



Naarden, 20 June 2024

Dear Mr. Eijkenboom, Dear Leon,

During the past few weeks of the collective labor agreement (cla/cao) negotiations, it has become clear that there is uncertainty on both the employer delegation's side and the employee delegation's side regarding the legal position of employees with an individual employment contract (IAO), also known as the employees above the collective labor agreement. The BVP finds this to be an undesirable situation, and this uncertainty needs to be resolved.

In the cao, it is stated that there is no link between the salary scale increases and individual salaries for employees above the collective labor agreement. For these employees, any salary increase is dependent on the allocated budget and at the discretion of the manager. This is clear to everyone, and there is no difference of opinion on this matter.

Cao article 1c contains the definition of an employee. This definition describes the difference between employees covered by the cao and employees above the collective labor agreement. The word 'employee' determines whether a cao article applies to everyone or not.

This is where, in the view of the BVP, the problem arises and confusion starts. In the IAOs of employees above the collective labor agreement, it is stated that the cao does not apply to the IAO employee, except for a few topics such as working hours/schedules, absenteeism, leave, pension, etc.

In cao articles that address the above-mentioned topics, it is often indicated that it applies to the employee, which implies that it does not apply to employees above the collective labor agreement.

To make it even more unclear, the cao also mentions a "medewerker" (employee). However, there is no definition of what is meant by an employee. What is understood by an employee?

The BVP is of the opinion that the aforementioned uncertainty regarding the employment conditions and legal position of employees above the collective labor agreement needs to be resolved, as it could harm their legal position. If even the (specialist) delegations mentioned above are unclear about what is applicable to Givaudan employees, then it becomes even more incomprehensible for the employees. The BVP believes that clarity should be provided in the cao as soon as possible regarding which cao articles are also applicable to employees above the collective labor agreement.

Kind regards,

On behalf of the BVP delegation,

Marc de Natris