

France: Sarkozy government introduces law restricting right to strike

Antoine Lerougetel
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On August 2, the French National Assembly passed a new law requiring public transport workers to maintain a minimum level of service. The new measure represents a historic restriction of the right to strike and is directed in particular against rail, bus and urban transport workers. At the same time, the new law gives trade unions the responsibility of organising and policing, in collaboration with the employers, minimum service levels in the event of a strike.

The minimum service law stipulates that transport staff must, individually and on pain of sanctions, give 48 hours notice of their intention to strike and that—after a week on strike—management may organise a secret ballot of workers on the continuation of the industrial action. This measure essentially hands over responsibility for any further industrial action to the company management.

The vote on the law took place on the last day of an extraordinary session of parliament starting on July 3, called by the newly elected right-wing Gaullist president Nicolas Sarkozy of the UMP (Union for a Popular Movement). The session passed a series of reactionary “emergency” legislative measures designed to transfer wealth from working people to the rich through regressive tax reforms, the lowering of the age of responsibility for delinquent youth, and the reorganisation of university education, opening it up to market pressures and capitalist enterprise.

The government has made it clear that it is considering extending its new industrial law to much wider sections of workers, in particular those involved in sea and air transport and education. Over the last two decades, strikes by railway and underground workers and teachers have provided some of the most determined resistance to attacks by the government on social gains, such as pension rights.

The new legislation is also aimed at preparing the way for a programme of privatisations, further attacks on pension rights (especially the “*régimes spéciaux*”—the favourable pension schemes for railway and other government workers) and large cuts in public sector jobs, particularly in education.

While French trade unions reacted with a perfunctory and poorly attended day of action to protest the law, they have already indicated their readiness to accept the legislation, which expands the corporatist collaboration between union leaders and management. While undermining the rights of workers, the new law intensifies the integration of the trade unions into the state and reinforces the ability of the bureaucracy to isolate and suppress any independent action by workers.

The law states that workers should “inform, at least 48 hours before participating in the strike, the employer ... of their intention to participate” and goes on to say that “the employee who has not informed his employer of his intention to strike is liable to a disciplinary sanction.” The nature of the punishment is not spelled out.

The right of employers to organise a secret ballot of employees after a week to vote on whether they wish the strike to continue is intended as a means of isolating strikers. It is probable that the stated original intention—to render liable to sanctions strikers who continue their action

after a secret ballot has put them in the minority—had to be withdrawn because it would have been ruled unconstitutional by the Constitutional Council and have infringed the internationally recognised right to strike. The new law is designed to undermine the decision-making authority of mass meetings of strikers, and requires workers to vote as individuals rather than collectively in a mass meeting.

A part of the law that has received little media attention or protest from the unions and “left” parties is that dealing with the official trade union strike notice, the *préavis de grève*. This strike notice gives legal cover to individual strikers against being sued for breach of contract. The new law stipulates that, before issuing a *préavis*, “a trade union organization [must] proceed to notify the employer of the reasons for which it intends to issue a strike notice”.

The employer must meet with the trade union organisations within three days and the negotiations may then go on for a week. This amounts to statutory corporatism: the union bureaucracy is required to work hand in hand with the employer to the exclusion of the mass of workers and trade union members.

Added to this restriction, which enables the employers, the state, the unions and the media to exert dissuasive pressure on workers, is the provision that “a further strike notice cannot be lodged ... until the current notice has expired nor before the designated procedure”—i.e. an extra ten days.

It is highly significant that no objections have been raised by trade unions to the obligation on the part of the employers and non-striking workers to replace and do the work of strikers—in other words, to scab. The law states that the agreement reached between the unions and the bosses, planning for the continuity of service “fixes, in the case of a foreseeable disturbance, the conditions whereby work organization is revised and available staff redeployed so as to facilitate a suitable transport plan. In the case of a strike, available staff are those who are not on strike.”

The new minimum service law will call upon the trade unions to engage in agreements where they accept the enforced scabbing by non-strikers, who would presumably be in breach of contract if they refused.

