

## Grand Accord:

# A text which divides and resolves nothing



The collective bargaining agreement<sup>1</sup>, vaunted by management as the Grand Accord, was intended to provide more clarity, equity and legal security to labor relations at the Agency. But the final text, signed by three trade unions which received over 70 percent of the votes at the previous staff elections, is having the opposite effect. Built around the introduction of a new type of labor contract – the forfait jours – it will divide the staff between those who opt for it and those who remain on a standard work week. It is also dividing the trade unions and the largest trade union at AFP, many of whose followers and leaders are wondering how it could shift from a path of resistance to the path of least resistance, endorsing Plan Hoog with its longer working hours without any struggle and a democratic consultation of the staff.

## Transition measures: a tacit admission of a bad deal

Far from introducing "*greater equity between different categories of staff*"<sup>2</sup>, the Grand Accord installs uneven and brutal cuts to wage and benefits conditions. So much so that AFP's management found it necessary to concede transitional measures to help absorb the shock:

- **For existing workers and employees** (hired 10 March 2017), the career plans that guarantee wage hikes have been extended for five years and the existing calculation of the retirement bonus extended to the end of the year for those who sign up by the end of March. That management has agreed to these expensive measures indicates two things: one, that management considered it was the price to be paid to get a majority to validate the core of its project – the forfait jours for cadres and journalists (who represent 80 percent of staff); and two, the fact that the transition measures are for staff categories that management aims to squeeze further by not replacing all departing employees, means that it is in effect a **camouflaged departure plan** for a large number of employees who won't be here in five years.
- **For administrative and technical cadres employed as of March 10**, the new wage grills won't enter into force until 1 April 2018.
- **For younger employees employed as of March 10**, three extra days as an advancement of their congés d'ancienneté, without which the drop in days off would have been too brutal.

That transitional measures are needed is an admission that the measures contained in the Grand Accord are bad for employees and that the blow needs to be softened, at least for some.

## Biased presentation of concessions

There is a peculiar similarity in the statements by the signatories of the Grand Accord: instead of praising the merits of the Grand Accord they emphasize the progress made during the negotiations and they compare the final text with the initial propositions made by management. This is classic technique in propaganda and disinformation which allows, for example, pointing to an improvement<sup>3</sup> in the wage scale for administrative cadres when in fact conditions are worse.

**Instead of comparing the new conditions with those management renounced** (and the signatories abandoned without mobilizing staff to defend), **the message they make is that**

<sup>1</sup> For the text of the Grand Accord and all the statements cited, see the documents posted on our website : <http://www.sud-afp.org/spip.php?article459>

<sup>2</sup> AFP management statement

<sup>3</sup> Statement by all categories of the CGT at AFP justifying their signature of the Grand Accord

**journalists and cadres can more or less save their number of days off by opting for the forfait jours contract.**<sup>4</sup> This is not a convincing message to younger journalists who do not have 15 years of service in AFP and don't get a full week of congés d'ancienneté, and will thus see a reduction in the number of days off they get. Not to mention the journalists who are hired from now on and will have less days off than current employees.

**The interests of those who will build the AFP of tomorrow have been sacrificed.**

## Working more becomes the norm

The essential element of the Grand Accord is the forfait jours, which is a labor contract that measures working time not in hours per week but days per year, and which is open to journalists and many administrative and technical cadres. The forfait jours, as it comes with more days off, is presented as offering a means of escaping a loss in benefits. In reality, it only offers a choice in how one would like to work more: by losing days off or working longer days.

Management believes that the forfait jours will end the legal risks from unpaid overtime that have been haunting the Agency. But as management fully intends for people to continue working long hours, and the forfait jours will only change the definition of these hours, the signatories are participating in what a court could consider as fraud in avoiding payment of overtime hours.

