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# DECENTRALIZED COLLECTIVE BARGAINING IN FRANCE

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How have French labour relations changed in recent decades? How have they adapted to the new economic and social landscape? How have small businesses and their employees coped with changes in terms of their inclusion in collective bargaining?

In the following pages, we will try to present and explain the multitude of facts that mark these developments. The hypothesis of this article is that despite the multiplication of institutions, labour relations in France have lost impact in the lives of businesses and employees. Companies demonstrate their autonomy towards the collective bargaining system while formally respecting the dense network of regulatory constraints the State has created. Smaller companies and precarious workers are not included in these dense networks. The existence of a relatively high minimum wage by international comparison is the last barrier to a labour market disruption.

Come sono cambiati i rapporti di lavoro negli ultimi decenni in Francia? Come si sono adattati al nuovo contesto socio-economico? Come hanno fatto fronte le piccole imprese e i loro dipendenti ai cambiamenti in termini di inclusione nella contrattazione collettiva?

Nelle pagine seguenti cerchiamo di spiegare la moltitudine dei fatti che segnano questi sviluppi. L'ipotesi di questo articolo è che, nonostante la moltiplicazione delle istituzioni, i rapporti di lavoro in Francia abbiano perso il loro impatto nella vita delle imprese e dei lavoratori. Le aziende dimostrano la loro autonomia verso il sistema di contrattazione collettiva pur rispettando formalmente la fitta rete di vincoli normativi che lo Stato ha creato. Le imprese più piccole e i lavoratori precari non sono inclusi in queste fitte reti. L'esistenza di un salario minimo relativamente elevato nella comparazione internazionale è l'ultima barriera di una rottura del mercato del lavoro.

## 1. Introduction

The gap between the intentions of the institutional system of labour relations and its actual outcome is more of an obstacle than a support to the integration of small businesses in collective bargaining. The agents involved (on both employers' and employees' side) are based on foundations that do not favour the involvement of smaller businesses. The difficulties in adapting to the negotiation model encourage smaller businesses to hide behind the institutional system guaranteed by the state rather than prompting them to innovate and develop in sectors of the economy in which they are absent. The system in place was built and perfected by taking large enterprises as a reference.

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To support this view, in the following sections we will concomitantly analyse:
*a*) the nature of the agents involved in industrial relations, employers, trade unions and the State;
*b*) the results of these relationships;
*c*) the procedures and the means available to ensure that these relationships meet their objectives;
*d*) The role of these relationships in the social, economic and political systems of France and Europe.

## 2. The historical background

### *2.1. The initial changes and their long-term impact: the Auroux laws of 1982*

To analyse the beginning of these changes we take the document approved in the early 1980s as a starting point. This gives us a far-stretching perspective of over 30 years without the risk of mixing too heterogeneous periods. The 1980s in France were characterised by strong institutional transformations marking the social debate and that have been the subject of numerous academic papers and texts or positions taken by trade unionists and politicians. As a matter of fact in 1982, shortly after the arrival in parliament of a left-wing majority, a series of legislative changes were undertaken and regrouped under the name of the minister in charge of them: the Auroux laws.

They are a set of texts that seek a profound transformation of the framework in which industrial relations take place. They reorganised the labour code, with particular emphasis on the conditions governing bargaining at the three traditional levels: the national supra-industry level, the industry level and the company level.

The Auroux laws opened a new era in decentralised bargaining by introducing compulsory company level bargaining, whereas both the legislator and the trade unions favoured until then bargaining at the national supra-industry and national (sometimes infra-national) industry levels (Saglio, 1991).

Company-level bargaining was not completely unknown at that time. It even played a pivotal role and prompted many industry negotiations on the principle of pattern bargaining. Some large companies provided a model for wages, working time, social security, trade union rights, etc. which were then included in industry agreements. At that time it was about equalising working conditions through bargaining in an essentially domestic market. In the automotive industry for example, the company Renault negotiated an agreement that extended through an industry agreement in the metalworking sector to all its competitors. The peculiarity of company-level bargaining was that agreements were almost always reached as the result of a very high conflictuality. Making company bargaining compulsory, the Auroux laws claimed putting an end to a conflictuality that seemed to be a "French exception".

Formally, company-level bargaining was recognised in 1968, at the same time when the law institutionalised union presence within companies and gave appointed union representatives (*délégués syndicaux*) the right to exclusive bargaining. Although the presence of several trade unions is the rule in large companies, the signing of agreements by a single union is enough to make them valid. This rule applies to every level of bargaining. Agreements are nevertheless organised according to a strict legal hierarchy: an agreement in the "lower" level cannot derogate one signed at a higher level.

However, many among the trade unions and in the academia consider that company-level bargaining is itself a disruption of previous protective principles.

### *2.2. Thirty years of practice: the problematic supremacy of company-level bargaining*

The measures introduced in the early 1980s are statistically monitored by the Ministry of Labour (Combault, 2006; Avouyi-Dovi, Fougère, Gautier, 2009; Dares, 2012). In France, bargaining must be approved by the Labour administration and agreements must be filed. It is thus easy to identify and evaluate such agreements. The Department can extend agreements produced at industry or supra-industry level, which are in accordance with Labour law. Extension of industry agreements to all companies in the sector which are signed by representative labour and employer organisations ensures maximum coverage of collective agreements. With a coverage rate of 97.7% in 2004, France looks like a model at international level (Hayter, Soevska, 2011, p. 14), despite a very low rate of unionisation (Traxler, 2000): at 7.7%, it is the lowest at European level (European Commission, 2011, p. 26).

Auroux laws require – without imposing sanctions, however – that the branches and businesses negotiate salaries on a yearly basis and negotiate job classifications and other topics (equal opportunities, employment of older workers, job management etc.) once every few years. These statistics are contained in an annual "report on collective bargaining" which has been published for thirty years now.

In the long term, it is clear that company-level bargaining has spread over time. Another question is how it affects working conditions and wages of employees, and a further question is how it interacts with branch-level bargaining. The indisputable quantitative growth of company-level bargaining does not entail that its weight in determining the employees' status has increased. In fact, two factors numb the effect of bargaining.

