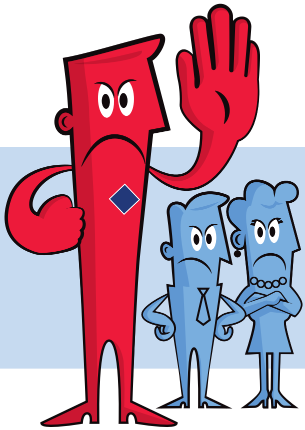
OGB·L Finance & Services

List n°1

News 9

FEBRUARY 2019



No to unfair dismissals!

"Why me? And why now? We have worked so hard over the last couple of years to deal with the enormous workload handed down by management. Getting the job done on time was our priority. So why are we being fired?"

Economic layoffs are an easy way out for companies

Over the last decade, the use of economic layoffs has become the go-to solution of employers in the financial sector to get rid of one or more employees.

Vote for OGBL, list n°1

Together, strong for our future!

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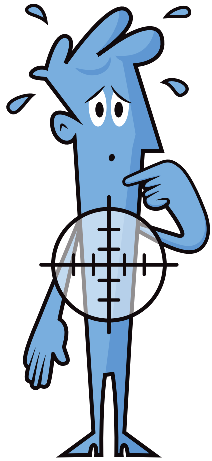


Motivated by improving the group's margins and profits and driven by the greed of the shareholders, restructuration is slyly hidden away behind anglicisms such ass offshoring, nearshoring, ramp-down, tome or roadmap. As for company staff and their staff representatives, they are often fooled with promises of a prosperous future. In reality, these measures are nothing more than active workforce reduction, with significant consequences for workers.

In the coming years, the sector will not only undergo structural and strategic reorganization dictated by parent companies of global corporations, but workers will also come face to face with the rapid development of technologies and artificial intelligence. The past successive financial and economic crises, digitalisation and robotisation are being used as a pretext in order to justify economic layoffs.

Our experiences in the field have shown us that we are dealing with quite a large number of unfair economic dismissals. The justification for the dismissal is questionable in these cases from an economic point of view as there is no direct causal link between the planned restructuration and the eliminated job or jobs.

To prevent unfair dismissals, a change of course is needed! Employers in the sector need to fulfil their responsibilities!

In order to be able to resort to economic layoffs, evidence must be provided to justify this action.

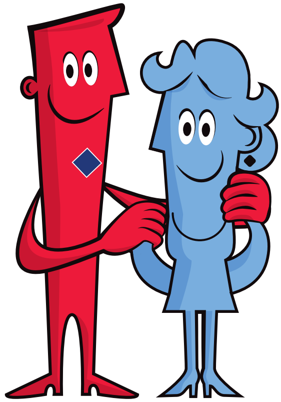
However, before even getting to this stage, all measures and efforts to maintain jobs need to be undertaken well beforehand. Making use of economic redundancies can only ever be a last resort – the protection of employment and the employees must be the priority.

So, as to better anticipate economic layoffs at company level, we need a new approach: a compulsory job retention plan, which must be a perquisite for the social plan.

Therefore, the OGBL Finance Sector calls for an in-depth review of the legislation on economic and collective redundancies and the implementation of a genuine "right to employment". These are our concrete demands:

- the generalisation of **job securitisation** on national, sectoral and company level via collective agreements;
- **an obligation to negotiate a job retention plan ahead of any social plan on all appropriate levels**;
- the introduction of **mandatory annual social** reports in companies;
- **vocational training**, allowing employees who are covered by a job retention plan to **acquire new and certified skills**;
- **the implementation of real internal mobility procedures**;
- a relaunch of the debate on **the certification of skills** in companies.

The job retention plan needs to become a tool which allows for a sustainable company and personnel policy to be put in place. A policy which favours job security, protection against unemployment and which gives employees a positive professional and social outlook for the future.



In case all provisions and measures to maintain jobs fail and (collective) redundancies for economic reasons become necessary, the OGBL Finance Sector demands with regards to the negotiation of the social plans:

- a complete and in-depth review **of the procedures** to negotiate **a social plan**;
- in no case whatsoever, can agreements at company level replace a company's obligation to negotiate a social plan with trade unions;
- employee representatives must be able to call upon experts with regards to legal, tax, social and economic related questions and matters, with the costs being covered by the employer;
- the process which triggers the negotiation of a social plan needs to be clarified;
- **the number of redundancies** projected over the **30 or 90-day** period must be reviewed;
- the **procedure** for determining the list of employees who are to be made redundant by the social plan needs to be discussed and clarified;
- the selection of the social criteria of the employees who are to be made redundant must be clarified;
- the fifteen-day **period** to negotiate a social plan must be extended;
- the period of validity of a social plan may not exceed 18 months;
- in the event of a disagreement at the National Conciliation Office, the right to strike must be guaranteed.

YES, to the generalisation of job retention provisions and YES to an obligation to negotiate a job retention plan before proceeding to layoffs for economic reasons.

Faced with the challenges of digitalisation in the world of work and in the economy in general, the OGBL Finance Sector and its staff delegates are committed to defending your interests in order for you to safely take on the future ahead.

Support the OGBL, the No. 1 trade union in Luxembourg.

For better work, a better life, become a member and vote for OGBL Finance and Services on March 12th, 2019 social elections.

Vote for OGBL, Luxembourg's Number 1 trade union.

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