

Access to preprovisional lists: a challenge for trade union organizations of employees in the agricultural sector

Foreword

France remains one of the most successful agricultural economies in Europe with an estimated production of 71.1 billion euros excluding subsidies.

With the highest production in the continent, it is well represented in a number of major agri-food categories: first European producer of cereals, beef, surimi and sugar, 2nd producer of butter, milk and cheese, 3rd producer of fruits and vegetables. Globally, France remains the world's leading producer of flax fiber and ranks second in the ranking of wine producing countries.

This situation is partly explained by the favorable economic conditions faced by the 850,000 French farmers. For the fourth year in a row, farmers' expenses are thus reduced once again in 2017. Combined with the rise in the value of production, this favorable development contributes to strengthening the value added of the French agricultural sector.

At the level of the branches of agricultural production, there are approximately 320,000 permanent employees on permanent contracts. This number of employees increases with fixed-term contracts and seasonal contracts. Thus 854,000 contracts were signed in 2014, of which 45% in viticulture. A figure slightly down every year despite the recurrent need for labor, on farms, for work of picking, packaging, grubbing, cutting or size. Needs that can also be related to the holiday season. In general, seasonal employment is located in the main arboreal and wine-growing regions, such as Aquitaine, Champagne-Ardenne or Languedoc-Roussillon.

Agriculture remains the responsibility of small, family-dominated businesses. In the majority of French farms, the farm manager works alone with the occasional support of employees or members of his family. On average, French farms use 1.5 work units. Nevertheless, the corporate forms are more and more numerous.

1) Presentation of the SNCEA / CFE-CGC

The National Trade Union of Agricultural Business Executives (SNCEA / CFE-CGC) was created in 1945. It is the only specific union representing technicians, supervisors, managers and responsible employees from agricultural production and its related services.

Our organization wants to be the point of convergence of the needs of the employees.

Our representatives negotiate in institutions and joint bodies of the agricultural world, social protection groups, training, joint committees national, regional and departmental ...

The union is present in all professional elections and also in national elections such as Chambers of Agriculture and MSA.



2) Access to the (pre) provisional voters lists in the Chambers of Agriculture elections: a challenge for the unions

Chamber of Agriculture elections are very important for the SNCEA / CFE-CGC because they make it possible to measure the representativity of the trade unions every 6 years. Work must be organized to present lists on all departments. It is thus necessary to contact the members of the union, the sympathizers and the agricultural employees to mobilize the most people and to present them on our lists.

To carry out this work, the union must have access to the provisional voters lists for this national election to contact agricultural employees and ensure that they meet all the criteria to run.

However access to these provisional lists is framed by very strict regulations.

The deadline for the establishment of the provisional list of electors by the Electoral Registration Commission (CELE) must be before Monday, October 1, 2018 R511-17 of the Rural Code.

To achieve this list, the Permanent Assembly of Chambers of Agriculture (APCA) and the Caisse Centrale de la Mutualité Social Agricole (CCMSA) have signed a framework convention on methods of processing and transmitting data from information from the caisse network of MSA and useful for the establishment of electoral lists. This framework agreement provides for its implementation by a specific agreement concluded at local level between each caisse (CMSA or CGSS) and each Chamber of Agriculture and adhering to the terms of the aforementioned Framework Convention.

Once the provisional list of electors has been established, the president of the CELE sends, no later than 1 October 2018 and by any means: to each mayor of the constituency of the chamber a copy of the provisional list of electors of the municipality, for each of the colleges; upon receipt, the mayor will post them at the usual places, until October 15, 2018 (included); - to the Chamber, a copy of the provisional list of electors (all municipalities combined), **for each of the colleges, who will make it available for consultation. The provisional lists of electors are not communicated under any circumstances** (Technical Instruction DGPE / SDPE / 2018-581 of 27/07/2018).

3) Consequences for trade union organizations of employees

The consequences are numerous for the unions of employees: difficulties to inform the agricultural employees on these elections, shortcomings of lists on many French departments, a decreasing decrease of the participation of the agricultural employees in these elections .

To respond to these problems, Mutualité Sociale Agricole has anticipated by setting up a system that favors the transmission of information.

4) Access to (pre) provisional electoral lists at MSA elections : a response adapted to the regulations

The quality of elector is appreciated on April 1, 2019 with 5 conditions to be filled to be registered on the electoral lists:



- Belong to one of the 3 electoral colleges (1st college: farmers and retired farmers, 2nd college: agricultural employees, 3rd college: employers of labor)
- Be at least 16 years old,
- not to have been sentenced to one of the punishing sentences or to result in the deprivation of civil rights,
- To have paid all the contributions personally due and claimed for at least 6 months,
- Have your residence on the metropolitan territory.