#### *2.2.1. The structuring and supporting role of the statutory minimum wage*

For more than sixty years France has a statutory inter-professional minimum wage (*salaire minimum de croissance* – SMIC), which sets a minimum hourly wage for every employee. Its level is such that in the 2010s more than 15% of employees see their pay directly determined by this standard that goes up each year. This implies several consequences for wage bargaining at company and industry levels:

At industry level, the minimum wage set by the government is often used to determine the minimum wage in collective agreements. Wage bargaining at industry level acts to adjust the hourly minimum wage conditions for working in specific fields of the industry. The most common practice involves setting an annual minimum wage that reflects actual hourly rates and working time. Based on the new minimum wage, the industry also adjusts minimum wages for different professional profiles above the lowest required qualification. Due to the mandatory nature of the inter-professional minimum wage, the industry's task is to translate the impact of the minimum threshold onto all recognised qualifications. In some industries (cleaning, hotel services, security, trade, domestic services etc.), the statutory inter-professional minimum wage corresponds to the industry-level minimum wage and to the actual wage of most employees. In other industries, the industry-level minimum wage remains close to the statutory inter-professional minimum wage but concerns only a minority of employees. Possibly, it

might concern employees of smaller companies that do not have autonomy over their own market (small metallurgy, building). In other industries (chemistry, banking etc.), minimum wages hardly concern anyone.

In companies, two polarised situations can be identified.

In larger companies, an actual wage bargaining process takes place every year (called "annual compulsory bargaining", *négociation annuelle obligatoire* – NAO). This process does not necessarily translate into an agreement; in a significant number of cases, it ends with a report of disagreement. The employers can then take the measures that they consider appropriate. Frequently in major businesses (banking, aerospace, chemicals, automotive), negotiations are centralised at group level. For these large companies, industry wage standards are purely theoretical: actual wages are far removed from what is stipulated. We could add that this is due to the evolution of professional profiles in the industries: if blue-collar workers and some technicians still have the specific skills required in this industry, more and more white-collar staff have cross-cutting professional assets serving several industries at once. Such is the case for IT specialists, logisticians, and administrative staff. Non-qualified positions are often outsourced: cleaning, security, maintenance, transportation, etc.

In companies with less than 50 employees, bargaining is not compulsory. In addition, industrial relations practices do not generate formal discussion on this topic. The employer can freely decide, even if they are not socially or technically prepared to handle this type of arbitration. Industry-level minima on one side and pressures due to competition in the labour market on the other therefore influence decisions taken.

In general, if it is possible to affirm that smaller companies are generally more influenced by wages determined at the industry level than larger ones, we must also add that it depends on the labour market position of each company: a certain amount of larger companies are totally dependent on their contractors and their wages are low. A number of highly feminised companies fall into this category. On the other side, some smaller businesses are able to impose their own prices to their customers and their employees receive better salaries.

### *2.2.2. The sociological role of legally binding bargaining*

Since the introduction of an obligation to negotiate wages and job classifications in 1982, a number of other obligations have been added. These new requirements are often the result of issues and demands that have emerged with greater force in society, which sometimes go beyond the boundaries of companies but are taken care of in these businesses – at least partially. Such obligations relate in particular to working conditions and psychosocial risks, work schedules and work-life reconciliation, equal opportunities, the management of jobs and skills (*gestion prévisionnelle des emplois et des competences* – GPEC), employment of older workers, employee participation in company profits, life-long training, and so forth. Any company with more than 300 employees is thus subject to a dense legal network of on-going mandatory practices.

This body of binding negotiations, built over decades and under left as well as right governments, is now used in France as a waybill in most HR departments. The management and employees' representatives comply with this agenda, performing the actions indicated in it without being able to take the initiative on them. Combined with the requirements of increased competitiveness, this normative set of procedures imposes a tight protocol on social exchanges. Imperceptibly, the principles of social dialogue

have come to replace union-led initiatives. There is hardly a topic not covered by legally stipulated bargaining.

In practice, large companies are the best equipped agents to demonstrate legislative compliance. Their employee representatives need to meet numerous, recurring and specific requests by their managers, the legitimacy of which they often struggle to challenge given that they hardly manage to meet the requests.

In smaller companies, these demands are not as challenging. Employers often have neither the expertise nor the time nor the budget needed to support many of these issues.

According to the information provided by the Ministry of Labour, company-level bargaining conducted in 2011 can be summarised statistically as follows:

> The number of agreements concluded in companies is stable in 2011 compared to 2010 (33.869 recorded agreements in 2011 against 33.826 in 2010). This overall stability, however, is the result of contrasting trends when the type of representatives and the content of these agreements are analysed. The decline in the number of agreements on employee savings plans (–19%), which is the main type of agreements negotiated by employee representatives, translates into fewer agreements signed by them (7.042 agreements).The increase in the number of agreements on wages (31%), working time (12%) or professional equality (49%) corresponds to an increase in the total number of documents signed by union representatives (10% or 26.827 agreements) (...) In addition to agreements signed by elected works committee members, union delegates (*délégués syndicaux*) or employees with a mandate to negotiate (*salariés mandatés*) there are those ratified by a majority of two thirds of employees regarding employee savings plans (14.581 agreements) and those signed by the employer alone (9.665 unilateral decisions). In total, 58.312 agreements were recorded [...] Of those recorded, agreements signed by trade union delegates or mandated employees made up 46% of all agreements, and 79% when signed by union delegates, authorised employees or elected staff (i.e. 26.827 agreements) (Ministry of Labour, 2012, p. 19; own translation).

From the essential point of view of the impact of industry-level bargaining on wages, the Ministry of Labour makes a fairly clear diagnosis: industry bargaining plays only a marginal role, at least for less skilled employees.

> Despite the intensity of negotiation, the industry often offers little additional safeguards to the minimum wage for the least skilled workers [...] The role of the industry in increasing real wages vis-à-vis the minimum wage can be questioned, especially for the least skilled workers. If we adjust the increases in negotiated wages to the effect of the statutory minimum wage in order to keep only the "bonus" compensation offered by industry-level bargaining […], the average increases in negotiated wages "excluding the impact of minimum wage" for blue-collar workers and lower skilled white collar workers have actually been very low over the period 2003-2009 (Ministry of Labour, 2012, pp. 644-5; own translation).

We know that for the most qualified employees, wage levels in collective agreements are often disconnected from the actual practice.

As a matter of fact, industry-level agreements, the impact of which can differ depending on the companies involved (ENA – École Nationale d'Administration, 2004), tend to be increasingly limited to procedural aspects on issues that do not affect the autonomy of enterprises in wage-setting. Job classification, social protection, vocational training, health and safety are included in them with a view to encourage companies to take them into account, however without setting clear indications for their implementation.

