

Two Court of Appeal judgements which undermine AFP

General Management

Written the 09.23.2019

On Thursday 19th September 2019, the Court of Appeal of Paris handed down two judgements which weaken the position of AFP.

SPQN Pay Rise

The Court of Appeal has ruled that AFP should have enforced SPQN (Association of French National Daily Newspaper Publishers) pay rises for the years 2013 and 2014, in accordance with current pay scales at the time, denounced in 2015.

For the record, the AFP's trade unions (CGT, FO and SUD) asked for the provisions of previous agreements, according to which, salaries "followed the salary evolutions" of the SPQN scale, to be interpreted by means of an automatic wage indexation mechanism.

AFP opposed this interpretation because the objective of the SPQN pay scale is only to ensure a minimum wage for each category of personnel, and because AFP employees are already well above this minimum wage for each category.

However, the Court of Appeal confirmed the ruling from the High Court of Paris, and extended the indexation of advantages which are not evaluated on index points (French system of calculating salaries), even though the reassessment of these advantages is not subject to any specific rule.

Implementing this decision will have a major impact on the company's budgetary balance. Even if a provision had been established in the accounts dated the 31st December 2017, this decision would still have a negative impact on the Agency's cash flow.

The practical means of implementing this decision, which doesn't concern all employees at the Head Office, will be examined following notification thereof. AFP will assess all possibilities for appeal in order to protect their own interests and those of their employees.

Forfait Jours for journalists

In a second judgement, the Court of Appeal expressed their view on the litigation instigated by the union SUD-AFP regarding the provisions about the Forfait Jours and on-call periods with media monitoring, approved by the company in the agreement of the 10th March 2017 (signed by the CGT, SNJ and CFDT unions).

The Court of Appeal confirmed the validity of the on-call periods with media monitoring, however, it overturned the first instance ruling by the annulment of the provisions of the agreement which allowed all journalists to benefit from the Forfait Jours, in considering that desk journalists do not work enough on an independent basis to justify claiming it.

This decision has a major impact on the journalists in question and could mean that they lose the advantage of having 12 days off linked to the current policy for Forfait Jours.

AFP will discuss the matter with the trade unions and assess how to deal with this decision.

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