

INFORMATION

Association
du personnel
CERN

Staff
association
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LE 11 NOVEMBRE PROCHAIN, IMPORTANTES RÉUNIONS DU COMITÉ DES FINANCES ET DU FORUM TRIPARTITE SUR LES CONDITIONS D'EMPLOI (TREF)

Résumé: le Comité des Finances se réunira vendredi 11 novembre à 10 heures, TREF se réunira juste après. Des discussions importantes auront lieu sur la représentation du personnel et sur l'adaptation annuelle des salaires et des pensions.

Représentation du personnel:

nous venons d'obtenir du Directeur général qu'il accepte nos propositions de modifications aux Statut et Règlement du personnel (S&R) sur la représentation du personnel et la concertation: elles mettent les S&R en accord avec la longue pratique de la concertation interne ainsi qu'avec les décisions du Conseil de l'Organisation en juin dernier lorsqu'il a approuvé la création de TREF. Ces textes seront discutés dans TREF avec les délégués des États membres le 11 novembre après-midi.

Adaptation des salaires et des pensions pour 1995:

"inflation à Genève a été faible cette année, un pour-cent. Lors du Comité de Finances du mois de septembre dernier, plusieurs États membres ont manifesté leur intention de ne pas adapter les salaires du tout puisque l'inflation était si faible (l'année dernière, les mêmes États avaient jugé bon de ne pas compenser l'inflation parce qu'elle était trop élevée...). L'adaptation sera discutée par le Comité des Finances puis par TREF le 11 novembre au matin.

Nous craignons sérieusement que les États membres s'apprentent à refuser toute indexation pendant de nombreuses années, sans même se préoccuper de l'examen quinquennal des rémunérations qui est en cours. Et qu'il en de même pour l'adaptation des pensions.

Nous devons donc nous tenir en contact avec vous régulièrement d'ici à la fin de l'année. C'est pourquoi le Comité exécutif proposera au Conseil du personnel, le 9 novembre:

- un **FLASH** juste après la réunion du Comité des Finances et de TREF pour résumer la situation,
- trois réunions d'information plus complètes et de discussions avec vous:

**jeudi 17 novembre,
de 15h30 à 17h**
Amphithéâtre SL (en Français),

**vendredi 18 novembre,
de 9h30 à 11h**
Amphithéâtre principal (en Français),

**vendredi 18 novembre,
de 14h30 à 16h**
Amphithéâtre principal (en Anglais).

Nous verrons ensemble ce qu'il faut faire.

Mini-Assizes 18 October 1994
on
CERN's Industrial Services Policy
and
Consequences for present contractors and their personnel

Summary: *CERN's subcontracting policy – CERN's new contract adjudication rules – French and Swiss regulations concerning foreign labour – worries of CERN contractors and of their personnel – need for joint action.*

The Staff Association devoted its Autumn mini-assizes to the question of subcontracting at CERN and the situation of the firms working for CERN on the site – now called “industrial services” – and of their personnel. This initiative had been dictated, in particular, by the introduction of new adjudication rules for CERN contracts as well as the new political orientation of the Management in this domain.

The programme of work for the 18th October was divided into two parts: in the morning, with the Association delegates and members of the Administration of CERN directly involved, and in the afternoon with the Association delegates and the representatives of French and Swiss unions, plus representatives of French employers.

Morning

Michel Borghini, President of the Staff Association, opened the proceedings by welcoming the guests and explaining the motives for organising the meeting. He emphasised that formal decisions are not taken at a mini-assizes of the Association, these being the prerogative of the Staff Council.

Vince Hatton, industrial services manager, first explained the different types of industrial services used by CERN and their relative importance¹:

- site facilities operation ~ 30 MCHF in 1994,
- system maintenance, operation and installation ~ 28 MCHF in 1994,
- manpower, for example temporary labour ~ 30 MCHF in 1994,
- production, some off the site ~ 10 MCHF in 1994.

In 1989, the Finance committee accepted the proposals of the Management to evolve towards result-oriented contracts rather than means-oriented contracts, which in fact just provide labour. These result-oriented contracts would be placed according to a field of activity, with firms that were already

¹ taken from document CERN/FC/3717 dated 25 August 1994 which was submitted to the Finance Committee.

well-established and which had proven experience in the areas concerned. Also whenever possible, tasks would be separated to avoid mixed teams of CERN staff and Industrial Support staff².

He then explained that the Management is studying the possibility of giving firms complete tasks (farming-out or outsourcing). This concerns everything which could be done by firms, with the exception of that which is really specific to CERN, such as particle physics, the establishment of accelerator projects, etc. All such questions concerning firms will be studied by the Management and the Divisions³.

Thierry Lagrange, head of the CERN purchasing service, explained the new purchasing rules for the adjudication of supply and industrial support contracts. These rules were unanimously approved by the Finance Committee and Council in December 1993.

During the period 1991-1993, certain Member States have obtained contracts for a value much higher than they would have done if contacts had been distributed in proportion to their contributions to the CERN budget. This is above all true for the Host States, France and Switzerland, who receive around 95% of the industrial services contracts, whereas they contribute together around 20% to the budget. The new rules are designed to assure a more equitable financial return for the Member States; firms whose headquarters are not in France or Switzerland will be favoured so that their share of the contracts rise from 5% to 33%⁴.