A parliamentary report on industry-level bargaining tried to evaluate the vitality of industry-level agreements by constructing a scale of their activity rates from "very active" to "presumably extinct" (Poisson, 2009, p. 10). According to this reading, about half of the branches are "dying" or "dead". The other half is considered to be "productive" or "very dynamic".

Table 1. Dynamism of industry level agreements

| Degree of dynamism | Field covered by collective agreements | % collective agreements |
|---|---|---|
| 1 | 87 | 13 |
| 2 | 243 | 37 |
| 3 | 83 | 13 |
| 4 | 244 | 37 |
| Total | 657 | 100 |

1 = very dynamic: 70%;
2 = productive: 30-70% activity over the period;
3 = dyning: 10-30% activity over the period;
4 = presumably extinct: very poor or inexistent activity (≤10%).
*Source*: Direction générale du travail (2009).

### *2.3. The most recent changes and their potential impacts: the laws of 2008 and 2013*

Bargaining has recently undergone a period of transformation due to the introduction of two laws, one in 2008 and one in 2013. These laws have put a legislative end to the previous three decades opened by the Auroux laws and harbour great potential in the field of industrial relations.

#### *2.3.1. The 2008 law on union representativeness*

Since the 1950s, and therefore throughout the period of post-war boom (*les Trente glorieuses*), union representativeness had been codified in a post-WW2 law which granted five organisations and their members the right to sign valid agreements: CFDT, CGT, CGT-FO, CFTC and CFE-CGC. The first four can sign agreements for all employees, and the fifth can do so only for executives (*cadres*). The signature of agreements by one organisation concerns all wage earners regardless of their presence on the ground.

The decades from 1960 to 1990, in which the regime of industrial relations was built, operated under this regime. However, we must distinguish two main stages in this long period. Until the 1980s, bargaining was characterised by harsh conflicts between the parties. Employers should carefully assess decisions in some key companies when it came to formalising common rules: Renault – following the example of FIAT in Italy – is considered a model in the field (Fremontier, 1971).

From the 1980s, not only were the ways of bargaining transformed by the Auroux laws: conflicts waned, and unrest took a defensive stand in the private sector. In the late 1990s, a law on the reduction of working time led to bargaining at both company and industry level. Conducted without notable conflicts, these negotiations repeatedly showed the difficulty of signing agreements following the rules in force (Dufour *et al.*, 2001; Rouilleault *et al.*,

2001). For instance, the metallurgy industry signed an agreement at the start of negotiations in 1999, but under the responsibility of three weakly established unions and against the opinion of the two most powerful.

From that moment, discussions followed several steps. At first, it was officially put on record that the signature of one union was insufficient, since it takes at least three unions to make the agreement valid at the supra-sectoral and industry levels. At company level, signatories needed to meet at least 30% of the votes in works committees (*comités d'entreprise*). Discussions continued until 2008, when a compromise was reached.

For employers, the State, and often employees themselves, the rules of representativity are not relevant enough to secure agreements for the signatories made through collective bargaining (Chertier, 2006). Not only can minority organisations sign legally valid agreements, but also the weakening of unions casts doubt on the type of possible signatories. The French system of representation in the private sector is based on a dual model. On the one hand, unions have been granted exclusive rights on the signing of agreements; on the other, institutions elected by all employees have the rights to information and consultation on important topics (working time, employment, economic situation etc.). The representatives in these institutions, i.e. works committees (*comités d'entreprise*) and employee delegates (*délégués du personnel*), are possibly elected from trade unions lists; in smaller companies delegates may be elected from lists independent of trade unions. Since its inception, French unionism has refused to consider these institutions elected by vote of all employees as valid interlocutors in crucial bargaining processes. However, while trade unions are losing their members, the number of elected institutions is on the increase; participation in their elections is notably higher than participation in elections based solely on union lists.

Unions consulted each other to try to propose a solution to this complex situation. The largest of them with regard to membership as well as results in representative elections, the CGT and the CFDT, agreed and found a sympathetic ear in employers and the government. An agreement was made public between the two organisations and employers in January 2008 (Bélier, Legrand, 2009), which stated that representative powers will be given to organisations that meet ten percent of the vote in the elections to works committees. To be valid, an agreement must be signed by organisations which have obtained at least 30% of the vote and not be challenged by organisations which have obtained at least 50% of the vote. At industry level, the level of representation is set at 8% and the rules regarding validity of agreements have the same thresholds. Other unions who might be threatened by the existence of such thresholds did not share the proposals that became law in August 2008. The time required for this new law to come into force postponed its implementation to the summer of 2013. The new law is applied in companies as soon as a new election takes place.

Due to recent implementation of the law, it is too early to appreciate its effects, but its acceptance by trade unions can be already considered a symbolical yet very important step in the transformation of trade unions in France (Le Crom, 2010; Borenfreund, 2013).

### *2.3.2. Representativeness and small businesses: representation by proxy (mandatement)*

Because they are more or less void of trade union presence, small businesses cannot sign collective agreements. Therefore, the question of their representativeness has prompted some serious reflection for unionists, labour lawyers and legislators alike.

Little was known of the situation of small enterprises with their loose legal dispositions when the Law on the Reduction of Working Time prompted numerous company-led

initiatives. These practices taking place between 1999 and 2002 could be analysed more empirically. A first law provided that the agreements signed by union delegates (*délégués syndicaux*) would apply in the absence of measures at industry level. This seemed to exclude pilot actions in small businesses, which almost never host union delegates. According to trade unions favouring the initiative and the government presenting the law, it was necessary to prove that small businesses were not consistently hampered by the reduction of working time – on the contrary, that they would be able to take advantage of it.

The law then had recourse to an existing legal option that was rarely used to create a new form of employee representation, the "proxy representative" (*mandaté)*. The proxy representative is an employee who, without necessarily having been elected by employees or appointed by trade unions, requests a "mandate" from a union to validate agreements discussed in companies without union delegates. This was often the case; in discussions on the reduction of working time, thousands of agreements were signed in this way. The unions hoped to recruit activists and new members by these means, which did seldom happen. However, agreements obtained by means of proxy in these companies were often of good quality. They show that, even in small companies where social dialogue structures are not formally installed, there is often implicit exchange (Dufour *et al.*, 2001). It is the union's position towards small businesses that poses a problem, not the certainly very diverse practices taking place in small businesses.

Since then, representation by proxy has lost its impact. Various transitional measures to enhance representativeness taken between 2002 and 2008 have gradually allowed works committee members or employee delegates (*délégués du personnel*) to compensate for the lack of union delegates at the signing of agreements. This includes companies with 11 employees or more.

