

The 35-hour workweek in France: how a progressive idea was distorted beyond recognition

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February 1, 2000: During the truck blockade of the Europe Bridge between France and Germany, a journalist asks a truck driver why he is taking part in the blockade. “We’re here because we’re against the 35-hour week,” he replies. Another trucker chimes in: “No, we’re for it! But that doesn’t matter, because it’s out of the question for us anyway.”

The confusion is symptomatic. Since the beginning of the year, the law on the 35-hour workweek, which has been an important element of Prime Minister Lionel Jospin’s government program since June 1998, has been officially implemented in France. In popular parlance, it has become known as the “loi balai” (“broom law”). It has become clear that completely irreconcilable interests are associated with this law.

Originally put forward as a trade union demand to combat mass unemployment, the aim of the 35-hour week was to distribute existing jobs among all hands with no loss of pay. The increasing number of strikes in the various sectors of French industry show that such are the expectations of workers and office employees. These workers have essentially three demands: a reduction in working time, immediate and substantial hiring of new employees, and wage increases.

In opposition to this, the government has been adapting the law to the interests of the employers more and more with each stage of its implementation. The latest version of the law, as amended on February 9, 2000, is little more than an empty shell.

It contains no requirement that new employees be hired, and even allows layoffs. It stipulates an annual working time of 1,600 hours, and allows for employees to be put to work 10 hours a day, or 44 hours a week, for up to 12 consecutive weeks.

It contains an interpretation of the term “effective working time” which is so restricted that, in future, companies can exclude lunch breaks and the time required for changing clothes. The official minimum wage (SMIC), which is calculated according to hours worked and thus automatically decreases when working time is reduced, will not be raised until 2005.

Many companies and government agencies have come to regard the 35-hour week as a welcome opportunity for summarily introducing a more flexible organisation of work processes. Joseph Becker, the director of the CPAM health insurance scheme in the Alsatian city of Mulhouse, boasted in public: “We are going to use the 35-hour week to leverage the modernisation of the health insurance agencies.”

Over the past few weeks, one labour dispute after another has erupted throughout the economy. These disputes involve layers of the population that, in some cases, have not taken to the streets since

1968. Since November 1999 there have been strikes by hospital staff and the employees of Paris department stores, bank employees, postal workers, engine drivers and other workers in the commuter transport systems, the cleaning staff of the Métro, journalists, firemen, tax inspectors, hospital clerks and Disneyland employees. Research workers, high school teachers and even executives have also gone on strike. These strikes are directed against the way in which the 35-hour week has been introduced, with the demand for a genuine reduction in working time.

The truck drivers have particularly good reason to protest, now that the government has backed down under pressure from their bosses. On January 10 the haulage companies organised a road blockade, thus achieving a unilateral decree by Transport Minister Gayssot (a member of the French Communist Party) that allows them a “customised” implementation of the 35-hour week. The trucking companies can now employ their personnel 208 hours a month, which means 50 hours a week.

The draft proposal of the decree also included the grotesque regulation that, in the case of long-distance routes with two drivers, the time a driver is not at the steering wheel will not be recognised as “effective working time”, since this time is allegedly “at the free disposal” of the driver. The truck drivers complain that today, five years on, nothing remains of the wage and working time improvements they achieved in the strike of 1995.

The French magazine *L’Express* wrote on February 3: “In the public service sector—transportation, postal service, etc.—the ‘atmosphere of the 35-hour week’ has become a synonym for new conflicts. The fight of the truck drivers symbolises this: Within three weeks, the same trucks blocked the same roads for the same reason—the 35-hour week. There were just different people at the steering wheel. The 35-hour week is a popular reform that generates social conflicts.”

The complexity of the problem is most evident in the hospital staff strikes. This is because in this area both the public and the private sectors are represented, the state itself is the employer, and the widest variety of work is involved. On January 28 the biggest demonstration of public health workers in the last 10 years took place in Paris, including not only nurses and paramedics, but also doctors, emergency duty doctors, psychiatrists, hospital pharmacists, specialists and technicians, all marching under the slogan “Assez de la rigueur—on veut de la santé” (“Enough of cuts—we demand health”).

Actually implementing the 35-hour week would require immediately hiring 6 to 7 percent more staff, but so far this has not been approved. Yet the situation has long been coming to a head. For five years in a

row the public health budget has been too low. The work stress of hospital staff was further intensified at the end of the year by a flu epidemic, the hurricane that hit France and millennium-related matters.

Dr. Alain Fisch, an emergency doctor at a 450-bed hospital in Villeneuve-Saint-Georges, told a French daily: "Never in my life have I experienced such a catastrophic situation. Seriously ill patients have been lying on stretchers in the emergency ward since the beginning of the year. And we are no exception: all of the Parisian hospitals we co-operate with are in the same desperate situation." The physician complained that he was no longer able to provide proper medical care for his patients. It wasn't a matter of the staff wanting more pay, but rather, "We simply don't want our patients to continue being endangered".

