

# Report of the General Assembly

16.11.2020 by Webex

Union Syndicale Luxembourg met in General Assembly on 16.11.2020 by videoconference. The list of members present can be found in the annex at the end of the document.

The meeting began with the election of a Bureau. For the position of President of the GA, Pascal Maillot (COM) presented himself as candidate, who was elected by acclamation. For the post of Vice-President, candidate Ornella Menetto (CDCE) was presented as candidate, who was elected by acclamation. For the post of Secretary, candidate Adrian-Sorin Cristescu (COM) was nominated and elected by acclamation.

The Bureau of the GA is validly constituted of :

- Pascal Maillot, President

- Ornella Menetto, Vice-President

- Adrian-Sorin Cristescu, secretary

The President addressed the items on the agenda.

1) Activity reports Executive Committee and Delegations 2017/2020

The activity report of the Executive Committee and the Delegations for the period 2017 - 2020 was presented by Miguel Vicente Nunez, President of Union Syndicale. On this occasion, the state of the priority files was detailed:

a. The weighting dossier has made significant political progress

b. The medical overpricing dossier has also made great progress following the denunciation of the agreements between the Commission and doctors and dentists, respectively between the Commission and Luxembourg Hospitals. However, the relationship with the Federation of Hospitals has not yet been clarified.

c. The social situation in day nurseries has given rise to a petition to the European Parliament, which is still pending.

d. The situation of Contract Agents is an issue that requires better solutions.

There were no questions or comments. The activity report of the Executive Committee and delegations was approved.

2) Financial reports 2017, 2018, 2019

Due to the inability of the Treasurer, Mr. Yves Orville, to attend, the financial reports for 2017, 2018 and 2019 were presented by Adrian-Sorin Cristescu, member of the Executive Committee. They show a generally satisfactory financial situation, but one that can be improved in the short and medium term.

There were no questions or comments. The financial reports are therefore approved.

3) Approval of a budget for 2021 (expenditure and income)

President Miguel Vicente Nunez recalled that a non-profit association under Luxembourg law must have a draft budget approved by the General Assembly. He therefore presented a budget proposal for 2021, a proposal based on the average figures for previous years, with a contraction in salary expenditure.

The budget proposal was unanimously approved.

4) Postponement of internal elections

President Miguel Vicente-Nunez recalled that the union must proceed with the renewal of its internal bodies and that, in accordance with the Constitution, "voting shall be by correspondence" (art. 10.2 of the USL Constitution). Traditionally, the process of calling for nominations and then voting used the administrative addresses of current members, for reasons of cost and efficiency. The situation is complicated this year by the Covid-19 pandemic, which has sent the staff of the institutions back to teleworking. Therefore, launching the same electoral process as in the past exposes the union to a very low turnout.

The Executive Committee discussed various options, including:

a. Proceed with a postal vote using not the administrative addresses of members (internal to the Institutions) but their private addresses. This option would generate a significant cost for the mailing of the ballots.

b. Postpone the internal elections to a later date, in the spring of 2021, when it is hoped that the health situation will allow a return to the office. This option would be more economical, but is burdened by the uncertainty regarding the improvement of the health situation.

The meeting discussed the possibility of using electronic voting. Given the express mention in Article 10(2) of the Statute, this could only be done by invoking a "force majeure" clause. However, the possibility of invoking such a clause in the context of a not-for-profit organisation must be analysed from a legal point of view.

An update of the Statutes requires a prior analysis. The technical solution proposed is the free "EU Survey" platform. Its adequacy with the process of renewal of the statutory bodies must first be studied from a technical and legal point of view.

If these analyses prove fruitful, the next step would be the convening of a new General Assembly to validate an update of the USL's Statutes to include electronic voting. As these steps would take time, it emerged from the discussion that they could and should take place over the coming months.

As a result, two options were put to a vote at the meeting:

A. A. Postponement of the elections with the setting up of a team to prepare the amendment of the Statutes to include electronic voting.

B. Immediate launch of the electoral process, by post, using members' private addresses.

With 29 votes in favour, it is option A that the general meeting has chosen. Option B received 3 votes.

In conclusion, the meeting decided to 1) suspend the ordinary procedure for elections, as postal voting is not a viable option at present; it also decided to 2) mandate the Executive Committee to prepare a proposal for a change to our Articles of Association, which would eventually allow the possibility of electronic voting.

This adaptation of the union's modus operandi, with its many implications, will have to be based on a very thorough legal and technical analysis and guarantees of practicability.

5) New working conditions (pandemic)

Gilberto Moggia presented a reflection on the new working conditions following the Covid-19 pandemic. Gilberto drew attention to the fact that telework implied a loss of territorialisation of European civil servants and that this will, sooner or later, have an impact on the Civil Service Statute.

"The pandemic is profoundly changing the living and working conditions of our staff. A first change concerns the massive and sudden "virtualisation" of our work, which used to be mostly done "in presence". Teleworking, which was practised before the pandemic by a limited number of colleagues, has been generalised to the point where it is now the norm.

Other major changes are taking place with regard to assignments and working time arrangements, to name just two other aspects.

As a result, our Institutions have launched a process of adaptation and, in some cases, recasting of the rules on working time, teleworking and missions.

It should be recalled that our Statute is based on the fundamental principle of the "physical movement" (or expatriation) of EU workers from their countries of origin to the headquarters of the Institutions.

As a result, the current evolution requires extreme vigilance on the part of the trade union and statutory representations on its implications for the statutory framework.

 Another major aspect is the very worrying impact that the pandemic is having on the psychological well-being of a growing number of colleagues. The lack of social interaction has led to the emergence of unprecedented social and psychological risks. As a result, a reinforced framework for the prevention of psycho-social risks is now necessary in all our institutions. »

The General Meeting asks the Executive Committee and the delegations to be extremely vigilant about the changes under way in order to assess their impact and circulate any useful information to staff representatives.

Furthermore, it asks the ComEx to promote coordinated action by the trade union and statutory representatives aimed at preventing and mitigating the emergence of psycho-social risks within our institutions.

6) Creation of a "pensioners" delegation

The General Meeting was informed of the ComEx's decision to create a pensioners' delegation. It was suggested that it should also include former AC/TAs at the end of their contract.

7) Resolutions/Motions

No resolutions or motions were presented.

8) Miscellaneous

None.

The General Meeting ended at 2:15 pm.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Annex I

List of those present:

Agneski Dimitri

Alma Patricia

Arena Franco

Avena Franco

Baldyga Mariusz

Borg David

Bucci Emmanuele

Calo Pino

Carvalho Fatima

Collee Laurent

Consoli Antonio

Cristescu Adrian Sorin

Di Lisi Tiziana

Diez Oscar

Faye Abdoulaye

Fesus Emese

Femiano Maddalena

Gorska Agata

Hoylund Stenersen Tine

Sébastien Huynh

Jerouville Justina

Kotzeva Anelia

Link Sylvia

Maillot Pascal

Mahon Gary

Mazur François

Menetto Ornella

Moggia Gilberto

Montserrat Antoni

Putz Jean

Renita Stella

Tataram Marina

Tudose Adriana

Varjas Istvan

Vicente Nunez Miguel