² the Staff Association has no precise information concerning the application of this last rule.

³ the Staff Association understands that in fact the Divisions must indicate *what cannot be subcontracted*. Also, that the training necessary to allow the transfer of personnel of CERN for the construction of the LHC or in case of subcontracting, is being studied by the Joint Training Board.

⁴ 40% of their 80% of contributions.

This implies that several firms who now have a contract with CERN will lose their contract when they come up for tender during 1995, except if they join with other firms from other Member States, in which case they will lose at least 40% of their existing contract.

Several years ago the Finance Committee had accepted a clause intended to avoid unnecessary transfer of personnel from one firm to another. This stipulated that if his offer did not exceed the lowest bidder by more than 5% it was possible for the CERN management to propose to retain the existing contractor. With the new rules, the status of this "5%" clause appears unclear.

George Stassinakis, responsible for relations with the host States, presented a brief history of the situation of firms working on the CERN site:

- 1st phase: CERN acted as a small Principality with no possibility of intervention by the Host States and its social partners.
- 2nd phase: confusion, particularly during the extension of CERN into France, with social movements, and the intervention of the authorities of the Hosts States and the implantation of French firms on the Swiss site and vice-versa.
- 3rd phase: the present situation, of clarification, based upon three principles: privileges and immunities concern only CERN itself and its own personnel; French or Swiss law applies to contractors and their personnel; the domain of CERN constitutes a technical and administrative unit.

The consequences are the following: removal of local firms from the domain, establishment of procedures for French and Swiss unions to intervene on the international domain, obligation for firms to be registered with the Swiss or French chambers of commerce.

On the basis of information provided by the Host States (the only competent authorities in this matter), he then explained the rules concerning residence, employment and the crossing the border of the personnel of firms and their families, who originate from countries other than France and Switzerland.

In so far as "detachment" of personnel (the firm is not registered with a chamber of commerce) this depends upon whether the country from which they come is a member or not of the European Economic Area (EEA)⁵ (for those wishing to live in France)

- *residence in France, national of a member state of the EEA*: both the employee and the employee's family may live in France, salary and working conditions (working hours, hygiene, etc.) must conform to French regulations, whereas social security, hence contributions paid by the employers, must comply with the legislation of the country from which the firm comes.
- *residence in France, national of a non-member state of the EEA*: neither the employee nor the employee's family may normally live in France. However the Director of Works may grant permission. In which case, salary and working conditions must conform to French regulations, and social security, where there is no convention between the national's country and France, must also be that of France. Firms which employ staff on detachment cannot recruit staff locally.
- *residence in Switzerland*: it appears that work and residence permits can be granted to those on detachment, but their families cannot join them. Working conditions must conform to the collective agreements governing their profession or respect local practices.

In all cases, CERN cannot oblige the incoming contractor to employ the personnel of the outgoing contractor. It can only encourage it.

Discussion: these reports gave rise to many questions and comments concerning the future of industrial services personnel already working for CERN at CERN, sometimes since many years, and their continuous professional development where the technical needs of the contract evolve.

Lunch time

The participants of the morning and those of the afternoon have met together over lunch, which provided the occasion for informal discussions between them.

⁵ the Member States of CERN in the EEA are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Netherlands, Norway, Portugal, Spain, Sweden, and United Kingdom. Those who are not are Czech Republic, Hungary, Poland, Slovak Republic and Switzerland.

Afternoon

Some members of the Administration left, whereas others stayed on in a non-official role to listen to the debates of the afternoon. Those invited to participate in the afternoon were from :

Switzerland

- la Fédération suisse des traivailleurs de la métallurgie et de l'horlogerie (FTMH)
- le Syndicat suisse pour l'Industrie et le Bâtiment (SIB, which regroups the previous FOBB and FTCP)
- le Syndicat interprofessionnel des Travailleurs et des Travailleuses (SIT)

France

- a spokesman of firms located in France
- la Confédération français des travailleurs (CDFT)
- la Confédération générale du Travail (CGT)⁶.

After a summary of the morning's procedures by Michel Borghini, each guest expressed his concerns and his expectations. We will not report them all here, this will be done in more detailed minutes which will be sent to all participants. Here we summarise the essential common points of view.

⁶ the following were invited, but could not be present:

France

- Force ouvrière (FO)

Switzerland

- la Fédération suisse des travailleurs du Commerce, des Transports et de l'Alimentation (FCTA)
- l'Union des associations patronales genevoises (UAPG).

The concerns expressed have centred not only around the future of the firm's personnel presently working on the site and their employment, but also on the future of CERN itself. The speakers were very worried of the consequences for CERN and its personnel of the policy of generalised privatisation accompanied by the reduction of staff members, which CERN is following now and intends to follow in the future.

Conclusions – relations unions – Staff Association: many participants have mentioned that they found the meeting with the representatives from so different horizons very interesting. It appeared clear that for the majority present the decisions of the Finance Committee together with the political leanings of the Management towards subcontracting, necessitate organising joint actions. Thus the various unions stated they were ready to meet again to confront the specific questions concerning CERN. As decisions are not taken at mini-assizes which are held to exchange information and to discuss specific topics, the internal committee of the Staff Association mandated to study the problems of firms, must make urgent proposals to the Staff Council so that it can take formal decisions immediately.
