[FR] France Télévisions cannot oblige its journalists to carry out editing tasks, or its editing staff to carry out editorial work

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In France, the audiovisual sector's return to work after the summer break was marked by the launch, on 1 September 2016, of the new public-service news channel 'France Info', using the name of the new global offer of public news. This is the fourth continuous news channel in France on digital freeview television, after BFM-TV (NextRadioTV group), i-Télé (Canal+ group), and LCI (TF1 group). France Télévisions has recruited 176 people for the project, half of them internally, but there have been social problems, and on 13 September, the regional court in Paris was called on to adjudicate on one of them.

Since France Télévisions is not covered by any collective agreement, its social status was harmonised in 2013 by means of a company collective agreement. In 2016, the public-sector group embarked on a procedure for consulting its 'central works council' on the plan to launch a continuous public-service news channel, and began negotiations with the representative unions on the 'complementary skills' of the news channel's employees. Even though no organisation has signed the draft codicil to the collective agreement proposed by the public-sector audiovisual group, the group decided to apply unilaterally the draft codicil's provisions on job evolution and the conditions governing accompaniment and remuneration. The company's journalists' unions then had their employer summoned to appear before the regional court in Paris, where it was ordered to prevent the continuous news channel's journalists from being obliged to have and use additional complementary skills.

They claimed that, without having concluded an agreement revising the collective agreement, the management of France Télévisions was not able unilaterally to demand additional complementary skills of its journalists (specifically, "receiving, sequencing and editing their subjects; selecting sequences; defining editing plan; editing video modules on digital support as required") or editing staff (who were being asked to exercise the skill of devising editorial content, in terms of design, editorial work, and production), who were going to work for the new news channel. The Court was required to decide on whether increasing the number of complementary skills employees were expected to have required following the revision procedure as defined in the Labour Code (Code du Travail), or might be the result of a unilateral decision on the part of the employer.

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In the case at issue, apart from the “activities among those habitually carried out” by the employees, the signatory parties have made provision, for both technical and administrative staff, including editing staff, and journalists, for the possibility of adding “complementary skills” to their job descriptions. In this respect, the agreement states in its article on journalists that “the list of and methods for exercising complementary skills [...] shall be negotiated”. The same applies for technical and administrative staff, including editing staff. The Court found that by laying down an obligation to negotiate, the parties to the collective agreement intended to submit amendments affecting complementary skills and the conditions for their exercise to the revision procedure. Furthermore, since the provisions at issue were supplemented by the addition of a complementary skill, that in fact meant amending the criticised collective agreement.

As a result, the Court ordered that, in the absence of a revision of the 2013 collective agreement, the company France Télévisions could not require journalists intended to be working for the continuous news channel to carry out editing tasks, or editing staff to produce editorial content.

Tribunal de grande instance, Paris, (1e ch. sect. sociale), 13 septembre 2016, SNJ et CFDT Médias de France Télévisions c/ France Télévisions

Regional Court in Paris (1st chamber, social section), 13 September 2016, SNJ and CFDT Médias de France Télévisions v. France Télévisions

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