

No, no one is losing holiday thanks to **SUD**



Instill fear into people so they don't defend their rights is a classic tactic of employers and their government. That trade unions collaborate is disgraceful, but unfortunately an all too frequent occurrence. Three unions at AFP – the CGT, SNJ and CFDT – took that step in publishing a joint statement on the **Paris Court of Appeal's recent ruling on the forfait jours for journalists**. The virulent attack begins with the title "*A week and a half less vacation, thanks to whom? Thanks to SUD!*" and in the text the three signatories of the 2017 "Grand Accord" make baseless accusations.¹

The statement by management is considerably less assertive: "*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*". (our underlining)

The court confirms that the "Grand Accord" weakens AFP

If the statement by the CGT-SNJ-CFDT is clearly malevolent *fake news*, management is also putting on a bit of spin to say the least when it speaks of the "two Court of Appeal judgements which undermine AFP" ². Obviously, some fact checking is needed. So let's look at the facts.

In 2015, management annulled nearly all of conventions and accords concerning staff relations for the stated reason of negotiating a single agreement that would allow it to **control wage growth** and **reduce legal risks**. That was done in accordance with the Aims and Means Contract that management signed with the government.

Following long negotiations, the majority unions CGT, SNJ and CFDT (which is no longer representative following the 2018 elections) signed on March 10, 2017 the "Grand Accord" without having consulted staff and without having mobilized them sufficiently against the loss of benefits it represented, particularly in terms of vacation days. Three unions – FO, *SUD* and the CFE-CGC – refused to sign the agreement. *SUD* has since become the second union among journalists and third in the Agency.

The situation for all categories of staff was simple until 2017. All the journalists had the same number of RTTs per year: 18.

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¹ To our knowledge, the statement has not been published on the public sites of the signatories. The SNJ-AFP published it in a tweet : https://twitter.com/snj_afp/status/1175048607130705923?s=20

² The full rulings of the Paris Court of Appeal can be found here: <http://u.afp.com/JEXT>

The “Grand Accord” divided the staff, creating a mess that *SUD* has repeatedly denounced:

- Journalists who signed up for the forfait jours **lost 6 RTTs** (of the 18 they had),
- Production journalists and those in certain posts who chose to stay on a 39-hour work week **lost 11 RTTs** out of 18,
- Other journalists (in particular those working on desks, but also CDDs, apprentices, etc.) who are on a 35-hour work week **lost 14 RTTs** out of 18.
- Administrative and technical staff not only **lost** RTTs, but their automatic career plan, some vacation days, an end of career bonus and a new, lower wage scale was introduced.

Thanks to whom? Thanks to the signatories of the “Grand Accord”!

For journalists, the loss of vacation days (purposely set in order to incite them to opt for the forfait jours) was only partially compensated with the awarding of a certain number of days depending how many years one has worked at the agency: 2 days after 5 years of service, 4 after 10 years, 5 after 15 years.

SUD opposed the cut in vacation days and the introduction of the forfait jours as the latter allows management to work journalists 45 hours per week or even more without paying them overtime as foreseen under the law for employees who work more than 35 hours per week.

SUD never claimed that the forfait jours in itself was illegal. What we did do was point out that the legislation and jurisprudence on forfait jours did not allow its use with employees who work scheduled hours or who lack sufficient autonomy in their organization of their work.

It isn't *SUD* which excludes them from the forfait jours, but lawmakers. The Court of Appeal ruling simply confirms the stable jurisprudence on this issue in saying that **not all AFP journalists are eligible for the forfait jours**.

An illegal accord, recklessly signed

What a loss for management! In taking the risk of according the forfait jours to *all* journalists, the result is the opposite of what management intended. Instead of ensuring the Agency's legal security, management weakened it and created a huge mess. That is because there is no longer legal foundation for the forfait jours contract for journalists because of the way the “Grand Accord” was worded.

Management said it would soon convoke trade unions to “*examine actions to be taken following the ruling*”. Actually, it means the signatories of the “Grand Accord” have to quickly find a way out of the mess they created. It is likely that management will try to get them to sign an amendment to the “Grand Accord” that specifies *who* among journalists is eligible for the forfait jours, *who isn't*, and *how many RTTs* each gets.

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If unions sign such an amendment without having “*saved*” the 12 RTTs of all journalists, those who lose out will know whom to thank. Moreover, the 12 RTTs for all journalists won’t cost the Agency much, if anything, more. That is because almost all journalists – including those on desks – already have them. That is the reason they chose the forfait jours.

