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Platform Workers: EU Ministers agree position on proposed Directive



The EU Council of Ministers has agreed a common position on the proposed Employment Status of Platform Workers Directive. It would seem that those Member States wanting a “light” presumption of employment provision for platform workers – making it easier for platforms to maintain that they are self-employed – have prevailed over those who wanted to make employment the default position unless platforms could conclusively prove otherwise: [HERE](#). The European Trade Union Confederation (ETUC) is less than happy with the Council’s position [HERE](#).

The agreement in the Council opens the door to negotiations with the Parliament and the Commission to see if they can find agreement on a common text. Given the position of the Parliament, that all gig economy workers should be classified as employees with the burden of proof falling on platforms to prove otherwise, these negotiations will be difficult.

EUObserver quotes Leïla Chaïbi (The Left), one of the MEPs leading the parliament's report, [as saying](#):

"The latest leaks of the council's compromises are a disaster for workers. I am especially outraged to know that it was France, my member state, that pushed them to be so bad... They want a lot of exceptions and exemptions to protect the French model, which is based on a on a bogus collective bargaining model. All that French government is doing is to defend platforms like Uber and Deliveroo".

For an immediate take on the Council’s decision from a “pro worker” perspective, see [HERE](#).

Meanwhile, the Court of Justice of the European Union (CJEU) has rejected the ride-hailing restrictions imposed by the city of Barcelona, which aimed to reduce the number of private cars transporting passengers through mobile platforms such as Uber. The court said that the restrictions were contrary to EU law and could only be imposed to benefit general interests such as the protection of the environment and avoidance of excessive traffic, and not discriminate against specific providers. The ruling could set a precedent for other areas where similar restrictions have been applied.

France: No more street protests?



Last week saw the 14th day of street protests against the decision of President Macron's government to raise the pension age from 62 to 64, still leaving it as one of the lowest in Europe. Despite these 14 days of protest, the government did not back down and the decrees implementing the change are now being issued.

To the best of my knowledge, this is the first instance, in a very long time, where union-led street protests did not result in the government compromising, or abandoning altogether, a major piece of social legislation. Street protests only work if the government takes fright and ends up "negotiating with itself". Macron refused to take fright and held fast. Once the legislation was enacted, what could the unions do? It was challenged in the courts, but the challenges were thrown out.

Is this the end of the road for "trade unionism through the street"? Maybe it is... maybe it is not. Macron was in a strong position to resist. He cannot stand for president again so there was no electoral stick with which to beat him. Also, he does not have a political party to defend as his legislative grouping in a loose coalition of various centrist parties. When he goes, it will dissolve.

Nonetheless, what has happened sends a message to both the government and the unions. Street protests may create noise, a lot of noise, but they will not move a government determined to hold its course.

Part of the problem is that in France the labour market is more regulated by law than in most other European countries because the unions are, in general, very weak at enterprise level so "political negotiations" are more important than "collective bargaining". I include "intersectoral negotiations" under the heading of "political bargaining" as these agreements are dependent on the government making them legal binding for them to have any effect.

There is a new leader of the CGT Sophie Binet. In a few weeks' time there will be a new leader of the biggest union, the CFDT, Marylise Léon. A first in France, the two big confederations being led by women.

Maybe a moment for reflection? To continue with the old ways, or to leave 20th century trade unionism behind and seek to build a model for the 21st century instead?

Unions: Women taking control



The French newspaper, [Le Figaro reports](#) that the German union, IG Metall, is about to appoint Christiane Benner (photo) as its first woman general secretary, to succeed Jörg Hofmann who will step down at the end of October after two terms. Benner, who started her working life as a bilingual secretary, will be the first woman to lead the 2.1-million-member union, 80% of whose membership are men. She has been deputy general secretary for the past eight years.

As we noted in the previous story, France's two biggest confederations are set to be led by women, Sophie Binet at the CGT and Marylise Léon at the CFDT.

In the UK, the Unite union is headed by Sharon Graham, while Unison is led by Christina McAnea. The Irish trade unionist, Esther Lynch, was elected general secretary of the European Trade Union Confederation (ETUC). Christy Hoffman heads UNI Global, while Sue Longley is the general secretary of the IUF. Not to mention Liz Shuler, President of the AFL-CIO in the US.

This is some turnaround from only twenty years ago, when it would have been difficult to find any woman in any trade union leadership position. The question for them is whether they will be able to revive the fortunes on the European and US trade union movements which continue to decline.

Future Work: Back to the office?

An [interesting report from the Washington Post](#) on the different approaches now being adopted to work from home/work from the office by different multinationals:



For over a year, Google has asked workers to come in three days a week, luring them with free food and other perks. But now, the company is getting serious. On Wednesday, the company told workers that they must comply with the three-day requirement or their non-attendance could show up on their performance reviews, according to a memo sent to employees by Google Chief People Officer Fiona Cicconi obtained by The Washington Post.

At Farmers Insurance, many workers are being asked to return to offices three days a week starting in September, even after they were told last year that remote work was here to stay. In contrast, tech giant Salesforce said it will donate to local charities for each day workers come into the office later this month, an attempt to appeal to workers' altruistic impulses.