Anger is also mounting among the postal workers. There has been a 35-hour week arrangement for them since February 1999, but the CGT and SUD trade unions have yet to agree to it. This arrangement does not include a sufficient provision for the hiring of new employees. Instead, the job descriptions have been redefined.

For instance, now only 1.5 minutes are allowed for the delivery of a letter, instead of 3 minutes as was previously the case. The mail carriers are now sometimes accompanied on their rounds by work inspectors. While the amount of work has increased—with the volume of mail going up to 25 billion letters, or 2.5 percent more than in 1998—the working time has been reduced for the same number of employees. When the reduced working time was introduced in a portion of the post offices on February 1, postal workers at other offices commented: "If that's what the 35-hour week is all about, then we'd do better without it."

Yet there is no lack of job seekers who would like to deliver letters. When applications were accepted for new postal delivery jobs throughout France in May 1999, 7,200 people applied for 80 vacant jobs in Marseilles, i.e., 90 candidates for each vacant job. The national average was 26 applicants per job.

In Besançon several dozen postal workers filed charges with the police on the grounds of "working time theft". They then introduced the 35-hour week at their own initiative. They worked 40 minutes less each day, and didn't deliver advertising flyers. The reaction of management was extremely harsh. They declared this action to be a strike and refused to pay for even one hour's work, even though the employees had effectively worked 35 hours.

The cleaning staff of a subcontracting company that cleans the Paris Métro are more experienced with the 35-hour week—it was introduced there in June 1999. The upshot for them is that, while the workload has remained the same, 30 workers have left the company and 23 have been hired. "We have to do the same work as before, but now we have only seven hours to do it instead of eight," said a striking worker in December.

A real "first" took place on November 24: the national demonstration of executives ("cadres"). They felt disadvantaged because Article Five of the new law on working time allows for the possibility of calculating their working time on the basis of days, without taking into account how many hours they have worked. The law stipulates an annual working time of 217 days. The executives now fear that, in future, they will have to spend up to 13 hours a day in their offices to meet compelling financial requirements. Failing this, they risk being fired. It was a highly unusual sight to see several thousand, mainly middle-aged men marching along the banks of the Seine in pinstripe suits behind a huge replica of a clock. They

marched quietly, without any large banners.

The contrast between pretence and social reality drove the women journalists of the *Marie-Claire* women's magazine group onto the streets on January 13. They are demanding the 35-hour week because every day they have to write articles on all the things "the French woman" can do with her newly gained spare time—while they don't have the time to do it.

As with many other strikes of recent weeks, this walkout took place spontaneously and to the complete surprise of the trade union. It is the first time in 22 years that there has been a strike in this sector. The journalists' slogan—"35 hours, because we're worth it"—is a parody of the L'Oréal advertisements in which fashion models promote the cosmetics group's products with the line "because I'm worth it".

The radio and TV journalists of the France2, France3, Radio France, RFI, Arte, INA and SFP stations also went on strike for the first time in mid-November and remained out for a full week. Their demands were for a comprehensive collective pay agreement, the hiring of new staff and the prevention of broadcasting studio closures. The trade unions had already signed separate pay agreements for the introduction of the 35-hour week which invalidated the old collective pay agreement, and again were completely taken by surprise.

In the revenue office sector, the new Minister of Finance Christian Sautter, the successor to Dominique Strauss-Kahn, is using the new working time arrangement to restructure the entire sector. He plans to combine the tax office and the treasury, presumably cutting 1,500 jobs in the process. Strikes with large attendance levels have occurred here repeatedly since November, although the two most influential trade unions in the sector, the SNUI and the FO, have distanced themselves from the strikers.

All in all, some trade unions are getting feverishly active in their attempts to prove themselves reliable partners of industry and government when it comes to concluding working time agreements. The CFDT, for instance, now intends to invest the equivalent of about \$2.7 million in an information campaign promoting the 35-hour week, despite the claim by CFDT President Nicole Notat that "only a tiny minority" have any objections to it. The CFDT is only represented in half of the involved companies.

A blatant example of how companies can extract profit from the 35-hour week is provided by elevator manufacturers Otis, Thyssen, Koné, Schindler and others. In the council housing sector they now demand 5 to 6 percent more money from the housing authorities for their maintenance service, justifying this with the new working time limitation.

A letter sent to the housing authorities by the Schindler company states: "The 35-hour week is an extraordinary and unforeseen event that breaks the economic balance of the currently valid agreements." The letter also claims that the elevator manufacturers have incurred an 8 percent increase in cost. What the letter doesn't disclose is that some elevator manufacturers haven't even introduced the 35-hour week yet, and the ones that have get government subsidies. They are now letting the council tenants pay on top of that.



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