

CNV Vakmensen has been amused by the recent communication from your employer ( ASML) about the cla process. From our supporters we are regularly asked what we think of this now. Here are some answers to the questions that live with you and your employer.

**1. Can you give the “why”of the change in an ASML collective labor agreement ?**

No clear answer has been given to this question so far.

This question has still not been sufficiently answered for CNV Vakmensen. Your current collective labor agreement, the Metalektró cao, guarantees your current terms of employment. This collective labor agreement is negotiated between employers and trade unions. Unions involve both members and non-members at different times in this process through surveys, workshops and a final vote on the outcome of the negotiations.

The Metalektró cla is a minimum cla. This means: this can always be deviated from in a positive sense by your employer.

It is also possible for your employer to agree on a company collectie labor agreement (the MB-CAO) with trade unions on the basis of the Metalektró cla. With this, your employer then agrees on an integral package of employment conditions in which the lower limit (such as the agreed inflation correction) is guaranteed.

All-in all, we do not see why an ASML collective labor agreement is necessary.

Certainly for a succesful company as ASML there is no reason to deviate from the Metalektró cla in a negative sense. As far as we are concerned, an ASML collectieve labor agreement therefor only entails risks for you as an employee and no benefits.

**2. The first ASML collective bargaining agreement probably looks great to get everyone on board. But what about the following collective agreements? Does ASML deviate negatively?**

Your current employment conditions are better than agreed in the Metalektró cla. Among other things, you get a 13th month and profit sharing. These extras have been separately agreed with your employer and cannot be renegotiated in the Metalektró cla. As soon as ASML has its own collectieve labor agreement, the total package becomes part of the negotiations. The following applies: trade unions are only as strong as their members. Together with all other members in the Metalektró, we are stronger in the negotiations with employers.

**3. If ASML has its own collective labor agreement, what does that mean for our pension at PME? Should ASML leave PME and if so, what new pension scheme is in the pipeline?**

It is currently not possible to stop the contribution to PME’s pension fund. Even if ASML leaves the Metalektró cla and agrees on its own, ASML will remain bound by the current pension scheme.

**4. Can you give a very clear example of before/after showing how the new collectie labor agreement is cheaper or better than the current one?**

As long as there is no agreement on employment conditions at ASML, it is impossible to compare these agreements with your current package. CNV Vakmensen has outlined in a proposal letter what an MB collectieve agreement can look like for your employer. In this MB cla, customization is possible that both you and your employer can benefit from.

In addition, negotiations for the Metalektró cla will start again later this year. All employees in the sector have a say in this. Your contribution matters! Now by completing our survey, but also by becoming a trade union member and actively participation in the discussion. The final agreement is finally put to the vote of the members. Non-members may also participate in this consultation.

**5. What influence does the new collective labour agreement have on the profit-sharing scheme?**

The current profit sharing scheme is as popular as ever with you and your colleagues. ASML indicates that they do not intend to change this agreement at this moment in time. During future ASML collective labor negotiations, your employer can always propose to change the profit sharing. Whether or not this will happen is impossible to say with certainty.

**6. Last year, the trade unions held employment consultations with ASML. How's that going?**

Since 6 April 2021, cao parties at ASML have been discussing employment conditions within ASML. These discussions took place without preconditions. In the end, we exchanged formal proposals with ASML.

However, negotiations is a unique process. Setting up the process such that a safe consultation climate is created is the responsibility of all parties. The last consultation ended in a long suspension.

In addition, there is also a legal conflict going on. We are of the opinion that ASML does not comply with a number of stipulations in the Metalektro cla.

That is why CNV Vakmensen and FNV Metaal suspended the negotiations in October 2021 pending a court ruling. We expect the ruling in court around September 2022.

**7. Why Can't you continue to talk while waiting for a court ruling?**

An ongoing lawsuit disrupts the mutual relationships. After all, how can you make agreements on trust if in our opinion, the already existing agreements are not fulfilled? CNV Vakmensen negotiates the content of employment conditions, not their implementation!

**8. What is the lawsuit about?**

This concerns 2 different legal conflicts: a scheme for trade unions members and the one off payment of 1 October 2021.

The collective labor agreement Metalektro 2018-2021 included two regulations for trade union members. The first is the right to place the union contribution under the so called "work related costs scheme" and the second scheme applies to members of the unions who were members on 01 January 2019.

These are two separate articles therefore also two different claims. For the time being, ASML refuses to implement these schemes. Even after trade unions CNV Vakmensen and FNV Metaal have insisted on this several times.

ASML did not pay the one-off payment to its employees no later than 1 October 2021 and on request, indicated that it would not pay the payment until 25 October. This is not according to the agreement that the parties to the collective labor agreement have made. Keep in mind that people went on strike for these salary payments. In the Netherlands your employer is required to pay your salary in time. Employees are therefore entitled to a statutory increase and statutory interest on the one-off payment.

**9. Will the talks continue as before after the judge's ruling?**

Not necessary. During negotiations, the mutual relationships are of great importance. Trade unionists are also present.

During negotiations, the union members represent the opinion and emotions of colleagues. Because it concerns ordinary employees, they are dependent on your employer and therefore vulnerable.

Before it is possible again to talk to your employer about employment conditions again, we want ASML to commit itself to the protection of trade union members. Both at the negotiation table, but especially inside the company itself. Union members must feel safe from reprisals!

Arjan Huizinga, negotiator CNV Vakmensen