



Syndicat National des Personnels de l'Enseignement et de la Formation Privés

Language teachers : « Vacataires »

What is a « vacataire » ?

In the **public sector**, a « vacataire » is a qualified person who isn't a « professeur » and who is paid by the hour by public institutions such as secondary schools, universities, town councils, « Chambres consulaires » (Chambers of Commerce and industry, Chambers of Agriculture) to give specialised courses in their subject. These members of staff have no rights other than to be paid for the hours worked, as they are considered to be fully employed in another profession.

The term « vacataire » is **illicit** in the **private sector**. This word is not mentioned at all in the labour laws (Code du Travail) which govern workers' rights in the private sector. Those concerned should consult the Code du Travail and the national agreements (Conventions Collectives).

Language teachers in Higher Education are systematically discriminated against (in comparison with their colleagues teaching other subjects) in their salary, work conditions and recognition of qualifications, etc. Language teachers are teachers in all respects : they should therefore be salaried workers just like everybody else.

And, like everybody else, in order to know their rights they should look carefully at their payslips. On their payslip, the Convention Collective in force in the establishment should be mentioned (if there isn't one yet, only the Code de Travail is mentioned).

Like other salaried workers, their work contract cannot depart from the provisions of 1) the Code du Travail 2) the Convention Collective, which cannot be less advantageous than the Code du Travail and 3) a company agreement (accord d'entreprise) if there is one, which cannot be less advantageous than the Convention Collective. If you have signed a work contract which contains illegal clauses, these clauses are considered null and void.

In conclusion, you are a « vacataire » when you work in state-run institutions. If you work in a private company (an association or a commercial company) you have a CDD (fixed-term contract), a CDI (unlimited term contract) or a CDII (intermittent unlimited term contract). You should find out which of these texts governs the contract you've signed.

1) La Convention Collective de l'Enseignement Privé Indépendant

Signed in September 2008, this relatively new national agreement must be applied in all establishments which are « hors contrat » (that is to say those which are not subject to an agreement with the state [« sous contrat d'association »] and which are financed by their own private funds), even if they do receive some funding from the government, notably in Higher Education.

However, for this sector there are already three agreed texts which have been extended and so, because of this, must be applied : they concern work time, obligatory complementary insurance and vocational training. They are available on the union web site <http://efp-cgt.reference-syndicale.fr/>.

These three texts form part of the Convention Collective Nationale, which regulates working conditions in the « grandes écoles » and private universities.

2) **La Convention Collective de la FESIC** (Fédération d'Écoles Supérieures d'Ingénieurs et de Cadres) hasn't been extended. It only applies to establishments which belong to FESIC.

3) **La Convention Collective des Universités Catholiques**, otherwise known as **UDESCA** This national agreement has not been extended either and only applies to staff of Catholic universities and « Instituts ».

4) **Convention Collective N° 3249** applies to **Organismes privés de Formation Continue des Adultes** : it has been extended so all the provisions it contains are compulsory for the employers.

What can you do to get your rights respected ?

Know what your rights are by consulting a trade union, by reading the Convention Collective that applies to you, by having it explained to you. These texts are the result of negotiations between employers and employees' representatives and if they aren't clear, it's not the employees fault because they know exactly what they want, nor the employers who know what they want too, of course ; but what can you expect when there can be only one text which has to be agreed by both parties and which is the result of complex negotiations it's often difficult to understand.

Get organised in the workplace : labour law provides for the election of representative bodies within the workplace that have the right to :

- access certain information
- insist that the provisions of legal texts be applied
- present demands for improvements
- negotiate

All salaried workers can be mandated by their work colleagues ; the employer must organise elections to elect staff representatives (Délégués du Personnel), the works' council (le Comité d'Entreprise) and a health and safety committee (CHSCT) ; a trade union (the CGT for example) can designate a union representative (Délégué Syndical) under certain circumstances ; each instance has its own specificity. All these, along with a good trade union branch can be a strong counterbalance if they truly represent the wishes of the staff.

All Conventions Collectives have a « Commission Paritaire » (a committee where both sides — salaried workers and employers — are equally represented) which advises on how the agreed texts should be interpreted. If there is a dispute between employee and employer, this commission can be asked to give their view.

L'Inspection du Travail (Works Inspector) has the role of ensuring that, for employees who consult them, the texts which govern their working conditions are applied. But be aware that l'Inspection du Travail will act more strongly if the employees are organised and are accompanied by their representatives.

Contacting a trade union can be a first step ...

You can come to our weekly surgery every Thursday from 5.30 pm to 7.30 pm at :
La Bourse du Travail, 3 rue Château d'Eau, 75010 Paris ; Métro : République
4th floor, office 408, Téléphone 01 44 84 51 27.
Or send an email to sn@efp-cgt.fr.