## Forfait jours: a risky bet

However the forfait jours creates new legal risks. There is the risk that a court would see the forfait jours as practiced at AFP as a ruse to avoid paying overtime. There is also a risk as a court could decide that **most AFP employees don't fulfill the conditions for having such a contract.** A forfait jours contract is reserved for

- *"cadres which enjoy **autonomy** in the organisation of their work schedule and whose job functions don't require them to follow the collective working hours practiced in the workshop, service or team in which they work"*
- *"Employees (non-cadre) whose working hours cannot be determined in advance and who enjoy real autonomy in the organization of their work schedule to carry out the duties that have been entrusted to them"*<sup>5</sup>

AFP management and the signatories of the Grand Accord are playing a dangerous game of liar's poker: they are convinced that no trade union at AFP would dare attack the forfait jours in court for fear of being seen by employees as taking away days off. This reasoning only works because of the choices that the Grand Accord leaves employees, which the signatories of the deal did not seriously contest. The Grand Accord is a stacked deck against staff –

- **if they take the forfait jours**, cadres and journalists will go from **18 to 12 RTTs**
- **if they don't, they pass from 18 to either 4 or 7 RTTs**, depending on whether they work a 35-hour week on a desk or a 39-hour week in a production service.

## A Rubik's Cube for scheduling

Already, middle managers are worried: how are they to run a service with employees on different types of contracts? How to handle the approaching summer vacation? How to come up with a work schedule for a service when according to the law people with a forfait jours aren't supposed to be on work schedules?

Currently, certain heads of services impose RTTs so employees don't exceed the **legal limit of working six days straight**, enjoy **two consecutive days off**, and ensure a rotation of who gets weekends off. That is possible when employees have 18 RTTs, or even 12. But with just 4, that becomes a mission impossible. We'd like to see how management resolves this situation if a service remains on a regular work week.

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<sup>4</sup> Cf. Communiqué SNJ-AFP

<sup>5</sup> See a Labor Ministry document posted on our site - <http://u.afp.com/4YRY>

Employees working in services where there are shifts have at least **two good reasons to not choose the forfait jours**:

**1) it is illegal. 2) if a majority choose the forfait jours there is no guarantee that the 35-hour week will remain in place.**

## Hourly work week better than forfait jours

Employees who don't work shifts also have an interest on staying on a regular contract. According to section 6.2 of the Grand Accord (page 33), "*working hours are set at 35 hours per week ... for all categories of staff (except those on forfait jours), in accordance with the law*".

An example of the, all too predictable, mess that will result in a production service where some staff remain on a regular work week: on Thursday afternoon, X realizes that since Monday morning (s)he has completed his/her work week. According to section 6.8 of the Grand Accord (page 44), overtime work should be done "at the explicit request of the employer or a supervisor". In other words, a head of service then has three options:

- Request X to work overtime. For cadres and journalists, "overtime hours give rise to recup time" (which are added to RTTs). The result, for those who work lots of overtime, is that **they will quickly earn more recups than the 12 days received under a forfait jours contract**. Moreover, once the annual allotment of 220 overtime hours is exceeded, overtime is compensated by **recup time and payment at a higher rate**.
- **Request another journalist** in the service (such as one having opted for a forfait jours) to continue the work of X.
- **Scrimp on coverage**. At numerous times during the negotiations management said this was a serious option they were willing to exercise, although clearly this undermines the carrying out of our public interest mission.

While whether or not to take a forfait jours is supposed to be an **individual choice**, we can see clearly that it will lead to conflicts between employees and have **important consequences for the cohesion of reporting and editorial teams**.

Other problems with the forfait jours:

- Journalists who do not meet the conditions to be declared a night worker (section 6.11.2.2 page 56), such is the case for most who work in the evenings, won't be able to receive the prime de nuit for working after 9 pm if they take the forfait jours. Only those who stay on a regular work week are eligible (section 6.11.2.3 page 58).
- Employees on part time who opt for the forfait jours will see a drop in their net wages as they make Social Security contributions at the full-time rate (section 6.9.3.2 page 47-48).