The 2008 Law on Representativeness concerns predominantly companies with more than fifty employees where *comités d'entreprise* (works committees) are elected, and to a lesser extent companies of between 11 and 50 employees with employee delegates (*délégués du personnel*). These elections are the basis for access to union representation at company, industry and inter-professional level. To ensure fair access for all employees to the conditions ruling appointment of representative organisations through elections, and in the absence of elections held in their companies, employees of smaller businesses (less than 11 employees) are offered the opportunity by a law of 2010 to vote in favour of regional union lists.

According to the National Institute of Statistics, "more than three million employees work in very small enterprises (VSEs) and 1.6 million work for individuals (e.g. domestic help). According to the law of 20 August 2008, these employees are not involved in the determination of the extent of unions' representation of employees which will represent them in bargaining at industry, national and supra-industry level [...] In order to involve all employees in the measurement of trade unions' audience in the context of the reform of representativeness, the legislator has completed the reform of union representation by the Law of 20 August 2008. The Law of 15 October 2010 foresees to hold elections to collect the votes of all employees of very small companies" (Ministry of Labour, 2012, p. 215; own translation).

The results of these elections have been used to calculate representativeness together with the results of company level elections. Held for the first time in December 2012, and despite seeking the potential involvement of five million people, they had a very limited success since only little more than 10% of ballots were collected[1].

[1] «Les élections professionnelles dans les très petites entreprises (TPE), une première en France, se sont soldées par une nette avance de la CGT, arrivée en tête avec 29,54% des voix, suivie par la CFDT (19,26%) et FO (15,25 %), sur

*2.3.3. The law of 2013 and employment bargaining at company level*

The 2008 law reorganised the conditions of access to representation for employee organisations, basing union representativeness on the results of elections to works committees and employee delegates. The law of 2013 substantially affects conditions of employment bargaining within companies and reorganises the relationship between elected and trade union bodies within companies.

Until 2013, when redundancy or reorganisation measures were taking place in a company, the works committee had to be informed and consulted on the measures taken. It could then try to influence them by means of a highly codified procedure, lasting months. It could first ask the company to warrant that the economic situation was such that it was necessary to downsize (the so-called "Book 2 procedure"). Then it could discuss with the employer the nature of the social measures proposed: number and choice of layoffs, etc. (the so-called "Book 1 procedure"). It finally proceeded to a vote whether or not to approve the result of what did not really have the legal status of proper bargaining, but looked quite similar even if it belonged to "consultation" measures.

Employers were very dissatisfied with this procedure for two main reasons. On one hand, over the years the procedure had become more and more rigid, long, expensive and often unproductive. In most cases, the works committee did not approve the measures adopted at the end of the discussions. On the other hand, the legal complexity of the procedure and the non-contractual nature of the results exposed the company to legal remedies of various kinds. The works committee managed frequently to cancel the whole process because the legal conditions had not been fully complied with. Employees concerned could then enter the labour courts because the conditions of their layoff did not correspond to accepted local practices or industry standards.

To accelerate the procedures for termination of employment, employers opened a negotiation procedure that led to an agreement in December 2012, called "job preservation agreement" and signed by three organisations: CFDT, CFTC and CFE-CGC[2].

This National Inter-professional Agreement (ANI) was adopted into law by the government and parliament in May 2013. The conditions for dismissal are deeply transformed. Now a union can sign an agreement with the employer that prepares and organises dismissals. It can also accept temporary wage cuts and extensions of working time. If no union signs the agreement, or only a minority of less than thirty per cent is ready to sign, the employer has to present a draft dismissal to the Labour Administration. This administration cannot rule on the reasons for dismissal, but only monitor on its legal compliance. In both cases, the procedure should take place within less than one month. Employees who refuse the new working conditions are fired for individual reasons. Complaints against these measures can only be made after two years.

Compensatory measures are provided for in this agreement, which give employees of small businesses access to supplementary welfare measures from 2017. Employees in

fond d'une participation faible de 10,4%. L'UNSA s'est positionnée en quatrième position avec 7,35%, suivie par la CFTC (6,53%) et Solidaires (4,75%), selon les données du ministère du travail, qui précise qu'elles concernent la seule métropole. La CFE-CGC, qui participait au seul collège cadre, a obtenu 26,9% des voix dans ce collège. La participation s'est élevée à 10,4%, soit près de 500.000 salariés ayant pris part à ce scrutin inédit» ("Le Monde", 21 décembre 2012).

[2] Signed in 2012, this agreement falls under the old rule of representation. Three organisations are sufficient to make it valid. In early 2013, when the new rules of representation were being evaluated, it appeared that these three organisations together regrouped over 30% of the vote and those who oppose it did not collect 50% of the votes on their side. Some smaller, non-representative trade unions were opposed to the measure, some in favour.

precarious situations can also benefit from extended employment contracts. Fixed-term contracts are taxed more heavily.

Trade unions opposed to this agreement, essentially CGT and CGT-FO, stressed that the conditions were uneven. While it was made easier for employers to make redundancies, social protection measures are weak and concern only a small minority of employees. They also fear that the measures on precarious work could, in fact, lead to its increase rather than to its decrease, making temporary work more advantageous than fixed-term contracts for employers.

One collateral effect of this agreement was to increase the gap between the various trade unions. In companies where often cooperative relations were established, tensions mounted significantly between different trade unions.

In this context – the Law of 2008 on Representativeness and the Law of 2013 on Employment – the stakes have increased for union organisations at company level. However, in practice it seems that such expectations have been disappointed. Numerous signs tend to foreshadow a decline in employee participation in elections and an increase in polarisation among trade unions.

## 3. Economic and institutional changes

The conditions for collective bargaining and its impact on smaller companies are not limited to these specific legal provisions. A series of structural, economic and social indicators, which have transformed the role of small businesses in France, are also involved. Five are listed below.

### *3.1. The "grouping" of the private economic sphere*

In the development of the principles for collective bargaining, most companies form entities with easily identifiable boundaries, clear geographical coverage and a specific type of production. Relations among the companies can mainly be analysed in the light of competition. The creation of industry branches happens in this context: the unions seek to push competitors with a different social and productive background to form a coherent and united whole for collective bargaining. This does not only happen because employees are not isolated, but also because companies see themselves as entities with common characteristics. Collective bargaining is thus often regionally based depending on the particular characteristics of employment areas, hosting mechanics, textile, shoes, mining, and so forth. Enterprises in the service sector are few; therefore collective bargaining essentially involves the manufacturing sector. These initial foundations leave their mark on employers and workers' organisations.

