

DATUM
27-07-2023

KENMERK
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ESA Update

CNV Vakmensen stands up for the secondees at ESA. Various employees have filed complaints with us, but also with the Labour Inspectorate, about non-compliance with the user company remuneration under Articles 8 and 8a Waadi. At issue is the equal treatment of seconded personnel. CNV represents these seconded workers. Below an update.

Over the past year we have pursued different activities to get you organised and to raise issues relating to employment conditions. Below we will list these activities and issues, and describe their status.

Survey

For instance, we held a survey among the secondees. Please click the link to read the results: https://www.cnv.nl/documents/2966/flyer_survey_results.pdf. We have shared the outcome with ESA and the different primes. They responded that in their opinion everything was fine, and they were following the rules. Some primes did not even respond. We regret that in their view the outcome was not reason enough to enter into a dialogue with us. Clearly, they care little for the secondees, which confirms the feeling of being second-rate.

Letter to DGA

You drafted a letter that you wish to present to ESA's DGA. 100 members have signed that letter. We have written to ESA saying that we would like to present the letter formally, and to explain your situation to the DGA. We are still waiting for ESA's reply.

7% Claim campaign

We made flyers, which you have distributed within ESA, and asked who would be willing to take part in a campaign to get the 7% pay rise as from April 2022. You have responded en masse.

We then wrote to all the companies involved (where our members work). Not a single one of them is willing to talk to us, they all claim they comply with the Waadi.

However, our files, the Labour Inspectorate's three reports and the survey's outcome show otherwise. We will have to decide on another form of action, see the section 'Legal action'.

Article 12a Waadi campaign

Article 12a Waadi requires recipient companies to share information on their employment conditions with the primes. We have raised this matter both with the recipient company and the primes. ESA replied that it has immunity under international law and does not have to share this information. The primes replied that sharing that information was not necessary as they are compliant. The remaining option is to go to court.

Website

We have made a webpage with information about the campaign:

[Gedetacheerden bij ESA - De verschillende vormen van flexwerken | CNV](#)

Here you can find a translation of one of the inspection reports, as well as information on the campaign. We will continue adding information to the website so everyone can read about what happens at ESA.

WhatsApp group

We have created a WhatsApp group to keep everyone informed. Please register here:

<https://chat.whatsapp.com/EaITmfJy8J21yINgoeJWo6>

Legal action

Further to the 7% claim campaign we have begun filing claims for members who are interested. This is how it works: We make draft calculations and then send the employer a letter on your behalf, in which we claim the amount calculated. Before filing the claim, we will send you the draft letter and calculations and ask you permission to submit the claim. If you have registered, we will get in touch with you. This might take a while as so many people have registered. We are currently working on behalf of several members. Of course we will inform you immediately if the court finds in our favour. We also advise members who would like to transfer to other employers on their non-competition clauses and new contracts. As the parties refuse to talk with us, we will now focus on legal proceedings.

Follow-up campaigns?

Despite our demands the primes keep disregarding the Waadi, and refuse to discuss the survey. This is a sign that they have no respect for their personnel. As far as ESA is concerned it is peculiar, to say the least, that an organization that receives millions from the Dutch state, disregards an agency and the legislation of that same state. ESA fails to acknowledge the Waadi and fails to cooperate with the Labour Inspectorate in Waadi inspections. We will discuss follow-up campaigns in the action committee.

Action committee

An action committee has been set up that will plan activities with me, and will also act as my sounding board. Do you have any ideas to increase the pressure or would you like to join the action committee? Send me an email at cnvesaction@cnvvakmensen.nl.

Roderik Mol
Officer CNV Vakmensen





De aanbrenger krijgt een cadeaubon t.w.v. € 20.
Het nieuwe lid betaalt € 20,23 voor zes maanden.

Zelf lid worden? ga naar **www.cnvvakmensen.nl/lidworden**
of vul onderstaande bon in, knip hem uit en stuur op!



AANMELDINGSBON

Naam

Voorletters	M/V
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GeboortedatumAdresPostcode

Woonplaats

Telefoonnummer

E-mailadres

Werkzaam bij

Vestigingsplaats

Bedrijfstak

Je contributie is afhankelijk van je inkomen

kruis jouw bruto maandinkomen aan:

contributie 2023

- | | |
|--|---------|
| ☐ tot € 1.051,- | € 5,68 |
| ☐ vanaf € 1.051,- tot € 1.578,- | € 13,54 |
| ☐ vanaf € 1.578,- tot € 2.630,- | € 18,16 |
| ☐ vanaf € 2.630,- | € 20,42 |

IBAN NL

Datum

Handtekening

- De opzegtermijn van het lidmaatschap is drie maanden.
- Wij gebruiken jouw contactgegevens (o.a. e-mail) om je te benaderen met info over werk en evenementen. Lees hoe wij omgaan met jouw gegevens op www.cnvvakmensen.nl/privacy.
- Wij werken met automatische incasso.

Was je al eens lid van een bond?

Zo ja, welke?

In de periode van tot

Lidmaatschapsnummer

Dit lid is opgegeven door:

AdresPostcode/WoonplaatsLidmaatschapsnummer

Retouradres: CNV Vakmensen, t.a.v. Bedrijfsadm., antw.nr. 4308, 3500 VE Utrecht *(postzegel niet nodig)*