
Resolution of the CESI's 'Post and Telecoms' Trade Council on remedies to problematic developments in the field of new forms of work

The growing trend of digitalisation will also drastically affect the world of work in the fields of postal services and telecommunications in different ways: on the one hand, new business and competition models will appear, whereas on the other, the contents of work and the organisation of production and work processes will be transformed. The trade council is keeping a close eye on these challenges, but also notes that there will be some positive changes. Amongst other advantages, it will be possible to achieve a better work-life for the workers, as well as create flexible forms of work and home office options.

However, the trade council also highlights developments in these 'new forms of work' that are not acceptable. For instance, in some telecommunications companies, in the name of 'optimisation of labour', some tasks and posts will be outsourced to service providers, who will only receive guaranteed contracts from the telecommunications companies for a predetermined duration of time. These service providers may take the form of individual workers or groups of individuals. The tasks performed will be the sole responsibility of workers who were formerly employees.

The trade council strongly rejects this type of 'new forms of work', because this is how both new models of employment are created that are clearly fake forms of self-employment. In this way, telecommunications companies are placing the burden of risk onto former employees, without providing any security in the long term. This new form of self-employment also increases the risk of job loss for the workers and poverty in old age. We strongly reject these forms of employment.

The 'Post and Telecoms' trade council demands the following:

- 1. Employers should not outsource such tasks to others and place the burden of risk onto the workers.**
- 2. Policy-makers should define clear regulations and specify what 'employees' and 'self-employment' are, to protect workers from false self-employment.**
- 3. Regulations must be adopted to ensure that self-employed workers benefit from the same protection as employees.**

The trade council therefore expressly demands that political decisions finally be taken and laws and guidelines be adopted in order to ensure that employment parties that are at risk due to digitalisation, such as employees in the postal and telecommunications sectors, as well as cashiers and taxi drivers, may live without fear of a digital future. We cannot permit further social dumping to take place.

The 'Post and Telecoms' trade council supports the demands put forward in main motion III (digitalisation) of the last Congress of CESI in 2016 and encourages their implementation.

The 'Post and Telecoms' trade council calls on the legislator and policy makers and on the social partners to cooperate so as to establish a framework setting out the parameters for fair mobile labour:

- Establishing mobile work relationships should only be possible on a mutual voluntary basis. The interests of workers preferring traditional work patterns must be defended. In the case of crowd-working, workers need to be thoroughly informed about the applicable labour law governing this type of self-employment.
- Mobile work solutions must rule out constant availability and unpaid overtime and include a right to disconnect in order to prevent increasing or unpaid working hours. The EU Working Time Directive should apply as broadly as possible. Models to manage working time like blocking computer accounts after working hours should be promoted.
- Tasks performed at the place of work and away from it should be subject to the same rules and obligations. Employers should be made liable for employees performing work outside offices. This especially concerns accidents and other matters relating to occupational safety and health.
- Employers must ensure that absence from the office space does not impact negatively on promotions and professional development opportunities.
- Employers should always provide the means required by workers to do their job.
- Employers must supplement new digital work tools with technical support and training. Digital skills are added value for both the employee and the employer. Training should therefore take place during working hours. The principle of “re-train before hiring new staff” should be applied. The lack of digital skills must not serve as a reason for dismissal, pay cuts or other labour-related legal measures.
- Binding rules should narrowly regulate what digital data (such as internet usage) an employer may gather from workers. Employers must be obliged to provide employees with regular, full information on which digital data is being collected, and to what end.
- For the protection of third-party workers' data, clear rules should set ambitious minimum standards for the sharing or selling of data to private actors like advertisement agencies. When setting these standards, both representatives defending the companies' interests and trade unions should be involved.