

Language teachers: are they vacataires?

While we were giving out leaflets outside Expolangues, we met Sophie Pietrucci, officer at TESOL (Teaching of English to Speakers of Other Languages), who invited us to attend a debate taking place on 16 February 2008 entitled, *Is it worth being a "vacataire"?*

During the debate we were able to clarify the word "vacataire" and give some information on legal points for some apparently irregular situations. We handed out about forty copies of our Expolangues leaflet, which is in French and English, to the participants. Nearly all the people who took part were teaching in the "grandes écoles". It's to these teachers that this article is addressed.

Several different national agreements govern their work conditions.

1) **La Convention Collective de l'Enseignement Privé Hors Contrat**

This agreement is being extended by the legal department of the Ministère du Travail to cover all institutions in this sector and the extension should be in place by September 2008. So from September, the new national agreement will be in force in all establishments which are "hors contrat" (that is to say those which are not subject to an agreement with the state ["sous contrat d'association"] and which are financed by their own private funds), even if they do receive some funding from the government, notably in Higher Education.

However, for this sector there are already 3 agreed texts which have been extended and so, because of this, must be applied: they concern work time, obligatory complementary insurance and vocational training. They are available on the union web site www.snpefp-cgt.org. These three texts form part of the Convention Collective Nationale, which is going to be extended and which regulates working conditions in the 'grandes écoles' and private universities.

2) **La Convention Collective de la FESIC** hasn't been extended. It only applies to schools which belong to FESIC and those which will join FESIC before the extension of the Convention Collective de l'Enseignement Privé Hors Contrat comes into force.

3) **La Convention Collective des Universités Catholiques, otherwise known as UDESCA**

This national agreement has not been extended either and only applies to staff of Catholic universities and 'Instituts'.

4) **Convention Collective N° 3249** applies to **Organismes privés de Formation Continue des Adultes**: it has been extended so all the provisions it contains are compulsory for the employers.

What is a "vacataire"?

In France, a "vacataire" is a qualified person who isn't a teacher and who is paid by the hour in public institutions: secondary schools, universities, town councils, "Chambres consulaires" (Chambers of Commerce and industry, Chambers of Agriculture) to give specialised courses in their subject. These members of staff have no rights other than to be paid for the hours worked, as they have another profession.

The term "vacataire" is used abusively in the **private sector**. This word is not mentioned at all in the labour laws (Code du Travail) which govern workers' rights in the private sector. Those concerned should consult the Code du Travail and the national agreements (Conventions Collectives).

Language teachers in Higher Education are systematically discriminated against in comparison with their colleagues teaching other subjects: salary, work conditions, recognition of qualifications, etc. Language teachers are teachers in all respects: they are therefore salaried workers just like everybody else.

And, like everybody else, in order to know their rights they should look carefully at their payslips. On their payslip, the Convention Collective in force in the establishment should be mentioned. (If there isn't one yet, only the Code de Travail is mentioned.).

Like other salaried workers, their work contract cannot depart from the provisions of 1) the Code du Travail 2) the Convention Collective, which cannot be less advantageous than the Code du Travail and 3) a company agreement (accord d'entreprise) if there is one, which cannot be less advantageous than the Convention Collective. If you have signed a work contract which contains illegal clauses, these clauses are considered null and void.

In conclusion, you are a "vacataire" when you work in state-run institutions. If you work in a private company (an association or a commercial company) you have a CDD (fixed-term contract), a CDI (unlimited term contract or a CDII (intermittent unlimited term contract). You should find out which texts govern the contract you've signed.

What can you do to get your rights respected?

- 1) **Know what your rights are** by consulting a trade union, by reading the Convention Collective that applies to you, and by having it explained to you. (These texts aren't very clear because they're the result of very complex negotiation where both sides know exactly what they want but have to compromise to produce a single text.)
- 2) **Get organised in the workplace:** labour law provides for the election of representative bodies within the workplace that have the right to:
 - access certain information
 - insist that the provisions of legal texts be applied
 - present demands for improvements
 - negotiate

All salaried workers can be mandated by their work colleagues; the employer must organise elections to elect staff representatives (Délégués du Personnel), the works committee (le Comité d'Entreprise) and a health and safety committee (CHSCT); a trade union (the CGT for example) can designate a union representative (Délégué Syndical) under certain circumstances; each institution has its own rules. Together with a good trade union branch, all these institutions, as long as they truly represent the wishes of the staff, can act as an essential counterbalance.

- 3) All Conventions Collectives have a Commission Paritaire (a committee where salaried workers and employers have equal representation) which advises on how the agreed texts should be interpreted. If there is a dispute between employee and employer, this committee can be asked to give its view.
- 4) The role of the **Inspection du Travail (Works Inspectorate)**, when consulted by employees, is to ensure that the texts which govern working conditions in their workplace are respected. But be aware that the Inspection du Travail will act more readily if the employees are organised and are accompanied by their representatives.

Contacting a trade union can be a first step...

You can come to our weekly surgery every Wednesday from 5.30 pm to 7.30 pm at:
La Bourse du Travail, 3 rue Château d'Eau, 75010 Paris; Métro: République
5th floor, room 526, Téléphone 01 44 84 51 27.

Or send us an email at snpefp@ferc.cgt.fr.

Hors Contrat: Pascal REGNIER Pascal.regnier@snpefp-cgt.org

Formation: Annick GUILLOCHON www.snpefp-cgt.org Mobile 06 81 93 25 24