



ImproCollBar

Improving Collective Bargaining in
European Union. Comparison of
Different Industrial Relations
Regimes – ImproCollBar 101052292

The case of France

European Round Table, 23 October 2023, Leuven, Belgium
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In short:

- Some key data on France
- Collective bargaining in France
- Collective bargaining in France in numbers
- The French pensions' reform
- The trade union mobilization against the pensions' reform
- What next?

Some key data on France

- **French trade unions:** 8 main trade unions including 5 representative confederations at national and cross-sectoral level – the three main confederations are CFDT, CGT, FO (*against 3 employers' organizations*)
 - **Trade union density** (2019, French Labour Ministry): 10,3% in general (-0,9% since 2013) - 18,4% in the public sector and 7,8% in the private sector
 - **Collective bargaining coverage rate:** 98% according to ILOSTAT, 98% according to the OECD, 94% according to Eurofound – other data from the French labour ministry: 17,8% of companies have launched a collective bargaining round in 2021
 - **Wages:** minimum statutory wage at 1 383,09€/month (net) but 80 sectoral branches (on 171) are below (on 16 October 2023) ; the median wage is 2150€ (net) ; the average wage is 2587€ (net)
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Collective bargaining in France

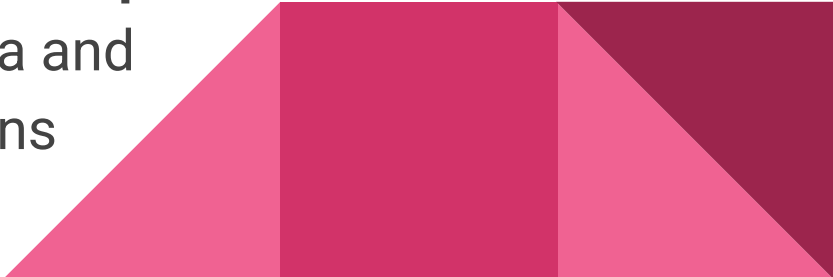
- **The French collective bargaining system:** integrated system based on the hierarchy of norms and the "favourability principle" until recent Labour Law reforms (2016, 2017) leading to a decentralized system in favor of CB at company level, including in SMEs without unions, and at the expense of sectoral CB and more generally workers' general level of protection
- **Important level of state intervention** through very frequent administrative extension of collective agreements at sectoral level (*regardless of the membership in an employers' association*) explaining the important coverage of CB in France despite the historical mutual distrust between social partners – the application of CA to all employees in a company regardless whether or not they are trade union members is the second relevant factor
- **The case of the public sector (2021)** : from regulations adopted unilaterally by public administration (PA) after consultation of ERB to collective agreements negotiated by unions in the 3 branches of the PA

Collective bargaining in France in numbers (2022)

- **CA at sectoral level on the rise:** 1063 sectoral agreements concluded in 2021 against 1013 in 2020 – the main themes are wages (377), occupational and wage equality (231 and 15 exclusively on equality), VET (185), supplementary social protection (96), employment contract (53) and working time (78)

- **Vivid CB at company level despite the COVID-19 crisis:** 76 820 CA including 28 940 in SMEs – the main themes are participation/savings/profit-sharing (44%), working time (22%), wages and bonuses (20%), working conditions (7%) – including 4070 CA on telework (+47%) and 1150 on the right to disconnect (+15%)

But... only 51% of collective agreements are concluded by unions' reps' against 26% by workers directly through 2/3 majority in referenda and 12% by employees representatives not mandated by trade unions



The French pensions' reform

- **Still waiting the effects of past reforms:** successive reforms of the French pensions' system in 1993 (*contribution period, replacement rate, no more indexation on wages*), 2003 (*retirement age, premium and discounts, arduousness*), 2010 (*retirement age, contribution period*) and 2014 (*arduousness, contribution period, social contributions*)
- **The main elements of the reform:** legal retirement age from 62 to 64 and accelerating the rise of the mandatory contribution period to 43,5 years ; no more special pensions' schemes for new hires ; Senior Index – coming back on past reforms: arduousness, minimum pensions – the worst avoided thanks to trade union pressure: disability, women, long career
- **Entry into force of the reform on the 1st of September 2023 but...**
still waiting for decrees of application and other regulations and unions are ready to challenge them in Courts to prevent unfair consequences for French workers – the public administration is also in disarray!

The TU mobilization against the pensions' reform

- **Main critics from TU:** negative impact on women and the gender pensions' gap ; risk to exacerbate existing inequalities in the pensions' system (*continuous decrease of the replacement rate*) ; stronger risk for workers' lives (*cf. life expectancy in good health*) ; no response to sustainability risks to the pensions' system linked to employment (*lowest senior employment rate, involuntary part time, job stability*) ; no justification against demographic evolutions (*cf. economic dependency rate*) ; illegitimate reform – no social dialogue, art. 49.3, rushed reform
- **The trade union mobilization in short:** 14 days of national and intersectoral demonstrations across France (*with collective action and strikes in some sectors and companies*) from 19 January to 6 June 2023 in the « inter-union » setting with the 8 main trade unions and students/Youth organizations – **historical mobilization since 2010!**

Up to 3,5 millions of workers in the streets across France (07-23/03)

Some details on the TU mobilization

14 days of national and cross-sectoral demonstrations and mobilizations across France (*historical mobilization in small cities/villages*)

Strikes in key sector – challenges on the right to strike and the minimum services levels (*litigation to apply ILO case law*)

Multiple attempts to push through the trade union alternative reform through social dialogue/public consultations including COR (*National Advisory Body on Pensions*)

Strategic litigation on the content and the form of the pensions' reform

Ongoing TU activity at grassroots level (*general assemblies, local actions etc...*)

The reasons behind the "success" of the trade union mobilization

Building on the past success of the TU mobilization against the first draft in 2019

Using digital tools: online petition, interactive map of demonstrations/strikes, communication on social media, surveys...

Historical unity of the French TU movement (*in a context of professional elections*)

Developing a trade union alternative: ETUC social project, broad support from academics, building on the CoR

Trade union solidarity: letters of solidarity, participation in demonstrations in France, solidarity action abroad (Belgium, Spain...)

What next?

- **The mobilization against the pensions' reform is not over:** demand its abolition, strategic litigation, prevent additional reforms, actions at European and international level...
- **The unity of the French trade union movement is not over:** common expression (*respectful of each priorities and specificities*) on key topics like wages, employment, VET, pensions etc... - **cf.** national cross-sectoral agreement (ANI) on supplementary pensions on October 2023
- **FO is involved in the ETUC campaign "Stop Austerity 2.0!":** more than 200 000 people in the mobilization of the 13th of October 2023 across France (*important international delegation*) and participation in the euro-demonstration in Brussels of the 13th of December 2023
- **The Social Conference on the 16th of October 2023:** response of the French government to the TU pressure against the cost-of-living crisis with new safeguards on sectoral minimum wages and state aids

But it is still a missed opportunity...



Thank you for your attention and special thanks to the interpreters!

Please contact me to the following address for any question or precision:
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