In recent decades this business model has changed dramatically. Individual companies found themselves grouped under the effect of increased demands for access to markets and competitive conditions. Business groups, albeit for different reasons, have taken over independent companies. Different sectors of the economy have been merged both in the manufacturing and in the services sectors: for instance in the automotive, banking, insurance, food, chemical, hospitality, trade, transportation industries, and so forth. All sectors are now dominated by business groups. These groups often regroup companies operating in different branches and therefore organised in different ways. For example, banking groups gather specific banking companies but also companies working in the

field of insurance, of IT or of telecommunications. Food manufacturing corporations are extending their activities to distribution and retail companies.

In France, the characteristics of business groups have been recognised in social legislation. The law requires groups to create representative bodies of employees at business group level if several companies have a common management. The structure of employee representation has become more and more complex. There now co-exist "business group works committees" stemming from company-level works committees and "group union delegates" who can sign agreements at business group level. The creation of European-level works councils adds to the system; questions on bargaining at European level have been raised over the past twenty years (Dufour, Hege, 1999).

After having been reluctant to warrant employee representation at group level for a long time, because it seemed to conceal too strategic a potential, companies are now encouraging the signature of such agreements – which then apply in the different participating companies. This allows for the standardisation of social conditions across the different enterprises and plants in a way that also matches the characteristics of each company while including local management in a logic going beyond local circumstances. Since business groups are sometimes composed of fairly small companies (such as in the construction, food, trade, hotel industries), employees within companies once outside collective bargaining are now included in these processes.

This marks the gap between the companies integrated in the business group and those that linger around the group, even when their participation in the group remains essential. The size of such companies appears less important, although dependent firms generally do not exceed a few hundred employees. Companies with a significant number of employees which are legally independent are completely dependent on a very small number or even a unique contractor. The conditions of production, development, management of social relations are often dictated by the contractor, who however does not formally intervene in the organisation of the dominated company.

In terms of industrial relations and collective bargaining this has significant consequences:
*i*) Groups acquire control over subcontractors on social issues. This relationship allows them to optimise the social conditions they offer to their direct employees to the detriment of those, subjugated and depreciated, available to employees in subcontracting companies;
*ii*) industry branches are no more reflecting systematically the process of equalisation of social conditions among competing companies that once founded them (Sellier, 1984). Many branches now base their relations with participating companies on compliance with public standards (such as minimum wage). The aeronautical sector is exemplary in this respect (Dufour, Hege, 2009). Where once regionalised competition pushed for the establishment of a collective industry agreement, the supremacy of the contractor companies has slowly transformed its nature into organising the hierarchical order of the companies;
*iii*) the size of a company is no longer sufficient to establish the status of companies in the systems ruling labour relations. The type of relationship with other companies – dependence or autonomy – interferes heavily.

### *3.2. Loss of salience and overturn of the public employment model*

The rules of collective bargaining are not the only ones to influence and determine labour relations in the private sector. In France, for a long time, the public sector has directly and indirectly influenced social relations in the private sector.

This manifested itself in the State interventions in the management rules of its own staff. Until the end of the 1990s, the French government has disposed of a large and varied labour force. Officials assigned to strictly governmental duties (such as taxes, education, justice, police, etc.) stood alongside officials of local authorities (regions, departments, and municipalities), officials of public services (health, transport, etc.), and private employees of the many companies under partial control by the State.

In the 1980s, the state took control of economic regulation especially by means of nationalising numerous companies (banks, large private companies, etc.). In the fight against inflation, a policy of wage restraint was carried out by the State with respect to its own employees. Employers in the private sector followed their example. Since the mid-1990s, the state has withdrawn from direct ownership of companies that have been sold to the private sector. But soon afterwards the state imposed a line of moderate expenses, before starting in the years 2005-2010 a policy of staff reduction.

Conducted in the long term, the restrictive state policies at different levels of intervention have led to a loss of salience of the public employment model on the French labour market. If at the beginning, the civil servant status (lifelong employment) could be accompanied by wage levels at least equal to those of similar jobs in the private sector, lifelong employment is no longer a sufficient motivation for the most qualified employees for seeking public office, despite rising unemployment. Fifteen years of wage increases below the inflation rate have contributed to making public sector jobs less attractive. The loss of salience of the public employment model is accompanied by a perspective of long-term restrictions to it, in the context of the State's debt relief policy. Public employment is not a guarantee of income security and risks on the job itself are now conceivable.

In early 2013, the French government is struggling to recruit teachers while unemployment continues to grow, including unemployment among young graduates.

The State, which used to be the role model in social affairs, has now become dependent on the practices in the private sector. The implicit normative production in the field has changed sides. It is particularly significant that major efforts are conducted by the State administration to delocalise staff management, thus putting an end to centrally led policies that had been in force for over a hundred years. Regional managers are now called upon to implement on their responsibilities the general measures taken at national level.

Indirectly, this affects bargaining in the private sector because agents have changed. These changes contribute to the loss of relevance of French syndicalism which, over the years 1970 to 1990, had retargeted its activities from the private to the public sector. The unionisation rate is higher in the public than in the entire private sector (around 15% in the public, probably less than 5% in the private sector), but wage losses, the waning opportunities for promotions, and the increase of management methods based on personal productivity have dismantled the modelling capability of the public service. The decentralisation of staff management and the conditions of its implementation has wholly destabilised the structures of the unions which were fully oriented to the national level, with a direct relationship between the national union leaderships in Paris and the central government. The "political" nature of these direct and centralised relations loses its impact when decisions are taken at more decentralised levels. In addition, this compromises intermediate hierarchical structures of public administration: regional and local managers are no longer just a step closer to the lower levels, but rather become decisions levels with respect to the employees. The unions used to recruit many of its own staff in the first hierarchical levels of different administrations.

### *3.3. The decline of offensive conflictuality in the private sector and the institutionalisation of social dialogue*

The conflictuality has strongly declined and its current level means that France is no longer an exception on the international – and especially the European – scene.

For a long time, conflictuality was the dominant trait of labour relations in France. However it was not generalised to the entire economic territory, but tended to be concentrated in certain businesses and employment areas, while feeding from more global, rare but dramatic conflicts. Unions could offset their limited membership rates by making proof of their credibility with the employees they claimed to represent. Gradually, conflictuality has decreased in the private sector, where it exists only sporadically. It takes place often in support of localised industrial actions of limited duration. Employment measures or corporate restructuring are another source of conflict, as recent examples in the steel or tyre industries have shown in 2010-2012. However, most companies do not feel threatened by this type of internal relations. Most representatives of private sector employees have not directly experienced conflicts in business which they had to initiate and conduct under their responsibility.

