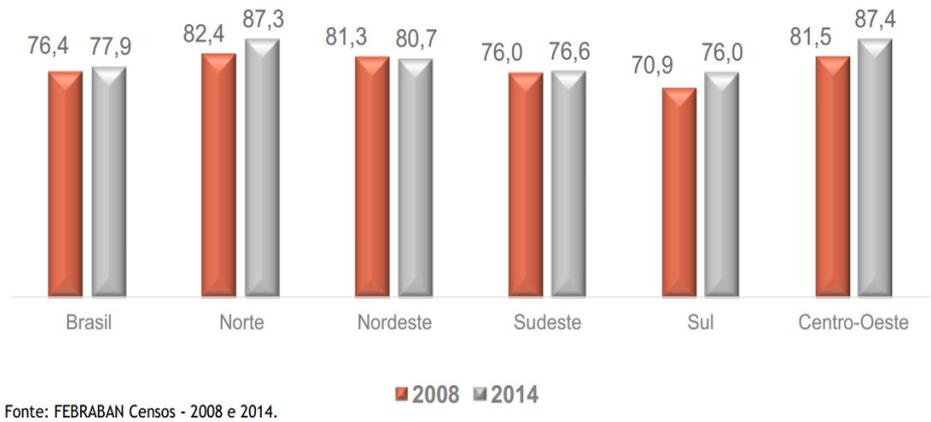
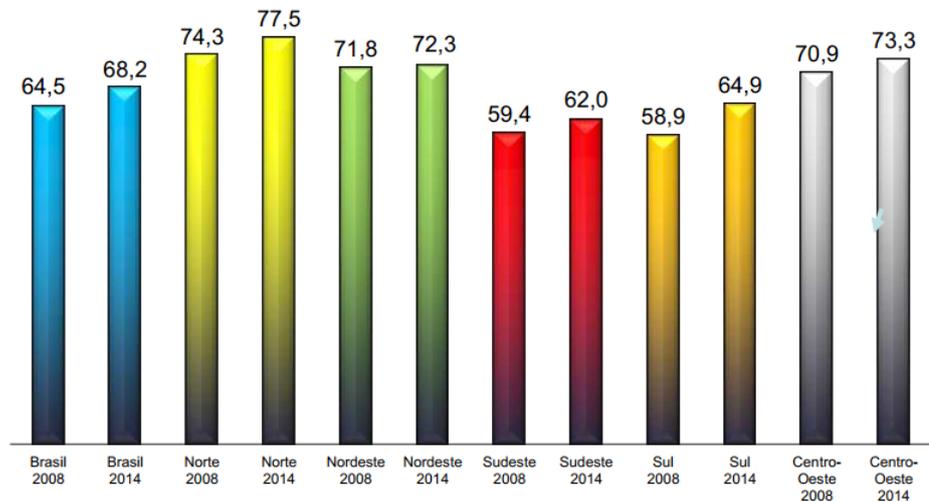
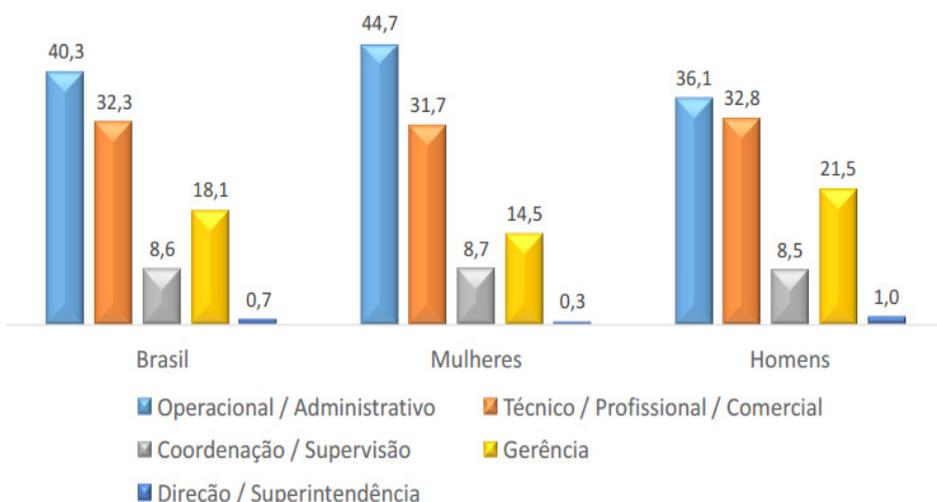


CHART 7 Average pay ratios between white men and black women in banks, per region of origin



