

AFP Rapped for Labour Discrimination

On December 2, 2009, the Paris Labour Tribunal (*Conseil de Prud'hommes*) ruled that Agence France-Presse had been guilty of "anti-trade union discrimination". The company has decided to appeal the ruling, which means that it is not final. But the court also ruled that its decision, which has a strong basis in law, should be implemented with immediate effect.

Claus Tulatz, a journalist, has been employed by AFP since October 1977. He brought a case before the court on the grounds that his career had been paralysed since the 1980s, when he played an active part in staff movements against the **Pigeat Plan**, which notably involved delocalising the German-language desk from Paris to Bonn. More recently he has been prominent in agitating for the **SUD** trade union, which he has represented at AFP since 2003.

The fifth chamber of the Paris labour court, which deals with journalists and other white-collar staff (*cadres*), found against AFP under articles L1132-1 and L2141-5 of French labour law, which ban "**anti-trade union discrimination**" and also under article L1132-2, which stipulates that "*no wage-earner may be disciplined, fired or subjected to **discriminatory measures**... for having **normally exercised the right to strike**.*" The tribunal ordered that Claus Tulatz be reclassified as category RED-6 as of October 1, 2004 (with no retroactive effect on his salary), and as RED-7 from the date of the ruling. It also ruled that AFP pay damages of 30,000 euros "*for the discrimination undergone*", plus 1,500 euros towards legal costs. Lastly, the court ordered that the ruling be carried out immediately, without waiting for the results of a possible appeal.

Fight for our rights? Yes we can!

The decision is the **second court ruling against AFP for anti-trade union discrimination**, following that in favour of Patrick Brosselin in January 2000². At the time he was a member of the SNJ union; he went on to be one of the founders of SUD-AFP in 2003. AFP did not appeal the Brosselin ruling in 2000, but its decision to contest the latest one occurs in an industrial relations landscape that has fundamentally changed, both within AFP and in France as a whole.

In many companies the most combative employees are currently being subjected to anti-trade union discrimination; recent examples have emerged at the Continental tyre plant in Clairoix, Normandy and at the EDF and GDF utilities, among others.³ The aim being to **scapegoat activists, isolate them from their colleagues and to scare other employees**. The same logic is behind AFP management's decision to appeal the latest labour court ruling: they want to **dissuade** other AFP employees from bringing their cases before the court when they suffer injustice and even illegal measures.

SUD says: when collective and trade union action does not achieve the required results against an unresponsive and rigid management, **employees should not hesitate to make use of their rights as citizens**. In the recent past, our union has successfully applied to the official French citizens' rights body **HALDE** on measures which discriminated against non-European employees⁴, and also to the data privacy watchdog **CNIL** on the failure to respect its guidelines as regards biometric data⁵. And even more recently, SUD handed over to the **labour inspector** a file on non-permanent and insecure work arrangements at AFP⁶. We stand ready to accompany employees who want to defend their rights, be it in the context of internal industrial relations, collective struggles or legal action.

The latest labour court ruling against AFP shows that there are ways to fight injustice, and that we are not obliged to either give in to resignation or suffer in silence. This decision is an encouragement to everyone who wants to fight arbitrary measures and ensure effective rights for all.

Join SUD in 2010 to ensure Solidarity, Unity and Democracy in the trade union movement!

Paris, January 18, 2010



¹ To read the full court ruling (in French), go to: <http://tinyurl.com/ydsb4gd>

² Ruling of Jan. 18, 2000, reference RG N° F99/01731

³ Cf this recent statement from the SUD unions: <http://www.solidaires.org/IMG/pdf/view-18.pdf>

⁴ <http://sudafp.zeblog.com/c-halde>

⁵ <http://sudafp.zeblog.com/c-cnil>

⁶ http://www.fichier-pdf.fr/2009/12/21/Obhfy6n/091221_Louette_preca%20new.pdf