

stol-info

ArcelorMittal: CovidCheck at the workplace from 15 January 2022

Update on the situation and feedback on the meeting with the company's management

CovidCheck communications from ArcelorMittal

Following the requests of the OGBL Steel, the staff delegates were able to meet on the 5th January 2022 with the general management of ArcelorMittal Luxembourg to discuss the application of the new CovidCheck law. It should be remembered that this law is a decision of the Parliament based on a proposal of the government. The implementation as such has not been the subject of negotiations between social partners.

In this context, the OGBL strongly criticised the communications made by ArcelorMittal (AM) before the holidays, **published without prior information or consultation of the staff representatives**, who discovered them at the same time as the employees. This is all the more serious as it includes organisation rules and company wishes!

Implementation of the law on the 15th of January 2022

The company has indicated that it intends to apply the rules passed by the legislator to the letter on the 15th of January 2022. From then on, employees who do not comply will be denied access to their workplace. All the details are not yet known and will be detailed and discussed at local level with staff representatives in the next few days. What is important for the OGBL, whatever the arrangements made by AM may be, is that they ensure the smooth flow of entry/exit traffic **without endangering our staff** (management of entry, parking, controls, flows, etc.). However, we deplore the fact that the proposed systems will increase constraints on the work of employees who are not on the lists.

Management of lists of reinstated or vaccinated employees

According to the law, the employer may keep a list of his vaccinated or recovered employees to facilitate checks, but inclusion in the list remains voluntary. Failure to be on the list has no impact on the employment relationship. Moreover, an employee who is on the list can request to be removed from it at any time, without any justification being required.

According to the information obtained, the occupational health service will manage the processing of data (vaccination certificates and certificates of recovery) and **will communicate only the name and the period of validity for the activation of the badges, and nothing else**, to the persons in charge of managing access to the sites and buildings.

stol-info

No other person will have access to this information, nor to the details of the employees. For the OGBL it is obvious and we will ensure that the data is processed in compliance with the rules on data protection and medical confidentiality. The OGBL has already intervened to stop certain abuses regarding the dissemination of personal data.

It should be noted that management does not currently intend to control outsiders, subcontractors or customers who have access to ArcelorMittal Luxembourg sites and buildings. This responsibility is left to their employers. The OGBL is concerned about this decision and deplores the differentiated treatment of people who come into contact with our work colleagues, using our sanitary facilities, our social premises, our offices, whereas our company regularly advocates equal treatment between internal and external personnel.

Consequences of refusing access to the workplace

As required by the law, an employee who refuses or is unable to present one of the certificates (QR code format) is not entitled to access the workplace.

In this context, the employee may ask to take statutory days off or even rest days. If the employer does not agree, or if the employee does not wish to use statutory leave or rest days, he/she automatically loses the part of his/her remuneration corresponding to the working hours not taken (usually called "unpaid leave").

Moreover, management has assured the OGBL that non-compliant employees will not suffer any sanctions or reprisals from the employer. The law does not provide for this anyway.

Leave-taking for all employees

The OGBL would like to point out that the taking of leave is still governed by the Labour Code and therefore leave is in principle fixed according to the employee's wishes. The employer may not accept leave for the desired period if the needs of the service and the justified wishes of other employees in the company justify it.

Leave not yet taken at the end of the previous year may, in exceptional circumstances, be carried over until 31 March of the following year. In principle, employees with "historical" leave should be able to use it before the end of the period and the employer can hardly justify his refusal in this case. This applies to all employees regardless of their CovidCheck status.

In this context, the OGBL strongly advises you to formalise your requests for leave in writing and to keep a record of your approach.

Sanitary rules

ArcelorMittal has confirmed that it will maintain the sanitary measures in force alongside the CovidCheck in order to ensure the health and safety of its employees. Everyone will be reminded of the rules and the information will circulate in the coming days. For the OGBL, whatever measures are applied, it is important to prevent the spread of the virus within the company and to ensure a healthy and safe environment for all employees.

stol-info

Use of telework

Despite the OGBL's request, which goes back to December and has been repeated again, to strengthen the use of telework, as recommended by the various governments, ArcelorMittal persists in limiting telework, with a case-by-case adaptation, to a few departments with the internal rules already in force. The OGBL does not understand this attitude in view of the current health situation and the proven feasibility in the past. Nor do the social security and tax rules justify it as countries have agreed to extend special agreements allowing telework for all to combat the spread of the virus.

Antigenic tests

The OGBL Steel has asked ArcelorMittal for the possibility of carrying out tests internally or even externally at the company's expense, **for all employees**. Both the occupational health service and the company's management have indicated that they want to side with the government and **refuse this approach to encourage employees to get the vaccine**. Without opening the debate, the OGBL deplors this decision, which penalises even those who are vaccinated with only one dose, whereas our company could facilitate the daily life of our employees who wish to come to work.

For more information, please contact your OGBL delegate