



A new labour reform? The CGT says no!

In 2016, the French government, led by PM Manuel Valls, forced a law through Parliament, the so-called “El-Khomri Labour Law” (after the name of the then-Labour Minister). There is an article in the French Constitution (article 49.3) that provides for a fast-track option, which means the adoption of a law by Parliament, without any possible debate in either houses. The law turns upside down the order of collective bargaining in France, i.e. bargaining on pay and leave to be carried out at company rather than national level, which would lead to disparities and hence further casualization of working conditions.

In May this year, following highly-disputed presidential and then general elections, the government appointed by President Emmanuel Macron, had both houses adopt an enabling Act, which allows it to pass laws by decrees. This means that parliamentary mechanisms are totally bypassed. In effect, it means that the government can take a decree which becomes immediately applicable. The decree is then submitted to both houses for ratification – without any opportunity for discussion or amendment. If both houses ratify it, it becomes a law. Otherwise, it remains a decree, but with the exact same applicability as a law. Given that the President’s party (“En marche”), has the overall majority in parliament, it is highly likely that the coming decrees will be ratified.

One of the first decisions taken by the government has been to draft a new labour reform, the so-called “extra-large labour law”, which will become applicable before the beginning of the autumn. It is a follow-up to, and an amplification of, last year’s law, with a further deterioration of working life and conditions.

This spring, the CGT and Force ouvrière (FO) lodged a complaint with the International Labour Organization (ILO), regarding violations of conventions 87 (freedom of association), 98 (collective bargaining) and 158 (termination of employment) by the El-Khomri law. The purpose of the complaint is to secure disavowal of anti-union repression in 2016, of negotiations of derogatory agreements by employers and the creation – at their discretion – of a third ground for dismissal (on top of misconduct and economic lay-off).

Last year, polls showed that 70% of workers were opposed to the El-Khomri law. The same is true today, yet the government is moving fast and has worked through the summer period –July and August are inauspicious for mobilisation – to ensure that these decrees are ratified and become law.

The primary purpose of the new reform is to grant yet more room to company level bargaining on all aspects of work, to the detriment of national law, and hence turn upside down the standards that currently regulate labour relations. Company-agreements would even take precedence over the contract of employment which would lead to different regulation of work in different companies, and hence to greater competition between workers. To make sure that employers can secure company agreements, the government means to allow them to bargain without representative unions or through referenda that they would organise. As a way of getting round workers’ representative bodies, the government decided to merge the three existing ones (staff representative, works’ council and health and safety committee). This merger will reduce the means available to their members, thus health and safety issues may well take second-rank in company issues.

Finally, the government advocates that these company agreements should be able to alter the contract of employment, casual contracts (short-term or temporary) should be developed, the use of operations contracts (or assignment contracts of limited duration) developed and that unfair and illegal dismissals by employers be protected by capping claims by workers instigating legal action.

The government is rather concerned as to the reaction of trade union organisations and workers. It has not, as yet, put forward its draft, but informed orally the unions of the probable major items of the reform. Individual meetings were held – 6 hours in all per union! – but these were neither for consultation nor negotiation, but merely for information. There is a total lack of transparency.

The government will publish its draft on 31 August. It will then be ratified by the Council of Ministers, for implementation before the beginning of the autumn.

This labour reform intensifies and worsens workers' vulnerability and casualization: increasingly less rights for workers, less room for manoeuvre for their representative organisations and more freedom for employers, including when they overstep legality.

The CGT will not accept this ambiguity. We mean to put the issue of "Work" at the top of the agenda, as part of a pluralist and democratic debate, as opposed to a law drafted on the sly with the employers' assent. We feel it is unacceptable that unions were not clearly involved in negotiations in good faith with the government. That is why, without waiting for publication of the decree, the CGT has called French workers to mobilise for a national day of action on 12 September.

We hope for active solidarity from our friends worldwide.

Montreuil, 20 August 2017