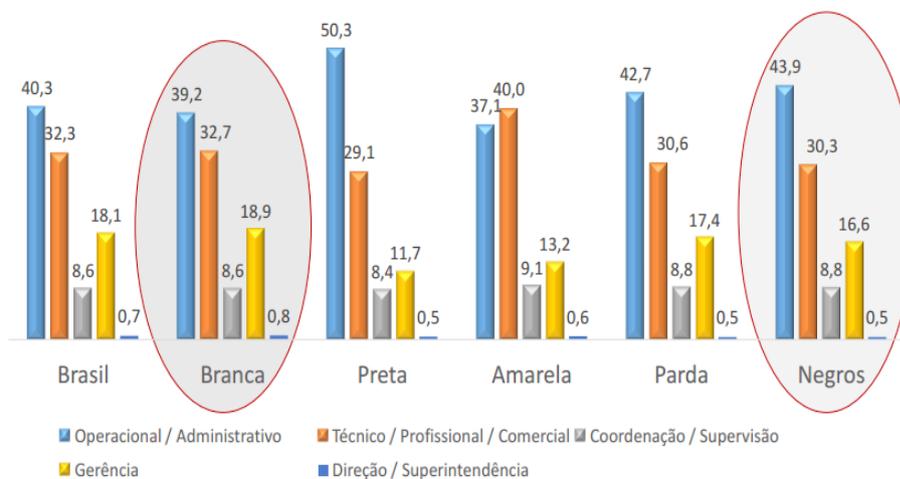
Source: Febraban – Census 2008 and 2014 - Brazil 2008 / Brazil 2014 North 2008 / North 2014 / Northeast 2008 / Northeast 2014 Southeast 2008/ Southeast 2014 / South 2008 / South 2014 / Center – West 2008 / Center – West 2014

CHART 8 Job category sex distribution of bank employees



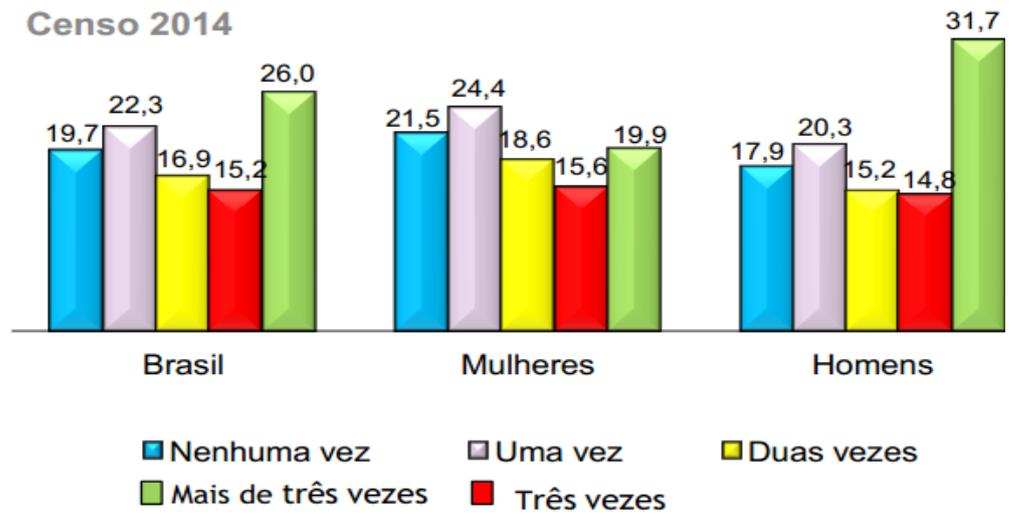
Source: Febraban – Census 2014 - Brazil / women / men - Operational / administrative – Technical / Professional / Commercial / Coordination / Supervision / Management / Directors / Superintendents

