



*For publication*

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## **Opinion on communication with Smartwings, a.s.**



**SMART UNITY, pilots' union of SMARTWINGS, a.s.**

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# I. Introduction

1. Smartwings, a.s., company ID No.: 256 63 135, with its registered office at K Letišti 1068/30, 160 08 Prague 6 (hereinafter referred to as "**Smartwings**") is an employer and Smart Unity, the pilots' union of Smartwings, a.s., company ID No.: 217 79 724, with its registered office at Malé sídliště 1100/43, 266 01, Beroun (hereinafter referred to as the "**Trade union**") operates within Smartwings.
2. The Trade union hereby submits its opinion on communication with Smartwings.

# II. Opinion of the Trade union

3. Since its establishment, the Trade union has declared its interest in a constructive approach and an effort to act openly in order to improve corporate culture.
4. A fundamental point in improving the corporate culture was a change in communication and in solving individual problems.
5. Chronologically, the following can be summarized regarding communication with Smartwings:
  - a. In August 2024, the Chairman of the Board of Directors of Smartwings requested preparation of a draft of theses for mutual communication (referred to as *the "Rules of Procedure" or "Communication Rules"* at the meeting);
  - b. At the beginning of September 2024, the Trade Union sent Smartwings a proposal entitled *"Memorandum on the Principles of Communication between Smartwings, a.s. and Smart Unity, the Smartwings, a.s. Pilots' Union."*;
  - c. On 18 October 2024, the Trade union reminded Smartwings in a letter that it had not yet received the promised comments on the draft memorandum;
  - d. By letter dated 24/10/2024, Smartwings responded to the reminder by considering the comments to the memorandum to be confidential information and requiring a non-disclosure agreement to be sent;
  - e. On 5/11/2024, the Trade union submits its reply, in which it emphasizes that the memorandum was drafted in response to Smartwings' request and therefore does not contain any confidential information;
  - f. On 14/11/2024, the Trade union received Smartwings' comments on the memorandum;
  - g. On 3/12/2024, the final version of the memorandum was approved by both parties;
  - h. On 9/12/2024, the memorandum was signed on behalf of the Trade union at the headquarters of Smartwings, with the understanding that two of the signed copies will be picked up by the Trade union after signing by the management of Smartwings;



- i. On 16/12/2024, Smartwings responded by stating that the management does not intend to sign the memorandum until the agreement of all the trade unions operating in Smartwings.
6. The Trade union considers the justification for the rejection of 16/12/2024 to be purely self-serving. The management of Smartwings, which was aware of the consequences of the transaction with Czech Airlines, was aware of the existence of a trade union in Czech Airlines throughout the negotiations regarding the memorandum, i.e. also at the moment when the approved version was ready for signing.
7. In the context of trade unions operating in Smartwings, Smart Unity, the pilots' union of Smartwings, a.s., is now a clearly dominant force that pushes the management of Smartwings to change its corporate culture and, above all, to comply with generally binding legal regulations. That's why Smart Unity now distinguishes two levels of next steps:
  - a. Smartwings is obliged to comply with its legal obligations to inform and discuss facts with the Trade union, the memorandum was only intended to make this compliance easier. **Even without signing the memorandum, Smartwings cannot ignore its legal obligations to negotiate with the Trade union on the grounds that the memorandum has not yet been signed;**
  - b. Smartwings is facing a number of problems that the Trade union wanted to solve constructively in the relevant working groups on economic issues, legal issues, and operational and technical issues. **If the meetings of these working groups are not actually implemented, then not only will Smartwings' operations not be made more efficient, but these issues will have to be addressed formally, including the relevant letters of notice addressed to public authorities.**
8. Despite the fact that the memorandum was not signed by Smartwings, the Trade union declares its interest in following this memorandum, i.e. it expects to send proposals for meetings of individual working groups, otherwise it will consider **declaring strike readiness in accordance with the memorandum.**
9. **In connection with this Opinion, the Trade union also publishes the approved version of the memorandum on the principles of communication between Smartwings, a.s. and Smart Unity, the pilots' union Smartwings, a.s.**

**Smart Unity, pilots' union of Smartwings, a.s.**