With regard to electoral rolls, once the quality of elector has been assessed, the Board of Directors of each MSA caisse draws up the provisional lists of electors, which are published no later than Thursday, August 29, 2019 at the seat of the MSA caisse.

The participation rate is the success criterion for the next MSA election. One of the conditions for mobilizing voters is the presence of candidates in all constituencies. For the unions of employees in particular, the knowledge of the members registered on the electoral lists and their canton of membership facilitates the search for candidates and the constitution of the lists. The trade union organizations of employees have expressed the wish to be able to have pre-provisional voters lists well before the deadline for publication of the provisional voters lists of 29 August 2019 set by the electoral calendar. The MSA is committed to their central authorities to implement the necessary means to achieve this.

The MSA caisses have communicated these lists as soon as possible to the trade union organizations of employees, on USB sticks, CD-ROMs and free of charge (no file is sent by courier).

In this context, the central bodies of the trade union organizations of employees have accepted the principle of a charter of good use of these lists, restricted to the sole preparation of the MSA 2020 elections to the exclusion of any other purpose (see Appendix 1 "Charter use of pre-provisional lists").

It should be specified, in accordance with the LTC 2019-288 "CNIL - Pre-provisional Lists for Cantonal Delegate Elections 2020", that the CNIL formalities for the implementation of these treatments were carried out by Caisse Centrale. Decision No. 19-02 on the constitution of pre-provisional lists for the elections of the cantonal delegates must be signed and then published by posting and on the website of each caisse concerned for the duration of the treatment.

Applications must be submitted by Tuesday 19 November 2019 at the latest. Nominations are based on a CERFA template for an individual declaration of candidacy. These declarations are accepted in a dematerialized way and must be accompanied by an identity document. However, it is necessary to keep the original of the individual declaration in order to provide it in case of request.

The results of the MSA elections will be scrutinized by all the public authorities. An increase in participation would strengthen the MSA network, conversely a decline could lead to a deeper restructuring of its network to further reduce operating costs.



ANNEX 1



MSA 2020 elections

Charter for the use of pre-provisional lists

Commitment on the honor to the good use of the electoral lists

I the undersigned, the representative's name as status and organization and address

I undertake on my honor that neither me nor my trade union organization shall make use of the information on the electoral lists established pursuant to Articles L. 723-15 et seq. of the Rural Code and Sea Fisheries in a goal that is not strictly related to finding candidates for the election.

I am informed that, in accordance with Article R. 723-41 of the Rural Code and Sea Fisheries, the publication or publication of particulars relating to persons on the occasion of the consultation of the electoral lists as well as that their use for purposes other than electoral, is punishable by the fine provided for the contraventions of the fourth class. The fine is applied as many times as this offense is characterized.

I also undertake to proceed, or cause to be done, the destruction of the electoral rolls, as well as their total or partial copies, once the deadline for submitting applications has passed.

Done in duplicate at Town, The (date)

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CASE STUDY IN FRANCE

Information and consultation of the CSE in the framework of a Plan for Safeguarding Employment (PSE)

In a context of economic restructuring for several years, this company in the agri-food processing sector has decided to implement a large-scale Employment Protection Plan (PSE). Among the various objectives, there was the consolidation of central services, 500 employees, in the Paris region.

In this agribusiness transformation company, our CFE-CGC Food and Beverage Federation was very well represented through its company union: 5 staff representatives for the last ten years. Relations with management and human resources were fairly good despite a risk of deterioration following the announcement of the ESP with pressure from employees on the delegation of staff and negotiators. This historical presence was reinforced by a peculiarity peculiar to the company: two CFE-CGC federations were represented due to the related activities of the company, namely, the Agrifood Federation and the Chemical Federation.

In France, the consultation of the Social and Economic Committee (SSC) is a decisive and obligatory step in the development of a PES. The consultation begins with the convening of the CSE at a first meeting to present the restructuring project, economic reasons, etc ... That is to say, all measures contributing to the internal and external reclassification of employees. All these elements must at the same time be communicated to Direccte (Regional Directorate for Enterprise, Competition, Consumer Affairs, Labor and Employment).

The CSE must be informed and consulted on two topics :

- The measures that management intends to implement to prevent or limit the number of redundancies and to facilitate the reclassification of affected employees, called "Book I".
- The proposed transaction and its terms of application ie the restructuring or reorganization project, called "Book II".

