

Language course outsourcing: It's time to stop social dismantling!

In 1994, when the European institutions decided to outsource language courses, our reaction was as follows:

“The process of dismantling the public sector is bearing fruit: workers with uncertain status, depending on several bosses or clients, bereft of security, apprehensive and, ultimately, deprived of their job for no good reason; on top of that, “users”, poorly “served”, also upset, uncertain as to the future of the “services” to which they are entitled, with no redress but to direct their complaints to an administration both impotent and an accomplice in so far as it voluntarily surrendered its powers” ([Union Syndicale flyer 21-03-95](#)).

Today, we can take stock of the social damage announced in 1994: *the Commission*, the institution in charge of awarding these contracts on behalf of all European institutions and bodies in Brussels and Luxembourg, carefully refrains from interfering in ‘negotiations’ that would take place between their ‘service provider’ / successful tenderer and the ‘trainers’ (teachers) (reply [7 Oct 2009 ADMIN.A3 D\(2009\) 24850](#)).

But what kind of ‘negotiation’ can one have in a take-it-or-leave-it contract, euphemistically entitled ‘collaboration contract’, indeed a zero-hour contract, which the ‘trainer’ is required to sign?

The meager fees of the teachers, considered by their boss as ‘self-employed’, are not indexed as required by Luxembourg law for employed persons. Over the years, highly appreciated teachers were excluded or gave up an activity which was providing them neither acceptable earnings, given the profit margins of the ‘language schools’, nor the least job security.

A devious legal arrangement

The successful tenderer of most language courses presents a skillful [legal arrangement](#) whereby behind two ‘non-profit associations’ (*asbl*), one Belgian (*CLL*) and one Luxembourgish (*Allingua*), one discovers a ‘limited liability private company’ (a commercial enterprise), whose sole member and manager is indeed the boss who signs on behalf of *Allingua* these ‘collaboration contracts’ with the ‘trainers’.

Like any law on the *asbl*, the [Luxembourg Law of 21 April 1928](#) provides that “*the non-profit association is one that does not engage in industrial or commercial operations, or which does not seek to provide its members with material gain*”.

How then can one reconcile with this rule the fact that the person entrusted with the day-to-day management of the association is a commercial enterprise?

“Collaboration” contracts, an example to avoid for Europe

Here are only a few of the conditions set in that one-sided contract with a supposedly “self-employed” person:

- it is forbidden to the ‘trainer’ to use the photocopiers and printers belonging to the ‘Client’ (with a capital letter c), *i.e.* the institution; any violation of this prohibition constitutes a serious breach justifying the termination of the ‘collaboration’ with immediate effect; in addition, it entails for the trainer “the penalty of a fine equivalent to the total fees” for half-day’s work. The trainer has to provide the photocopies necessary for the courses at his/her own expense.
- The boss may terminate the contract at any time “as of right” (sic), even on the basis of “repeated verbal complaints of the Customer”.
- If the ‘trainer’ arrives late, he loses his/her pay for a half day and, in addition, he/she must pay the owner a fine of € 35 for each hour of the session.

With this small sample, we spare you the trouble of reading the rest of the terms of a contract which is disgraceful for Europe, whose EU institutions purport to be an authentic expression.

EPSU-CJ, USF-Lux and USPE,

the affiliates of **Union Syndicale Fédérale** which are located in Luxembourg,

call on the institutions:

- In the immediate future, to end this illegal situation and guarantee the dignity of all workers who directly or indirectly work for them.
- In the longer term, to stop using outsourcing and organise the direct management of language courses, *e.g.* by reorganizing for this purpose the [European School of Administration](#).