

Trade Unions cross swords with ASML in court

Dear Trade Union Members,

It is going to happen after all, so it seems. Trade Unions CNV Vakmensen and FNV Metaal will cross legal swords with ASML in the court of Eindhoven on September 14.

What was it all about?

It has been a while, but on the trade unions' list of priorities, two things in particular are at the top. Two legal matters. (see conflict 1 and 2 below)

Trade unions highly value compliance with agreements, especially when it comes to collective labour agreements. It was, and still is, so important that we suspended the talks on employment conditions at the time. After all, how can agreement be reached on the basis of trust if, in our opinion, existing arrangements are not complied with?

1. Schemes for trade union members

The collective agreement on terms and conditions for the metal-electro industry [CAO *Metalektro*] 2018-2020 included/includes two schemes for trade union members. The first provision is the right to include the trade union contribution in the tax exemption of the work-related costs scheme [*werkkostenregeling*, abbreviated to WKR], and the second one refers to a net reimbursement of the trade union contribution for trade union members who joined the union before 1 January 2019.

It involves two separate schemes, and therefore also two entitlements. ASML refuses to implement these two schemes on top of each other, even though the CNV Vakmensen and FNV Metaal trade unions urged the company to take action on several occasions.

2. One-off payment under the Metalektro agreement in principle

ASML failed to pay the one-off payment to its workers, which had been agreed by 1 October 2021 at the latest. ASML paid the on-off payment not until 25 October 2021. This is not in compliance with the agreement reached by the CAO parties. Let us not forget that we went on strike for this agreement! Workers are therefore entitled to the statutory increase plus the statutory interest over the one-off payment.

'One-off payment: On 1 October 2021, the employer shall pay a one-off payment of 2.3% over seven times the actual monthly salary of June 2021, including bonuses for regular shifts or standby shifts ["consignatiediensten"]. The payment is calculated over the basic monthly salary up to a maximum of EUR 4,500 (full-time pay). The one-off payment is allocated to workers who were employed on 1 December 2020, and have since remained continuously employed with the same employer.'

Also important for non-members!

Claim 2 we are claiming on behalf of all workers employed by ASML who are entitled to the on-off payment. So be sure to forward this newsletter to your colleagues who are not yet organised. They are also entitled to this claim.

With kind regards,
Arjan Huizinga, negotiator CNV Vakmensen