In the public sector, things were different until the early 2010s. Under the effect of strong prevailing union tradition and red tape in personnel management, mobilisation and strike activities were often used. Their success rates, however, tended to decrease. The State has learned to resist the demands of its own agents, playing on the resentment of the population with regard to civil servants, who were considered protected compared to private sector employees in a period of intense economic transformation.

Small businesses and their employers are still frequently called to join in resistance to conflict. On one hand, officials have assured their jobs and their monthly salary and are living off taxpayers' money, on the other, employers and employees are constantly threatened by the brutality of international trade, which is however essential to the country's economic performance.

### *3.4. Worlds of work drifting apart: precarity and dependent companies*

Since the mid-1990s, French sociologists have been bringing the development of precarity and its impact on the social and political situation of the country to public attention.

On the one hand, as academics point out, post-war social structures seem firmly installed, including extensive and effective social protection systems, broad coverage of employees by the rules of social negotiation, high levels of minimum wages in international comparison, and social actors enjoying a strong institutional presence.

However, in this positive landscape where players like to recognise themselves, also to exercise their conflicting relationships, new social figures have appeared, herald of the loss of relevance of the former social construction.

For several decades, changes have occurred in employment relations; at first in marginal, non-intrusive situations in the social architecture. They first appeared in non-standard employment statuses: while since the 1960s a considerable effort led to securing the status of employees by means of contracts of indefinite duration, forms of precarious work started developing. Measures were taken to prevent such precarious contracts from becoming areas outside law and to restrain their development. They are not irrelevant on a quantitative scale; however they seem not to destabilise the vast majority of secure

employment contracts. The researchers then observed that not only was it necessary to analyse the legal characteristics of these contracts, but also to take into account the sociological characteristics of the people involved in these work relations. They often concern younger people, those in search of their first job, women and those with a lower level of education. The relative long time since the establishment of these practices allows observing that they do not permit a transition to secure forms of employment. If on one side it is about temporary jobs for the companies, on the other it is not a temporary situation for the employees (Bouffartigues, Bouteiller, 2002; Cancé, 2002). A new category of employees is being created, marked by a new type of employment relationship which involves heavy consequences on their social integration: the precariat.

An intense debate is taking place around this idea at academic, trade union and political levels (Dufour, Hege, 2005). Are the concepts of "precariat and precarity" valid? How can they be defined and how large a field they cover? This debate goes far beyond French borders and has particular salience in Germany where the so-called Hartz IV measures are beginning to have an effect on the social structure (Dörre, Kraemer, Speidel, 2006; Castel, Dörre, 2009).

The concept of precarity, built from the focus on employees with fragile labour contracts, raises the question about the strength of the situation of many other employees: endemic unemployment in France since the mid-1970s provided a large contingent of vulnerable people with precarious living conditions.

But apart from these situations, structurally marked by insecurity and recognised as such, research is beginning to identify the social proximity of employees who apparently have solid working conditions, but who actually are in a position of great weakness: employees of small businesses are especially in such a situation due to their wage levels and the instability of their jobs.

In this context, the theme of job security becomes a central theme for the unions as well as for public authorities. This is to prevent that a two-tier social situation destabilise the political and social balances built and established between the end of World War II and the beginning of the 21st century. Unionism is particularly vulnerable to the degradation of labour relations and of social inclusion, which it has greatly contributed to design and enforce. This requires unions to renew their investments and engagement with the vulnerable populations. «The difficult relations of syndicalism towards atypical jobs show that it cannot elude questioning its internal rules of aggregation and prioritisation vis-à-vis the working population» (Dufour, Hege, 2005, p. 22; own translation).

### *3.5. Social actors: a weakened, yet sought after presence*

If we stick to the available institutional data, the French trade unions and employers' organisations are in a relatively good position.

#### *3.5.1. The institutional strengthening of the unions' presence*

For trade unions, we note that in the last fifteen years the number of companies in which works committees are elected has increased, and that bargaining provided for by law tends to take place with more frequency (DARES, 2013). However, the rates of trade union membership remain a weak spot. No major French union has managed to reach one million members, which is the explicit goal of some. With 800.000 members claimed, CFDT seems to be slightly ahead. But the data – which cannot be verified from the outside – suffer from a serious lack of credibility.

Union presence in companies in France is mainly provided through the structures of representation elected by all employees (works committees, employee delegates, etc.). Institutionally this presence is strong because employers themselves need these institutions to be able to meet certain social standards in their human resource management. The obligations to negotiate, inform and consult, as we have seen above, form a dense network. The works committees receive funding for cultural and recreational activities for employees. These sums are very modest in smaller companies but can reach 5% of payroll in the richest (such as aviation). Special funding for the operation of the works committee is provided: the funding amounts to 0.2% of payroll, and the employer must ensure the provision of an office and other means for the activities to take place. In comparison with these means, the union dues collected – mostly channelled back to external union structures – have little weight and union representatives pay them little attention. These rules are far less strict in businesses between 11 and 50 employees, and smaller companies are under no obligation to follow them.

The absence of institutions of employee representation contributes to the isolation of very small firms with respect to unions.

French unions are traditionally based on an organisational structure which should facilitate their access to these smaller companies. Since the late 19th century, the trade union structures are in fact composed of two levels: the professional (industry) level aggregating in the trade structures at the national level and the inter-professional level regrouping local, departmental and regional units of all trade unions operating at those geographical levels. Inter-professional structures have long played a decisive role because companies were mostly geographically bound: the labour market was very local, and employees' local characteristics were strongly marked, as regards professional, religious, political affinities.

Union structures have gradually detached from their inter-professional contacts. Business expansion, national and international groups restructuring, and national centralisation of labour relations have turned the attention of union leaders away from the economic and social issues of their immediate geographical environment. For a long time, inter-professional local union structures (*unions locales*) have mobilised activists of the largest companies to ensure trade union presence in smaller companies. The local support available to non-unionised employees in the local union houses (*Bourses du travail*)[3] allowed union standards to permeate the local economy. Changes in employment of employees in local businesses also favoured contacts between unions and companies of all sizes.