These examples show that **the forfait jours can result in lower earnings for employees**.

## Dimmed perspectives for wages and careers

Another propaganda element by the signatories of the Grand Accord was concerning wages and career prospects. Curiously, they do not mention the point of depart for the negotiations of the Grand Accord: the **Aims and Means Contract**, signed in 2015 by the CEO and representatives of the French state. The Aims and Means Contract stated: "*It is essential to aid the development of the Agency over the long term, to find margins necessary to guarantee wage increases and adopt a stable social contract.*"

"Wage increases"? The Grand Accord as signed doesn't correspond with the initial idea of sacrificing a few RTTs to boost our wages. We all know what became of the promise of a general wage hike in 2016, the promise that led certain trade unions to abandon the unified strike in July 2015 against the renunciation of the wage and benefits agreements.

The Grand Accord doesn't contain any guarantees about wage increases. Management's promise of a profit-sharing mechanism morphed into a promise to negotiate one at a later

date. We'll get to talk about wage increases in the legally-mandated annual wage talks, but the Grand Accord says any wage increases are subject to "*budgetary constraints*".

**So exit general wage hikes: the freeze of our wage scales since November 2012 is likely to continue indefinitely.**

On the other hand, "*each year, a specific amount for primes and promotions shall be written into AFP's budget.*"

Combined with weakened automatic promotions, this will, over time, allow for greater individualization of career paths.

The all too foreseeable result is a weakening of the solidarity and team spirit that underpins the Agency's culture in favor of an "*everyone looking out for themselves*" attitude. **But everyone lost out under the Grand Accord. SUD will later present a category-by-category analysis.**

## What to do now?

**The Grand Accord is a bad deal.** It isn't a monitoring commission – from which the most critical trade unions were excluded – that will be able to repair the damage. Instead, we should be looking in the medium-term towards a **renegotiation** as this bad deal will solve neither the problems of AFP's finances nor its work conditions. On the contrary, it will **further destabilize the Agency as well as worsen the work conditions and health of employees.**

**SUD does not exclude launching any lawsuit** that could end the legal insecurity and invalidate provisions in the Grand Accord that run contrary to AFP's founding principles.

**For the moment, SUD calls on employees to:**

- Signal any problems with the implementation of the new provisions of the Grand Accord
- **Don't rush to accept a forfait jours!** The working time measures in the Grand Accord apply from June 1. Until then, the old work conditions are in place and we accrue RTTs at the old rate. We're likely to see more clearly the problems with the forfait jours as June approaches
- **SUD recommends staying on a 35-hour work week**
- SUD calls on middle managers to resist any pressure from management to pressure employees to opt for the forfait jours.

## Solidarity is the cure for demotivation and stress!

We'll discover over the coming months the full extent of the impact of the Grand Accord on our working conditions. In some services, the consequences of **bad management** are already visible, such as in AFPTV, where the intersyndical recently signaled a "*very tense situation*" and "*despair*" among staff<sup>6</sup>, gloom at the DSI, and a generalized sense of demotivation in the Agency. Once again, a major initiative of our CEO has solicited neither the enthusiasm nor even the grudging support of staff.

By signing the Grand Accord, without even brandishing the negotiating weapon of a threat of a strike, and before consulting the staff, the signatory unions did not only cross a red line – they created a climate of **resignation**. After having criticized the CEO for using his 49-3 (the French constitutional provisions which allows a government to adopt laws without a parliamentary vote, the signatories then used their own 49-3, turning their back on their commitments to democracy and transparency by not consulting staff.

If you feel betrayed, come join us and build a different style of trade unionism based on **Solidarity, Unity** and **Democracy**.

Paris, 21 March 2017

**SUD-AFP (Solidarity-Unity-Democracy)**



<sup>6</sup> Intersyndical statement - [u.afp.com/4Ykf](http://u.afp.com/4Ykf)