CHART 9 Job category distribution of bank employees, per race / color



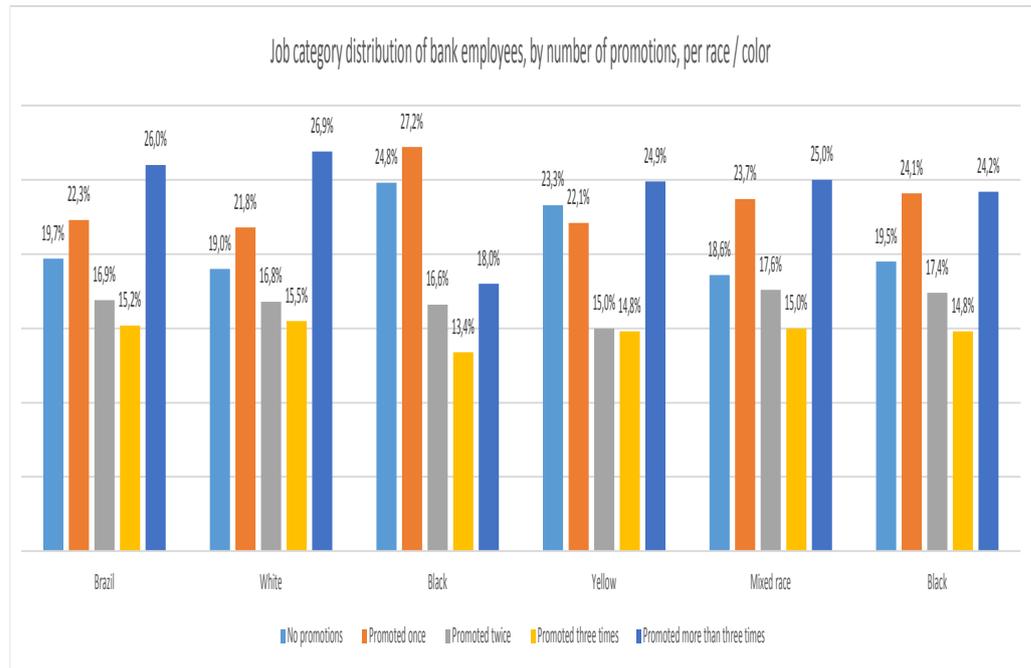
Source: Febraban – Census 2014 - Job category distribution of bank employees, per race / color - Brazil / white / black / yellow / mixed race / color - Operational / administrative – Technical / Professional / Commercial / Coordination / Supervision / Management / Directors / Superintendents

CHART 10 Job category sex distribution of bank employees, by number of promotions



Source: Febraban – Censo 2014 - Census 2014 / Brazil / women / men - No promotions / Promoted once / Promoted twice / Promoted more than three times / Promoted three times

CHART 11 Job category distribution of bank employees, by race/ color



Source: Febraban – Censo 2014

CHART 12

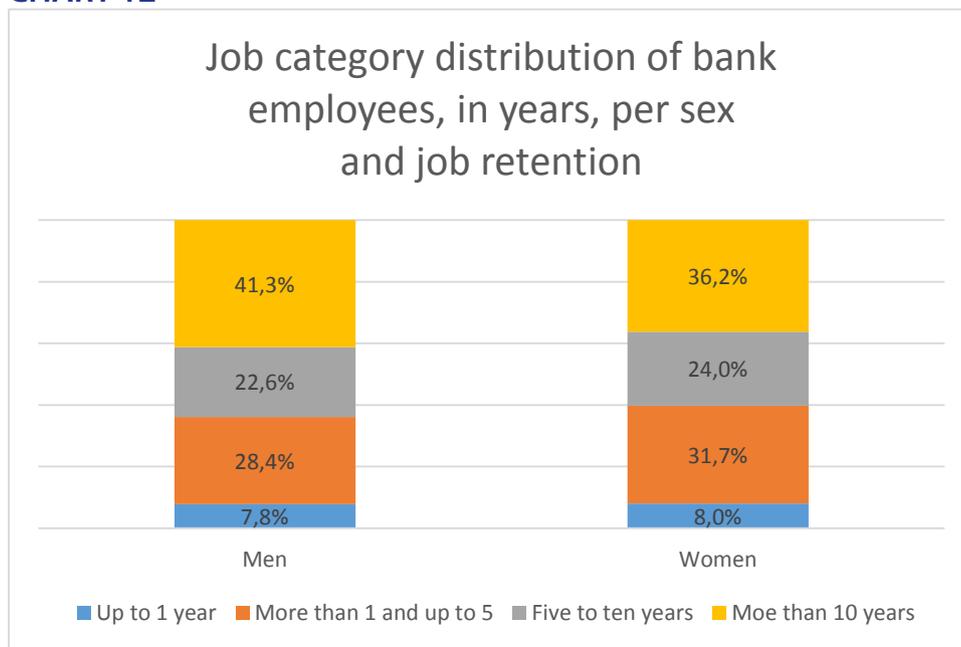
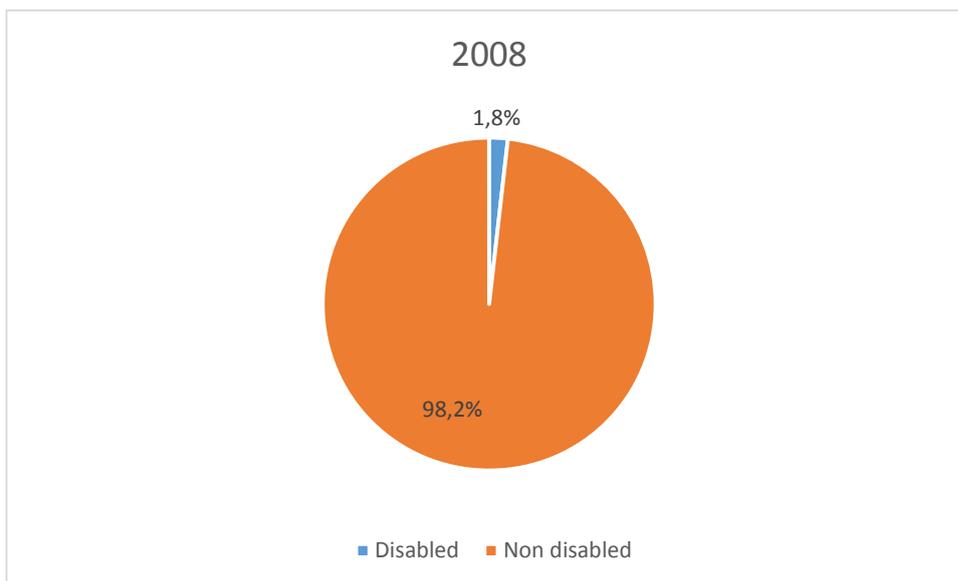
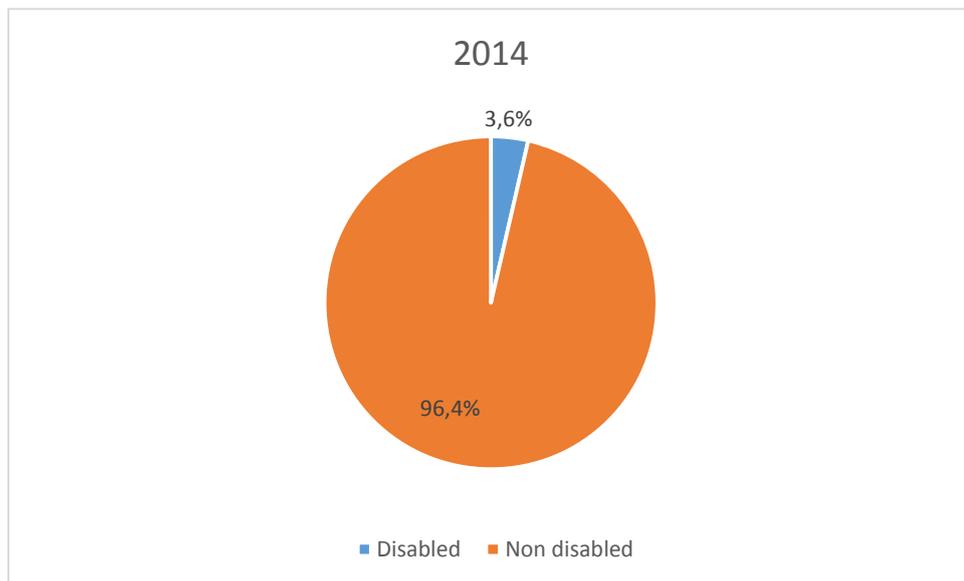


