France: Unions collaborate with employers, government to deregulate working hours

By Antoine Lerougetel and Pierre Mabut
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The day of action and demonstrations called for June 17 are an attempt by the CGT and CFDT trade union confederations to cover up for the historic betrayal of the working class that they perpetrated on April 9, signing with the employers the "Common Position," which the government then used as the basis for drafting a highly regressive law on union representation and working hours.

The law proposes the "experimental" possibility of deregulated working hours, freeing employers from national and industry-wide legal constraints. For reasons of bureaucratic rivalry rather than principle, the other six, smaller union organisations involved in the discussions with the employers' organisations on these issues have refused to sign the document.

Gérard Filoche, a Socialist Party member, government work inspector, and labour law expert, makes this assessment of the draft law: "It aims at all the clauses [in the labour code] concerning overtime, they are due to be renegotiated by January 1, 2010 .. the work time of every worker can be fixed without any previous collective agreement by an individual agreement on weekly or monthly working hours."

He adds: "The employers will thus be able to avoid paying higher rates for overtime, the working year can go over [the present] 1,607 hours, thus including what were formerly hours of overtime.... The economic justification for the annualisation of salaries will be suppressed as will be the limits of 10 hours a day and 48 hours a week.... We are going back to the 19th century as far as concerns work time and submitting workers to them."

These changes are perfectly in line with proposals for a working time directive currently being debated in the governing bodies of the European Union. A document drawn up in Luxembourg by representatives of the EU's 27 member states would permit a working week of 60 hours and more.

Trade unions are now organising protests against the draft law. The fraud is that the CGT (General Confederation of Labour, close to the Stalinist Communist Party) and the CFDT (French Democratic Confederation of Labour, close to the Socialist Party) are mobilising workers against policies which they themselves initiated and largely support.

In an interview with *Libération* May 29, CGT leader Bernard Thibault admitted, "We accepted what was for us an important concession, that the principle of a limited amount of hours of overtime could be departed from in the framework of a majority agreement in an individual enterprise. But on two conditions: that it should be experimental, and that it should be in an agreement signed by trade unions representing a majority of workers." In the interview, Thibault complains that the government "is putting the essential part of the legislation on work time to the level of the individual enterprise." This is exactly what the "experimental" part of the "Common Position" conceded.

Thus was abandoned the principle, established in long and bitter struggles going back to the 19th century, that national and industry-wide legal safeguards against unlimited exploitation of workers could not be ignored, whatever the relationship of forces in a workplace or company.

Thibault explained the advantage this gave to employers: "It made it possible to depart from the principle of a [specified] amount of hours of overtime in the framework of a majority agreement with a business.... Under two conditions: that it should be experimental, and that it should be part of an agreement by unions representing the majority of workers" and therefore not necessarily the majority of unions.

The close collaboration between the trade unions and the ruling class was highlighted by a joint crisis meeting of the unions, the MEDEF (Movement of Enterprises of

France) bosses' association, and the conservative UMP parliamentary group on June 10. Participants in the meeting largely expressed their concern that, by pressing ahead so quickly in the current socially explosive situation in France, the government was sidestepping and discrediting the trade union props of bourgeois rule.

CFDT leader François Chérèque claimed: "We feel tricked by the Minister of Labour" who had "taken advantage of these negotiations to do something else." Thibault protested his "disagreement both with the method and the content of the second part of the draft law dealing with work time ... which modifies more than 60 articles of the work code."

MEDEF President Laurence Parisot was the most emphatic in her condemnation of the UMP for its draft law. "We've been stabbed in the back," she said, "and the spirit of the agreement is not in harmony with the draft law. Significant changes on the question of work time were expressed in the common position and on trade union representation. Political decisions should not be taken today which may infringe on this new breakthrough, which is very healthy for the pacification and development of social relations in France."

A certain amount of nervousness had been expressed by the more prudent elements of the ruling UMP (Union for a Popular Movement), led by former prime minister Jean-Pierre Raffarin, at the open challenge to legal work time in the draft law.

Le Monde's editorial of May 30 concurs, complaining of Sarkozy, "He seemed to have built a real relationship of trust with the CGT and the CFDT, wrong ... the CGT and the CFDT have been had. In order to pacify a UMP straining at the leash to 'dismantle' the 35 hours, Sarkozy smashes up a 'contract' with the CGT and the CFDT. At the moment when an accumulation of fraught social changes are in formation, this is more than a mistake."

The deal made between the employers and the CGT and the CFDT on working hours was a quid pro quo for favouring the two unions in terms of the union representation law. The law requires unions to obtain at least 10 percent of votes in representative elections in order to obtain official recognition and funding, giving the CGT and CFDT—the two largest union confederations—a decisive advantage over their smaller competitors. This threshold ensures CGT and CFDT officials the lion's share of places as negotiators and participants in joint management and union committees, as well as lucrative positions on national joint employer-union and state bodies regulating labour relations, pensions, unemployment and other benefits.

In keeping with Sarkozy's corporatist concept of strong collaborative unions or, as the CGT bureaucrats would put it, "trade unions of proposition rather than opposition," the document calls for aid to rebuild the unions' declining membership: "The reservation of certain agreed advantages for members of trade unions constitutes, in different forms, a path worth exploring which might develop union membership."

The deal also includes payoffs to union officials. The subsection "Recognition of Participants" urges "in the perspective of bettering and developing the social dialogue, the setting up of arrangements facilitating the advancement of careers, for workers with trade union responsibilities." It adds that companies should "take into account the experience acquired as a union official in the advancement of the career of the interested party." It even proposes: "To facilitate the careers of workers having had a long trade union activity ... a Social Dialogue Foundation will be created ... in particular to facilitate the return to professional activity, taking into account the contribution from the trade union responsibilities."

No doubt the signatories of the Common Position had in mind the career advancement of Jean-François Le Duigou, the CGT special negotiator on pensions, the architect of the sell-out of the October-November strike movement of rail and Paris transport workers in defence of their special pension scheme last year. In January of this year, the WSWS wrote: "According to revelations in the centre-left daily *Le Monde* and the magazine *L'Express*, Le Duigou will return to his former post as a high-ranking tax official. He will also receive a salary as director of mortgage records. For these posts, his net income will be €9,000 monthly—'one of the best paid at [the Finance Ministry at] Bercy,' *Le Monde* commented."