The setting up of a PES is a real challenge for the unions, federations and staff delegation since the socio-economic stakes are high (geographical mobility, job cuts, etc.). Moreover, the investment of the members of the CSE is strong since they will have to deal in a short time, many topics such as the economic argumentation of the project, the reorganization project and its social consequences, the relevance and the quality of the PES measures, the scope of professional categories or the order of dismissals ...



Given the good relations with the management, the latter fully negotiated the project with the negotiators of the representative trade unions in the company. In total, about fifteen meetings took place in order to specify the modalities of the project.

In order to better shape their proposals, the negotiators used the legal service of the CFE-CGC Food Industry Federation: 4 lawyers then took turns to advise the CFE-CGC negotiators of the company. In addition, the negotiators notified their union president and the Agri-Food Federation of the progress of negotiations after each meeting. It was essential for them to communicate with their union president and the political body of the Federation to establish the best strategy for getting their proposals approved.

In order to avoid any confidentiality problem, the CFE-CGC negotiators decided to communicate on their proposals as part of the preparation of the ESP (see Annex 1).

Thanks to the consultation of the CSE, the PES could be written in a serene way. The employer and the Human Resources Directorate believe that the CSE consultation was a real added value in the development of the ESP. CFE-CGC negotiators have successfully integrated many measures for their colleagues, including :

- Negotiating a teleworking agreement for all entities;
- In case of renting a house to get closer to his new place of work, payment, for 12 months, of an allowance of 1,200 € per month for all families up to 3 people (14 400 € out of 12 months) and 1500 € for families over 3 people (18000 € over 12 months);
- In the event that mobility imposes the purchase of a vehicle, the Company will grant the employee, upon his written request accompanied by the appropriate supporting documents certifying this purchase, an interest-free loan of a maximum amount of 10,000 euros, to be repaid over a period of 3 years maximum. It would also pay compensation in the amount of 10,000 euros.
- In addition to job-search assistance, spousal support is paid up to a gross salary differential of up to € 2,000 per month for 12 months, or € 24,000 gross.



Key points :

- The announcement of a job protection plan (PSE) in a company is synonymous with a very important social and economic crisis.
- A PSE is always a heavy weight on the shoulders of the negotiators.
- The information and consultation of the CSE are mandatory in the framework of a PSE.

Recommendations :

- As part of a mandatory consultation, the employer could have been closed to any negotiation, so the negotiators must be open-minded and open to consensus.
- The active and historic presence in the company allowed the negotiators to participate fully in the development of the PSE, particularly on factors impacting the lives of employees (mobility, family, guarantees).
- The information of other employees on the part of the CSE allows everyone to better consider the future and to be constructive.
- The CFE-CGC AGRO played a decisive role in the development of the PSE in order to sustain the dialogue and advise the negotiators.

MESURES PROPOSÉES PAR LA CFE-CGC DANS LE CADRE DES NÉGOCIATIONS DU 18 JANVIER

La CFE-CGC consciente de l'enjeu que constitue la réorganisation de la société propose des mesures concrètes au profit des salariés que nous défendons.



PRISE EN COMPTE DE LA VIE FAMILIALE

- Création d'une crèche
- Augmentation de la durée d'accompagnement du conjoint
- Augmentation du montant et de la durée de l'indemnité différentielle de salaire du conjoint du salarié
- Indemnité pour surcoût de garde d'enfants



UNE AUGMENTATION DES GARANTIES

- Augmentation du montant de l'indemnité dite de « double résidence »
- Prise en charge des dépenses liées au déplacement domicile/lieu de travail
- Augmentation de l'indemnité en cas de location
- Prise en charge des frais de notaires en cas d'achat
- Suivi renforcé du salarié dans le cadre de la prise de son nouveau poste
- Prise en charge des frais de déplacements



LA CFE-CGC NÉGOCIE AUSSI

- Prise en charge financière des stages de remise à niveau du permis de conduire et des leçons de conduite
- Augmentation du montant de l'indemnité géographique
- Diverses indemnités pour les salariés ne souhaitant pas déménager
- Maintien de la rémunération variable du salarié
- Augmentation de la durée du congé de reclassement et de l'allocation perçue pendant ce congé
- Augmentation de la durée et du montant de l'indemnité temporaire dégressive
- Aides pour la création ou la reprise d'entreprise
- Augmentation du montant des aides à la formation

La CFE-CGC sollicite enfin une information constante des institutions représentatives du personnel tout au long du processus afin de pouvoir s'assurer que les droits et intérêts des salariés seront respectés.