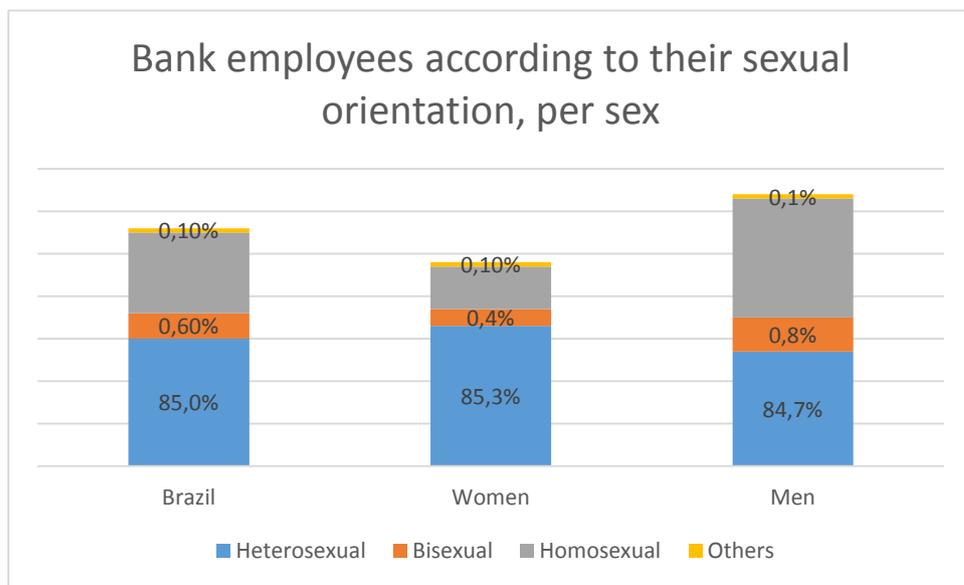
CHART 13 Ratio of disabled people working in banks versus non-disabled





Source: Febraban – Census 2008 and 2014

CHART 14



Source: Febraban – Census 2014

CHART 15