And if no amendment on the forfait jours is signed? If many production journalists feel that their work volume hasn’t changed following the introduction of the forfait jours, will that hold true after the **job losses** coming under the voluntary departure plan? **Watch out!** A forfait jours contract risks making you pick up the work of those who leave.

SUD opposes this logic and calls for **the same number of additional days off for all employees of the same category**, as well as the **payment of overtime** under the labor code.

An opportunity to achieve this exists! With all the restructuring, outsourcing, and job cuts that have taken place and are set to come, *SUD* believes the Agency needs real **negotiations on the organization of work**. Negotiations where we don’t arbitrarily decide who must work 39 hours per week and arbitrarily get 7 RTT days, while others must work longer hours and get 12 RTTs, while others work 35 hours and only 4 RTTs

Instead of leveling down and dividing the staff, **we need to unite and level upwards!**

Veille éditoriale : nothing to celebrate!

If the Court of Appeal confirmed that employees with fixed schedules are not eligible for the forfait jours, it confirmed two points under the “Grand Accord”:

- **The court considers production journalists at AFP are autonomous in the organization of their work**, although we emphasized the constraints linked to our public interest mission, working as part of teams, deadlines dictated by when news breaks...
- The court also considered that the “**astreinte avec veille éditoriale**”, which is being on call with responsibility for monitoring media, to be *free time*, while we consider it to be **work time**. The ruling thus confirms this provision of the “Grand Accord” which allows management to *maintain operations with too few staff* and to make considerable savings at their expense: instead of paying them overtime they only get a flat payment of 30 euros for the *veilles* that they are being forced to do all too often.

Wage hikes: against AFP’s interests?

The other ruling handed down by the Court of Appeal on September 19 means the Agency will have to **pay back wages** and **raise wages**. To obtain a ruling on the issue, the CGT and FO on the one hand, and *SUD* on the other, filed *together* 2015 a lawsuit before the Tribunal de Grande Instance. The ruling at the end of 2017 was upheld by the Court of Appeal on September 19.

The courts ordered AFP to affect the wage hikes agreed upon by the organization that brings together the owners and unions for the national press

(SPQN) and which should have been applied in stages in 2013 and 2014. In addition to the unpaid wages, the pay scale and primes indexed to the base salary should also increase by approximately 1.5%.

Modifying the ruling by the court of first instance, the Court of Appeal also ordered increases in the **other elements of our salary** not tied directly to a point value which should have been adjusted on March 1 in the years 2011 to 2015. That element of the case was introduced and argued by *SUD*.

According to a response to a question posed by *SUD* to management in 2011, the following primes concerned by the ruling are:

- The prime spéciale journaliste
- The primes de rendement and rendement supplémentaire,
- The prime de rendement garanti
- The primes spécifiques (including the prime fixe individuelle)
- The indemnités spéciales and de fonction
- The primes spéciales vidéo
- The rémunération forfaitaire permanente.

In its statement, management tried to instill fear with that familiar refrain of employers: trade unions are putting at risk *"the company's budgetary balance"*, that their employees are costing too costly, etc., before concluding: *"AFP will assess all possibilities for appeal in order to protect their own interests and those of their employees."*

It remains to be seen what warped logic management is using when it states that it believes that the ruling *"doesn't concern all employees at the Head Office"*.

Stop with shady deals! Renouncing what is due to us!

It's time to open your eyes! Labor rights, public services and solidarity – three fundamental elements that help ensure equitableness in the economy and dignity in a democracy – are increasingly under threat. AFP is no exception. When others capitulated before Plan Hoog with the signature of the "Grand Accord" and its loss of benefits, it prepared the ground for Plan Fries with its cuts in staff and reorganizations that aim to prepare the Agency for privatization.

To not claim what is due to us, to renounce our rights, to "choose the lesser evil", will not work. AFP hasn't collapsed from the wage and benefits demands from staff, who have made sacrifices for too many years. AFP is in trouble due to the risky decisions of management and a political decision to increase every year the underpayment of our public interest mission.

The only way we can fight off attacks against our working conditions and our public interest mission is to resist. It's time to take our fate into our own hands!

Paris, September 25, 2019

SUD-AFP (Solidarity-Unity-Democracy)

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AGENCE FRANCE PRESSE