Union structures are still based on the same organisational dualism. However industry structures now occupy almost all the space for union activity and influence. The human and material resources available through representative institutions, which constitute most if not all of the union means, are used in the companies were they originate. Inter-professional structures, funded by a portion of union dues, receive only poor funds far away from those available to activists from large companies. The latter have also acquired the techniques for professional management that are used in their respective businesses; they are confused by the patterns of social relationships formed in small businesses. Conversely, in a given area, the gap between wage and social protection conditions in large and small companies has

[3] Created in the 1880s, the Union houses (*Bourses du travail*) were places open to all trade unions in a given locality. Until the early 1980s, these meeting points were the scene for training and breeding of generations of trade union activists, and to make explicit hostilities between various unions (Schöttler, 1985).

become such that trust relationships between unionists and employees of small businesses are not easy to build or maintain.

*3.5.2. Employers' organisations*

Employers are also organised in several confederations, but all of them are clearly under the aegis of the largest of them, the MEDEF (Movement of the Enterprises of France – *Mouvement des entreprises de France*). The second most important – the CG-PME (General Confederation of Small and Medium-sized Enterprises – *Confédération générale des petites et moyennes entreprises*) – has only relative independence from the first, both for financial and for organisational reasons. A third, the UPA (Union of craftsmen – *Union professionnelle des artisans*), has been trying for several years to assert its autonomy, although it suffers from structural problems of coordination due to the dispersion of crafts and from MEDEF's geographical and economic supremacy on the whole French territory. An organisation of employers in the field of social economy has been trying for several years to break through, but has not yet obtained recognition of representativeness from the State to participate in the collective bargaining.

Some concerns were raised during the debate on the 2008 law, noting that employers' organisations too should be checked for representativeness. However, neither successive governments nor union confederations have found it useful to put this point forward. Many clues point to the fact that the issue could not be merely rhetorical. Corruption issues have rocked employers' organisations in the decade 2000-2010. In early 2013, the need to elect a successor to the current president of MEDEF highlights the internal coordination difficulties of this organisation. The battle of personalities that the media portray shows that internal lobbies, which have their origins in some industry-level federations, are at work: metallurgy, food processing, construction, banking and insurance companies are particularly active. It is not certain whether adhering companies are fully mobilised by organisational challenges raised by the officials in these organisations more than by the companies themselves.

In fact the largest companies, organised in groups as explained above, have long taken distance with their officials, while maintaining their presence in the industry and professional bodies covered by their activities. Within the MEDEF, proposals exist to make companies, and not industry-level federations, members of the confederations[4].

A second type of business organisation is based on the legal and fiscal obligation for companies to be affiliated to Chambers of Commerce and Industry or, for smaller companies, in Chamber of Crafts. There is on-going competition between these two modes of representation. Industry-level structures criticise Chambers of Commerce and Industry for not having to ensure adhesion of members since they rely on tax revenue determined by the State. The Chambers of Commerce and Industry or Crafts have para-statal functions such as those of Commercial Courts as well as management of some economic facilities of general interest (ports, airports, product markets, business areas, vocational schools, etc.). The Chambers have no competence to ensure bargaining with trade unions. They are, however, sufficiently present in the economic field and influential in certain social decisions that trade unions engage locally in informal relations with them[5].

[4] Denis Kessler, former vice president of MEDEF, expressed this opinion in an interview with "La Tribune", a business daily widely read in employers' circles on 14 December 2012, in http://www.latribune.fr/actualites/economie/france/20121213trib000737117/-il-faut-une-nouvelle-refondation-sociale-.html.

[5] Regional economic and social councils within regional administrations represent formal and non-formal meeting places for employees' and employers' representatives, political institutions and decentralised state structures.

Employers' organisations thus have an extensive system of intervention methods. As within the Chambers of Commerce and Industry, staff policies within industry federations and their local representations show subtle mixtures of overt competition and more or less public alliances.

Since the early 2000s, in response to government measures regarding working time, the MEDEF decided to "re-design" labour law and industrial relations. Despite the many internal contradictions, this policy has been carried through in front of the state and the employee organisations.

### *3.5.3. Joint management (paritarisme) and its territorial and social role*

Large as well as small-sized companies depend on an extremely dense network of institutions of joint management (*commissions paritaires)*, which have developed over half a century ago. Joint management – either organised in a "pure" way, i.e. only with employer and union organisations, or in a "mixed" way, i.e. with the participation of the State – is part of the French social model of industrial relations (Hatzfeld, 1971; Friot, 1998; Nézosi, 2000; Dufour, 2009). Substantial funds are mobilised for a multiplicity of issues: complementary social protection schemes for health and retirement, vocational training, occupational health, etc. Joint committees play an important role because they provide businesses with a common management of many cross-cutting social issues with a view to adapt their organisation to industrial or regional needs.

On a more organisational but no less important point of view, such committees allow for regular and frequent meetings between social agents and can provide them with substantial operating resources. It is sometimes believed that these resources go beyond the needs arising from the management of joint committees and provide important means to professional organisations with few affiliates (Hadas-Lebel, 2006; Andolfatto, Labbé, 2009).

Joint management was the subject of a new national agreement in February 2012. It explains in particular the societal goal of this mode of management engaging the "social partners" alone: «An exemplary joint management reinforces the place and role of social partners in social democracy and thus strengthens their legitimacy in the creation of standards through bargaining» (own translation). The text distinguishes this type of joint management from the one resulting from the delegation of social functions to the social partners by the state and under its control. The text answers criticisms regarding the diversion of resources of joint committees towards their managers.

## 4. Which scenario for industrial relations?

The French industrial relations are currently marked by a strong activism of central professional organisations. They seek to find a new equilibrium for France in the framework of increased international competition. But there is a growing gap between bargaining structures in industrial relations and how bargaining actually takes place. What happens at European level is only indirectly relevant in this long-term transformation.

### *4.1. Increased activism leading to a de facto dualism*

Contrary to its social history, France has been witnessing a strengthening of the role of centralised bargaining led – without previous conflicts – at the highest levels of trade

union and employers' organisations. The aforementioned laws of 2008 and 2013 are just examples of the many facets of this activity. MEDEF'S strategy of "social reconstruction" can be taken as a starting point of the movement.

*4.1.1. Increased central bargaining activity*

This new phase seemed to start off on the wrong foot for the main employers' organisation. In 2001, an agreement was signed by the totality of the trade union confederations and by the UPA (Union of craftsmen – *Union professionnelle des artisans*). This agreement provided for the possibility of developing specific representative structures for employees of very small businesses. Funding was to be based on company contributions. By means of this agreement, the UPA found a way to show its independence from the power of the MEDEF, and trade unions hoped to get closer to employees of very small structures.

