



ENGLISH VERSION

CFDT PRESS RELEASE ABOUT ORDERS ON THE LABOUR CODE

A missed opportunity to modernize labour relations

The government has chosen to carry out its first social reform on the labour code rather than **reviewing the previous reforms as requested by the CFDT.**

Many consultations carried in the last months allowed organizations to present their vision and proposals. **CFDT took its part in this process.**

CFDT contributed to limit elements of deregulation and questioning of employees' rights as much as possible:

- Challenging the branch social benefits on health care,
- Liberalization of the “contrat de chantier” (a specific working contract limited for the duration of a mission),
- Increasing the triggering threshold for social plans,
- Referendum on the initiative of the employer.

CFDT obtained also some progress, like the increase in statutory redundancy payments of 25% or sector bargaining (at the branch level) on the quality of employment to supervise the use of short contracts.

CFDT has always defended the idea that quality social dialogue improves the competitiveness of companies by securing employees.

For CFDT, **this reform could have brought change in the culture of social dialogue and a new step in securing the career paths.** It should have bet on the trust between its stakeholders, employers and employees, even if to shake up the stereotypes about employers.

The government has not made that choice.

CFDT asked to have means for a constructive, effective social dialogue on an equal footing. The government did not hear its request and favored flexibility at the expense of social justice.

On the contrary, **it has legitimized the most conservative expectations of a part of the employers who do not understand that social dialogue is an asset for the company:**

- The unilateral power of employers is reinforced in the smaller companies. 6 million employees of these companies will not be able to obtain counterparts when an employer wants to derogate from the labor code.

- The presence of employee representatives on supervisory boards will not be generalized to all large companies.
- Support of staff trade union representatives by experts will be limited and constrained.

This reform could have been an opportunity to modernize the functioning of companies by better sharing information and economic knowledge with employees and their representatives. **It is a missed opportunity to change employers' approach and methods.**

It is in companies, whatever their size that **CFDT will continue to stand with employees to act with them and to build the protections and rights they need.**

SOME ADDITIONAL ANALYSIS

CFDT was not in favor of further reform of the labour code after the numerous reforms undertaken in the last years.

We believe that companies and social partners need stability and that the effects of the reforms needed to be assessed before new developments are considered.

CFDT requested that this new reform resulting from a commitment of the President of the Republic to be preceded by consultation. This took place. It was in depth.

We discussed it assuming that this was an opportunity to move towards social relations characterized by more maturity, more responsibility, more social democracy. Because it is from the quality of social dialogue that both the well-being of employees and the economic dynamism of companies depend on.

For CFDT, the company is indeed a common good, involving power sharing, confronting logic and seeking compromise between employers and workers represented by trade unions, who are the only ones able to build their collective interest and thus enable balanced social dialogue.

Some flagship measures of the orders on the labour code are in this sense defended by CFDT. But they are unbalanced by other measures that make them dangerous, especially in small companies. This makes the general project a missed opportunity.

CFDT is in favor of developing bargaining at the company level, as close as possible to workers and problems to be solved. At the same time, the regulatory role of the branch (sectoral level) must be strengthened in areas where this is necessary in order to avoid the development of exacerbated competition at the expense of employment and working conditions.

In this respect, we are pleased to have been heard in the consultation and satisfied with the balances found. In particular, we endorse the branch's role on quality of employment issues.

But we cannot accept that the strengthening of companies' negotiations is not accompanied by the necessary means to ensure that negotiations are everywhere balanced and fair:

- in particular the possibility left to the employer to negotiate without a union representative or a worker mandated by a trade union in the companies under 50,
- and worse, the unilateral power granted to employers in very small companies with less than 20 employees, accompanied by a bogus consultation process of employees whose subordination is not re-balanced by a collective organization and reflects an outdated conception of in the company.
- Similarly, the opportunity to open areas for co-decision was not really grasped, just as the government did not choose to strengthen the position of employee representatives in supervisory boards. Or even to prevent certain companies from taking advantage of the structuring of their capital to avoid having representatives.

Delaying the implementation of the majority collective agreements is inconsistent with the project and will leave too much time for some employers to derogate from the labor code or the branch agreement without the guarantee of a majority collective agreement.

Finally, why trust company negotiation, but not the consolidation of worker's representation bodies? This choice of fast track, without seeking the conditions best suited to each company, is in total contradiction with the desire to strengthen social dialogue as closely as possible to the economic and social realities of each company.

In this respect, CFDT expects that resources will be reinforced, both in terms of expertise and in terms of terms of reference and hours of delegation for the shop stewards and trade union representatives.

CFDT considers positively the increase in statutory redundancy payments (+ 25%), but we were asking for a higher level of revaluation. The "European benchmark" should be valid for this area as for the others.

But CFDT disapproves of many provisions on labour courts litigation and the perimeter of the economic dismissal. If we have been partially heard on some of our proposals, the drafting remains far from balance and secures far more companies than their employees.

The fine ambitions displayed upstream of the reform were impacted by past-oriented visions that regard trade unions as obstacles to be by-passed as much as possible, and the company as a private property closed on itself. Thus the government refuses to recognize that reformist trade unionism receives the confidence of a majority of employees in our country.