



Actions Days March 9th and 31st

Bill on the reform of the French labour market A major step back Ask for solidarity

The French government presented a project that will completely change the French labor code and will have major consequences on the industrial relations in France. The objective are clear: more flexibility, less security, dismantle the collective bargaining system, weaken trade unions.

With other unions and associations, CGT launch in the end of February an internet Petition that will reach more than 1 million signatures March 5th, making it already the most supported petition in France ever. <https://www.change.org/p/loi-travail-non-merci-myriamelkhomri-loitrvailnonmerci>

Together with FO, FSU, Solidaires, and student unions, UNEF, UNL, FIDL, we are preparing 2 actions days. March 9th with hundreds of demonstrations organised all around the country. A second action day is already planned for March 31st.

This bill will have disastrous consequences for the workers and the French society. It is part of the general approach of countries subject to austerity: the competition between workers in a context of increased inequalities. It marks the largest social step back since the Second World War.

French workers call for the international labor movement solidarity!

Here is a summary of the main points of the bill on the reform of the french labor market.

The maximum working time can be easily more exceeded

2016 Today : The maximum working time is 10 hours per day. It can go up to 12 hours but with the authorization of the labor inspectorate. For the weekly working time, it is 48 hours maximum and 44 hours on average over 12 weeks. Exceptionally, it can reach up to 60 hours a week, always with permission from the labor inspectorate.

2017 Tomorrow : The daily working time will always be 10 hours, but can go up until 12 hours with a company agreement. Otherwise, it will still be possible for the employer to request the Labour Inspectorate. The maximum weekly working time still will be 48 hours a week, but it can reach 44 hours over 16 weeks (against 12 today) and even 46 hours with a company agreement. The government is also considering increasing to 60 weekly hours with a company agreement, but the latest version of the text asks for an administrative authorization.

Overtime will be paid less

2016 Today : The legal working time duration is 35 hours per week and overtime is paid 25% more for the first eight hours, 50% beyond. By collective agreement, however, this increase can be reduced up to 10%, if the sectoral or branch collective agreement does not prohibit it.

2017 Tomorrow : officially the legal working time will always be 35 hours per week. The employer can reach an agreement with the union can reduce the overpaid extra hours. But the sectoral or branch agreements won't be able to but a branch agreement will no longer be able to oppose to it. If there will be no company or branch agreement, the increase will remain at 25% for the first eight hours and 50% beyond

The package on the working time for white collar workers will be extended

2016 **Today** : France is the only European country to have a working package that allows working time is no longer defined in hours but in days of work, without making any serious protections against excessive working durations or workload. This is why France has been sentenced 4 times by the European Court for Human Rights. The French Supreme Court cancelled 11 sectoral agreements and called the government to ensure the compliance with European legislation. Day packages system already covers 50% of white collar workers and 13.5% of the workers. Their average working time is about 46h30 per week with severe impacts on their health and their personal life's.

2017 **Tomorrow** : the system of working time package will be more flexible:

- Companies with less than 50 employees will not need collective agreement to use this system;
- The 11 hours of mandatory consecutive daily rest may be divided, in defiance of European standards and the right to disconnection;
- The employer's result obligation on the health and safety is in question: he will be no longer responsible if an employee does not take his resting hours or days off.

The working time calculated over three years

2016 **Today** : In order not to pay overtime on the week (beyond 35 hours), employers can modulate - and thus calculate - working time over a longer period. On a year with the agreement of the unions (over 1607 hours per year), and on a month in case there is no agreement (paid overtime beyond 151.6 hours month).

2017 **Tomorrow** : if the employer gets the union agreement, this modulation can be done over a period of up to three years. If there is no agreement, it cannot exceed one month, except for SMEs with less than 50 employees, which can go up to sixteen weeks.

On call period will be credited on time-off

2016 **Today** : France was condemned by the ECHR which requires that on-call work time is not resting time.

2017 **Tomorrow** : El Khomri bill sits on the European regulation and provides for on-call time may be counted as rest periods.

Increase working hours for minors' apprentices

2016 **Today** : apprentices working time under 18 years cannot exceed 8 hours per day and 35 hours per week, excepted when a previous agreement is given by the labor inspectorate.

2017 **Tomorrow** : apprentices working time under 18 years may reach 10 hours a day and 40 hours per week, with the only employer's decision.