As we reported last week, major multinationals plan to cut office space by between 10% and 20% over the next three years. Hybrid work is here to stay.

[Meanwhile, Bloomberg reports](#) that Deutsche Bank's asset manager, DWS Group, is offering its staff the opportunity to work outside of Germany for up to four weeks a year. The move is part of the company's efforts to retain staff who have become accustomed to pandemic-era work flexibility. "This is nice for people who want to stay a little longer in a place where they've spent their vacation," said DWS workers' council head Erwin Stengele, who added "The policy is well received by employees, especially younger ones."

[The BBC reports](#) that expert data and anecdotes alike show the number of digital nomads has been growing throughout the past several years, with a huge increase following the pandemic, but some people who have tried combining working with travel have found the lifestyle isn't quite what they thought, reports *BBC Worklife*. Many say that working on the move took a toll on their mental and physical health, and even made them poorer at their jobs.

Beverly Thompson, a sociologist from Sienna College in the U.S. who researches digital nomadism, says many people who chose the digital nomad lifestyle weren't prepared for the downsides, partly because its community often presents an idealised image through social media, and nomadism doesn't work for everyone who tries it.

"You're totally bound by what passport you have. You have to have a strong passport," observes Thompson, who notes that weaker passports restrict the number of countries a person can travel to without a tourist visa. She says:

"Younger people will perhaps spend a few years trying to be a digital nomad. But overall, more and more people are seeing the reality of this lifestyle. Meanwhile, employers want employees back in the office. So, the trend will continue to grow, but it might slow down,"

Pay Transparency: New OECD report

Yesterday, June 13th, the OECD published a new survey on *Reporting Gender Pay Gaps in OECD Countries*. It says that pay transparency policies are gaining momentum throughout the OECD, with over half of its member countries requiring private sector firms to report their gender pay gap statistics regularly to stakeholders like employees, employee representatives, the government, and/or the public. The OECD says the new report (see [HERE](#)):



“...presents the most thorough stocktaking to date of gender pay gap reporting policies and evaluations across OECD countries, and offers guidance to countries interested in introducing, reforming and monitoring their pay transparency systems to promote equal pay for women.”

At the time of writing, the report had not been released. We will come back to it in our next issue in two weeks' time.

The OECD has also just released an update on its Guidelines for Multinational Enterprises: [HERE](#). We will also look at this in more detail in our next issue.

Our new [HR Policy Global training program](#) *Negotiating with European Social Partners* (see details below) **can help you** to best to prepare for and interact, with employees' representatives through information, consultation and social dialogue negotiations.



The session will be instructed by [André Declerck](#), and delivered over two, three-hour sessions on June 20 and June 21 from 9AM ET / 15H CET to 12PM ET / 18H CET

To book click on [this link](#) (Fee is \$995.00)

The BEERG newsletter comes to you one-day earlier than usual due to this week's Annual HR Policy Global European Summer Summit in Barcelona .

There will be no BEERG Newsletter next week – issue No 23 will arrive in your email inbox on Thursday June 29th

Training Webinar: Negotiating with European Social Partners

2-days via Zoom June 21+22

Our new “Negotiating with European Social Partners” online training program provides insights and knowledge on dealing with works council and trade union representatives in negotiation situations – at local and European levels.

The instructor is André Declerck. The program is run over two, three-hour sessions on June 20 and June 21 from 9AM ET / 1500 CET to 12PM ET / 1800 CET.

[Book Online Training](#)

London Lunchtime Network Event

Sept 21, at Oracle offices, London, U.K.

HR Policy Global is pleased to announce a Greater-London Area Networking and Lunch event on September 21, 2023. The event runs from 12PM to 3PM, to include a light lunch and presentations on UK HR and Labour Law updates. This event is generously hosted by Oracle Corporation, at their 1, South Place, London HQ,

Places at the events will be limited to 30 people - so sign up soon!

[London Network Event](#)

BEERG Members' Network Meeting

Pullman Hotel, Gare du Midi Brussels Sept 27/28

Attendance at the September HR Policy Global/ BEERG Network Meeting in Brussels is open to all current members. Click link on right to book your place at the meeting.

The draft meeting agenda and hotel accommodation booking form will appear online in the coming weeks

[Book Sept Meeting](#)

*BEERG/HR Policy Global Members can self-register for these events via the links above. If you get a “No Tickets Available for Purchase” message make sure you are logged in – if the issue persists contact [Derek](#).

Upcoming BEERG Dates for your Diary:

Date	Event	Booking Links	Venue
June 20 + 21	BEERG Online Training: Negotiating with European Social Partners	Book Online Training	Webinar on Zoom
Sept 21st	London Networking Event - Lunch + Roundtable Discussion at Oracle London Office	Book London Network Event	Oracle, The Helicon 1 South Place, London EC2M 2RB, GB
Sept 27 & 28	BEERG Members Meeting We will soon circulate a draft agenda for this meeting	Book Sept Meeting	Brussels, Belgium
Oct 10 - 13	BEERG Training: “Managing ER in Europe”		Hotel Estela, Sitges, Barcelona, Spain