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## STAFF ASSOCIATION

The information presented in the Staff Association section of the Bulletin is published under the sole responsibility of the CERN Staff Association.

### EXECUTIVE COMMITTEE

#### EQUITY AND LAW (Original version : French)

(or the story of people who worked a 44 hour week in reality but not in law)

The Administrative Tribunal of the International Labour Organization (ATILO) has just found against eight members of the CERN personnel who applied for the same status, within various grades, as the personnel with 44-hour contracts at 1 April 1980, when the current Staff Rules and Regulations came into force.

The CERN Advisory Appeals Board had recommended that the eight personnel be treated as if they had 44-hours contracts because some of them had for many years regularly worked 44 hours per week even though that was not written into their contracts.

According to ATILO, the "only basis for the Appeals Board's recommendations were considerations of equity", whereas the Tribunal's ruling had to be in accordance with law.

The Tribunal's reasoning was briefly the following :

A de facto situation does not create legal rights - only a contract or amendments to a contract that are signed (or tacitly agreed) by a member of the personnel and the Management have legal force. Any other "internal" CERN document amending the Staff Rules or the conditions of a contract, even though signed by the Director-General, is not legally binding.

When equity and law are at variance the staff would like to know the Management's standpoint.

\* \* \*

#### WANTED .....

..... a fair way of crediting additional periods of membership in the Insurance Scheme for shift workers.

Following the Director-General's recent note on this question (Weekly Bulletin 26 and 27/82), the Staff Association wishes to draw attention to the following points :

. In September 1976, a study group on shift work was set up by the Staff Association, to prepare for the revision of the CERN Staff Rules and Regulations which were originally intended to enter into force on 1.1.1979.

The group made an extremely detailed study of all the problems specific to this type of work (rehabilitation occupational training, early retirement, working hours, occupational illness), and this was followed up by a questionnaire sent out to shift workers).

On the evidence of the questionnaire (180 replies to the 300 distributed, the four main concerns of shift workers, in order of priority, are the following :

1. early retirement
2. rehabilitation
3. working hours
4. occupational training

That clearly demonstrates, if proof were needed, that the problems caused by shift work are not only financial but include many harmful side-effects of a family, social, occupational and psycho-somatic nature which are connected with that sort of work.

. The conclusions of the working group were taken up by the joint working sub-group on shift work and incorporated in draft amendments to the Staff Rules and Regulations. The group was made up of representatives of the users of shift work from all the Divisions concerned and of the Staff Association.

As a result, Article R III 1.25 of the Staff Regulations was drafted : "Shift work confers a right, under conditions specified by the Director-General, to additional periods of membership in the Pension Fund."

We remind you of the definition of shift work under Article R III 1.25 of the Staff Regulations was drafted:

"Shift work shall be any work which, over a period of at least 26 consecutive weeks (including leave and stoppages), is performed regularly for at least 15 hours per day and necessitates at least two persons per work station."

In order to prepare the way for the application of Article R III 1.25, the joint working group drafted a report making a number of proposals.

After studying these proposals and their cost, the Management raised a number of questions, in particular :

- the effects in relation to the Insurance Scheme
- the expenditure involved for the Organization
- how the proposals matched the original aim, which was to facilitate early retirement for those concerned.

The Management finally decided that these questions would have to be reconsidered before it could take a decision.

In conclusion, the Staff Association :

is very surprised that the "fair solution" has not yet emerged from the "detailed examination" that was announced at the Standing Advisory Committee of September 1981 ;

notes that, to our knowledge, the Management is doing nothing to find such a solution and that, contrary to the decision of the Standing Advisory Committee of May 1982, the working group mentioned above has not yet been convened ;

requests that, at the next meeting of the Standing Advisory Committee, a timetable be drawn up under which the Management can speedily reach the "fair solution" and the other items outstanding in particular rehabilitation, can be dealt with .

#### REVEY

The Executive Committee wishes to thank all those who gave a little time to answering the questionnaire which was sent out.

100 replies were received, representing more than half the personnel.

Our cooperation will encourage us to continue our efforts to achieve our aims for the year 1982/1983 (see forthcoming Report for the Executive Committee's aims and the summary of the last General Assembly).

Each member should receive an interim report on the survey in September and the final report will be available in November. Each member of the personnel will receive an individual copy of the survey's findings.

.....HAVE A GOOD HOLIDAY !.....

## INDICE DES PRIX A LA CONSOMMATION

Nous reprenons ici la publication de l'évolution de l'indice des prix à la consommation interrompue à la fin de l'année dernière. Rappelons pour mémoire que l'indice des prix à la consommation à Genève est calculé par l'Office Cantonal de statistiques.

L'Office Fédéral de Statistique publie également mensuellement un indice des prix à la consommation valable sur l'ensemble du territoire de la Confédération.

Ces deux indices sont désignés en abrégé par GE et CH.

GE est déterminant pour fixer :

- l'indice de salaires des services publics genevois ;
- l'un des paramètres de l'indice de salaires CERN.

CH sert à fixer l'indice de salaires des services publics de la Confédération.

La presse internationale s'est fait l'écho d'une distorsion dans le calcul de l'indice CH ayant entraîné la révision des méthodes de calcul à partir de janvier 1983. A GENEVE l'Office Cantonal de Statistique a dès 1978 pris des mesures pour éviter ces distorsions et de ce fait l'indice GE utilisé dans le calcul de l'indice CERN ne peut en aucun cas être considéré comme surévalué. Le graphique montre d'ailleurs que les prix augmentent moins à GENEVE qu'en SUISSE. Cette tendance se développe depuis 4 ans.

Pour le mois de juin 1982, l'indice GE est presque deux fois inférieur à l'indice CH (variation par rapport au mois précédent).