The minimum right to disconnect, postponed until 1 July 2017

2016 **Today** : 75% of employees are connected to their work outside their working time and working place, 50% of managers work during their days off, 30% never disconnect. The CGT has been campaigning for over 2 years the introduction for a right to disconnect with a company bargaining on the use of digital tools.

2017 **Tomorrow** : The right to disconnect recognized with minimum standards. It will be part of national negotiations on the quality of work life (without obligation to define mails truce periods). In companies employing more than 300 workers this question will be part of companies' charters that will be written by the employer without negotiation and with no binding force. These minimalist provisions do not apply until July 2017...

Decentralization of the collective bargaining: Questioning the norms hierarchy

2016 **Today** : This is the most favorable principle that we call of hierarchy of norms: the national law is the foundation on which we cannot derogate excepted by more favorable agreements.

2017 **Tomorrow** : Hierarchy is reversed; the company agreement prevails on the branch agreement, even when it is less favorable. On many issues, the law no longer sets standards but delegates this task to the agreements.

Using the referendum to bypass unions

2016 **Today** : An agreement is only valid if signed by one or more unions representing at least 30% of the votes cast in the elections and other organizations weighing at least 50% do not object. They are concluded for an unlimited period.

2017 **Tomorrow** : A company based agreement can be reached if it is signed by organizations representing at least 50% of employees. If they represent only 30%, they can then request the organization of a referendum among the employees. If the referendum approves the agreement, then it will be validated and the other unions will not be able to oppose. Moreover, the agreements will be concluded for a limited time - five years - and have to be renegotiated after that period.

The group level to by-pass the company agreement, the branch level or the plant agreement

2016 Today : the bargaining levels recognized by law are:

- The inter-professional (or inter-sectoral) level, resulting in the National Inter-professional agreements which are then eventually transposed into law
- branch
- The company and the plant level

Group agreements are possible, but without precise rules of negotiation or union representativity criteria. It cannot override the branch or enterprise agreements.

2017 Tomorrow :

- All the planned company level negotiations (without exception) will possibly be conducted at the group level, on the same terms. The agreements will then replace automatically all company level agreements.

- Similarly, enterprise agreements will «crush» plant agreements.

This is a total freedom for employers to choose the most favourable scope of negotiation.

Employment blackmail generalization

2016 Today : In case of economic difficulties, employers can negotiate with the unions and agree to «maintain employment» that can provide wage cuts and / or an increase working hours for a period of five years. If the employee refuses the application of the agreement, it may be dismissed for economic reasons. The risk for the employer is to see the economic motive challenged in court and be sentenced to pay heavy compensation.

2017 Tomorrow : New types of agreements may be concluded for the purpose of «employment preservation» or «employment development». They will therefore not be limited to companies with economical difficulties. The employer will be able to reduce contract guarantees under (remuneration, working time ...). If an employee refuses the modification of his contracts, he will be dismissed for personal reasons motivation. This new provision enables secure procedure for the employer and will be impossible to challenge in courts. This provision doesn't respect the Convention 158 of the ILO.

The legalization of unfair dismissal

2016 Today : When the labor court judges consider that a dismissal unfair, with no real and serious cause, they condemn the employer to pay compensation to the employee. The compensation is determined regarding employee prejudice, taking into account his age or the employee's situation and his ability to find new job. The law sets a minimum of six months of salary.

2017 Tomorrow : For all employees with less than 5 years of seniority, the maximum compensation would be 6 months of salary! The maximum sentence will be 15 months for an employee with more than 20 years of seniority in the company. This new provisions will limit the court role and appreciation.

Economical redundancies will be even easier

2016 Today : a dismissal for economic reasons is valid in case of company closure, reorganization necessary for maintaining competitiveness, technological change or economic difficulties. If the company is included in a group, the reality of these difficulties is appreciated at the group level and not at the local level.

2017 Tomorrow : a drop of the sales revenues or a drop amount of orders for a few months will be enough to justify an economical redundancy. Moreover, the reality of the company economic problem will be restricted to group perimeter in France, even of the group sector is highly profitable at the European or global level.

As you can see this is a major step back to the labour situation in France. The largest French trade unions in France are opposed to this reform and reject this bill. According to the latest poll, 70% of the French citizens are also opposed to the content of this reform.

We would grateful with you could express your solidarity by sending messages to support the French workers struggle: international@ftm-cgt.fr or Europe@ftm-cgt.fr