More than ten years after the signature of the agreement, it has borne very few achievements. Internal disagreements in the UPA have emerged, annihilating any attempt to empower the organisation; MEDEF leadership in French social life has been reaffirmed on numerous occasions.

The bargaining activity significantly increased in France in the middle of the 2000s. A growing number of indicators suggest that these numerous and repeated manifestations of the activity of "social partners" do not really correspond to the profound mechanisms of the French economy and society.

We saw earlier that one of the essential elements of former bargaining- that is to say, industry-level wages – was not any longer prompting much of a coordination effect among actual real wages (André, 2012a, 2012b). Now, in a situation where unemployment has become a permanent feature, a true dichotomy is established between labour markets that are drifting apart. The new landscape of social relations is characterised by contrast and new figures.

The contrast between large and small companies is part of this differentiation, although we saw above that it should not be exaggerated. Nevertheless, the bargaining model that has developed over several decades in France shows a clear divide between the one and the other. Larger companies have to enrol in multiple and complex demands legislatively standardised at national level which organise the exchange between institutionalised agents. Smaller companies need to comply with basic rules, the minimum wage and labour contract management; they experience weak intermediation of a mostly legal and externalised nature (elected industrial courts). Relationships between large and small firms tend to be defined as dependency relationships: smaller companies depend on larger ones. In recessionary periods, large companies keep their activity loads high to ensure the sustainability of their production. During economic booms, they transfer some of their load to sub-contractors, demanding their maximum flexibility.

Another contrast regards the type of contract offered to employees (Chabanet, Dufour, Royall, 2011). Small businesses are not the only source of adjustment. They are part of a movement to diversify forms of employment. In France, fixed-term contracts (*contrats à durée déterminée,* CDD), temporary contracts and permanent part-time work are the three main forms that accompany this steady rise of uncertain employment perspectives. Three-quarters of the hires are actually made through a CDD. The first signs of an economic slowdown result in a lower number of precarious workers and in an increase of unemployment.

These contrasts have caused a sharp dichotomy between the spaces where bargaining agents are well established and areas where new forms of employment are developing that escape these forms of regulation.

*4.1.2. The dashed hopes of territorial bargaining*

Efforts are being made to promote territorial dialogue and bargaining (Jobert, 2003). This level should be able to better address the needs and realities of small businesses. A 2004 law reforming collective bargaining states that territorial bargaining can take place at local, departmental and regional levels. Joint professional or inter-professional committees may conclude agreements of local interest, in particular on employment and training issues. Seasonal employees in tourism and agriculture have been subject to territorial agreements in the Rhône-Alpes and Provence-Cote d'Azur regions. Evaluations made eight years later into this law highlight the attempts to "territorial social dialogue" often made at the initiative of the regional government and financed by the European Social Fund[6]. These agreements have been widely publicised among potential stakeholders, probably beyond their actual scope and impact (Emergences, 2011). The ability to produce soft law has been recognised in these pilot initiatives (Aravis, 2012, p. 5); however this ability is hampered by the lack of investment by local actors and sometimes by the hostility shown by organisations representing more central levels.

Some may have hoped that the difficulties faced by conventional modes of bargaining would allow for territorial exchanges. Experience seems to show that the territorial level cannot eschew the problems encountered by traditional bargaining structures. The problem is not related to the institutional framework, but to the absence of strong agents who mutually recognise their roles at these levels. Centralisation of trade has also centralised the production and reproduction of social agents. The prior existence in the history of French social relations of inter-professional structures on the local level seems ignored by those who are currently trying to establish territorial social dialogue. It seems unlikely that this forgetfulness and lack of analysis of their decay will serve the purpose right.

*4.2. The limited and constrained European space*

The difficulties of bargaining at the national level could push one to think that the European level would lead to renewed industrial relations. The analysis of the supports and barriers at the national level in different countries pointed to the difficulties in realising this transition (Hege, 1997; Dufour, Hege, 1999). After more than fifteen years of testing, the achievements are very limited. «Meanwhile, success of the trade unions' attempts to achieve transnational coordination of collective bargaining has been limited by a range of institutional, economic and social factors» (Glassner, Pochet, 2011, p. 4; own translation).

France is no exception to this general observation. Bargaining has shown a tendency to decentralise not to the local level, but to the level of the most powerful economic entities that structure the labour market: the business groups. Europe might have represented hope at one time, but the hopes were quickly dashed from the French point of view due

[6] As an example, we can take the case of the Provence Côte d'Azur, which provided an overview of this type of agreement in November 2011. There are thirty joint committees in the region, but only three agreements have been signed since 2006. The report constitutes a new administrative classification of established practices merely put in accordance with the 2004 Act, in http://www.paca.direccte.gouv.fr/IMG/pdf/_Note_de_Pr_351sentation_CPL_PACA_11-2011_.pdf.

to a major contradiction in the construction of various national systems: the non-existence of a minimum wage in all European countries. We have seen that minimum wages play a pivotal role in the French system of social relations. The conflict of interests on the side of European trade unions, for which minima were a demonstration of union weakness, added up to the employers' resistance.

At the beginning of the 2010s, the issue of European-level collective bargaining and the Europeanisation of industrial relations is not a central theme of social life in France. Those unions which are favourable to the European construction have much to do to convince their own members of the relevance of a political and social construction which at first glance seems destined to destroy the current social system.

## 5. Conclusions: increased institutionalisation, weakened agents

The French case is particularly interesting in the international comparison of the evolution of labour relations. This country has followed a very particular trend in the last three decades, adding complexity to the institutional system of industrial relations while its leading agents experienced a permanent loss of power and prominence.

Bargaining has found new forms and attained new levels. It is considered the main course to be followed to ensure the country's social stability in a context of increased international economic and political constraints. This approach has been pursued by subsequent governments.

Many facts back up this assertion. The balance sheets of collective bargaining have burdened over time. However, a detailed analysis of their content hints that this is essentially due to an increase in procedural acts, more than to an increase in the effectiveness of negotiations on the conditions of life and work of employees and businesses.

The dichotomy between employees is now a fact that seems to escape the influence of the social actors. The status of labour contracts, the status of companies where employees are called to exercise their activity – not to mention the haunting theme of unemployment – are now clearly cleaved issues. The conditions for accessing stable employment relationships seem precluded to younger workers, particularly young female workers.

Employees of small businesses are among the most threatened by this divide that has been created in the social fabric. The fragility of their companies, their dependence on more powerful agents, and their distancing from institutionalised agents are obstacles to their integration into the priorities that do not fail to be rhetorically reaffirmed.

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