Vos représentants CFE-CGC

Case study in France:

«The information-consultation of the CSE and the challenge of professional equality»

The reform of the Labor Code and the law "freedom to choose one's professional future" have created new challenges for unions and members of the Social and Economic Committee (SEC). Among these, the issue of professional equality between women and men has become an essential theme with the transition from a means obligation to a performance obligation in terms of equal pay.

Today, the CSE elected representatives benefit from means dedicated to professional equality between women and men: setting up commissions, information-consultation or the use of an authorized expert.

The commission dedicated to professional equality : an issue in large companies

Thus, in the absence of a company agreement, companies with at least 300 employees have the obligation to set up a commission dedicated to professional equality. This commission dedicated to professional equality has for mission to prepare the deliberations of the SEC on the social policy of the company, the conditions of work and the employment, in the fields which fall within its competence.

The CSE is obligatorily consulted on three blocks :

- The strategic orientations of the company ;
- The economic and financial situation of the company ;
- **The social policy of the company, working conditions and employment** : it is in this block that we find the theme of professional equality between women and men.

In view of this consultation, and concerning in particular the theme of professional equality between women and men, the members of the SEC must be able to have :

- Quantitative information and indicators on the comparative situation of women and men in the company ;
- The agreement on professional equality between women and men resulting from the negotiation or, in the absence of agreement, the action plan.

All of this information must be integrated into the company's Economic and Social Data Base (ESDB). It brings together all the information needed for recurrent consultations and

information that the employer makes available to the CSE. This information includes, in particular, indicators relating to professional equality between women and men, in particular on pay gaps.



In companies with more than 300 employees, the BDSE must be regularly supplied by the employer so that, in particular, the members of the CSE can consult all the necessary information during the annual negotiations on professional equality. It must therefore contain :

- Indicators on the comparative situation of women and men in the enterprise: general conditions of employment, remuneration and career development, training, working conditions, health and safety at work, etc. ;
- Indicators relating to the link between the professional activity and the exercise of family responsibility: holidays, organization of working time in the company etc. ;
- The action strategy : measures taken, stocktaking of actions, progress objectives, qualitative and quantitative definition of measures, etc.

Finally, the members of the CSE may request the use of an authorized expert to prepare the negotiation on professional equality in companies with at least 300 employees.

Collective bargaining on professional equality

Be it collective or branch collective bargaining, the social partners must meet, at least every four years, and agree on measures to ensure professional equality between women and men and catch-up measures to remedy the inequalities observed. These negotiations must include the conditions of access to employment, training or effective remuneration and the link between work and personal life.

Zoom on: the index of equal pay for women and men

In accordance with the law "For the freedom to choose your professional future" promulgated in September 2018, the index of equality between women and men entered into force on January 1st. The result of a consultation with the social partners, this tool aims to reduce the professional inequalities in the workplace, particularly in the area of equal pay, knowing that, at the same level, women's salaries today remain on average 9% lower than those of men.

Since 1 March, large companies (more than 1,000 employees) have started publishing their index of gender equality. This publication requirement also applies to companies with at least 250 employees since 1 September 2019 and will apply to those with at least 50 employees from 1 March 2020.

For example, a company with a score of less than 75 points will need to implement appropriate and relevant corrective measures to achieve at least 75 points after three years. After this period, a financial penalty could be applied.

Companies must publish their overall level of results each year, and have the obligation to



make available to CSE all the information needed to understand the indicators and the level of results. They must also transmit the same information to the services of the Minister of Labor. The elected officials of the CSE are therefore fully concerned by these new measures : they are consulted every year on the subject.

The consultation periods of the CSE provided for in Articles L. 2312-16 and R. 2312-6 of the Labor Code are as follows :

- 1 month from the provision of information ;
- 2 months if an expert intervenes ;
- 3 months in case of intervention of one or more expertises within the framework of consultation taking place at the level of the central CSE and one or more establishment CSE.

However, it is possible to reach an agreement to reduce this period, but it must nevertheless allow the CSE or, as the case may be, the central CSE, to use its competence effectively, depending on the nature and importance of the questions. which are submitted to him.

Trade unions and CSE members have a role to play in these new provisions concerning professional equality between women and men. This is a real challenge for the French trade union organizations that must seize this objective. The CFE-CGC has invested heavily in the consultation that has led to this new index and relies on the involvement of its members and activists in the field, in companies to advance gender equality.