Strike committees and mass meetings, which emerge in the course of a mass movement and break out of the trade union collaborationist straightjacket, will be stripped of any legal protection, and strikes will be largely criminalized unless sanctioned by the official trade union bureaucracy.

However, the most sinister part of the law has gone completely without comment because it meets with the agreement of the trade union bureaucracy and its allies amongst France’s so-called left and radical left parties: “The employer and the representative trade union organisations engage in negotiations with the purpose of signing, before January 1, 2008, a framework-agreement organising a procedure for the prevention of conflicts and tending to develop social dialogue.” Here the class collaborationist concept of “social partnership”, so dear to European

Union commissions, is crystallized into legal obligation.

Sarkozy has been encouraged to go onto the offensive against workers' rights by the support he has received so far from the trade union bureaucracy. Two days before becoming president, Sarkozy invited the leaders of the five officially recognised trade union confederations for discussions. All of those in attendance expressed their willingness to cooperate with him.

This was in marked contrast to the widespread opposition to Sarkozy by broad sections of the youth and the working class who protested against his authoritarian, pro-business agenda. The trade unions were quick to disassociate themselves from the spontaneous protests that broke out following Sarkozy's election on May 6.

Trade union bureaucrats raised some complaints on seeing the final draft of the minimum service law, and declared their disappointment that workers who did not comply with the 48 hours notice of striking rule would be punished. Their protests, however, are entirely disingenuous: it has been clear all along that Sarkozy intended to make this stipulation a legal obligation. The bureaucracy's collaboration with the most right-wing French president since the World War II played a significant role in disarming the working class and legitimising Sarkozy's new legislation.

Didier Le Reste, general secretary of the railway section of the CGT (the Communist Party-dominated General Confederation of Labour), declared on France 2 TV on July 31 that he had no basic disagreements with the draft legislation. "If, by any chance at the end of the parliamentary process, the bill should be radicalised a bit more, that could be a serious obstacle for further negotiations" in September, he said. Refusing all responsibility for the trade unions to carry out any form of struggle against Sarkozy's measures, he passed the initiative onto the government, saying, "The ball is in the court both of the authorities and management."

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The CGT took part in a trade union "day of action" in France on that date, but turnout was small. Some 2,000 demonstrators gathered in Paris outside the National Assembly building, the Palais Bourbon, where the law was being debated. In other big cities demonstrations of only one to two hundred protesters were reported.

In fact, the mobilisation on July 31 was deliberately kept small by the unions. Many railway trade union sections gave no strike notice and merely called for rallies. In the Paris region, many railway workers were not even aware that there would be a rally in front of the National Assembly. Most trains ran as normal.

While deputies of the Socialist Party voted against the law in parliament, many regional SP leaders have said that they would apply the law if it were voted through, and that they would establish a minimum service in local transport. This is because they fundamentally agree with Sarkozy's drive to restrict the working class's ability to defend itself against measures—in particular the privatisation of public transport—which are designed to increase the profitability of French big business and France's attractiveness to investors.

The extent of this agreement between the SP and Sarkozy is demonstrated by an August 3 report in the conservative daily *Figaro*. The article describes the conciliatory stance adopted by SP deputies regarding members of the party who recently defected to the Sarkozy camp and joined his administration. "The Socialists have agreed not to overreact," it states. "Jean-Marie Bockel, whose social-liberal [Blairite] ideas are well known, calls for few comments. Martin Hirsch, Fadela Amara or Jean-Pierre Jouyet are a category apart: no Socialist accuses them of opportunism and they are judged sincere in their action: 'They really think they can influence government policy', a senior SP official said."

Predictably, the new legislation has been criticised by such groups as *Lutte Ouvrière* (LO) and the *Ligue Communiste Révolutionnaire* (LCR), which also criticise the trade unions for their lack of opposition. But such

organisations completely fail to identify the corporatist nature of the new law, which increases the power of the bureaucracy to discipline the working class. Instead of drawing out the logic of the role of the bureaucracy and calling upon workers to make a conscious break with the reformist politics of the unions, these organisations seek to propagate the vain hope that the bureaucracy can be reformed through pressure and militancy from the streets.

Although the new law represents an unprecedented attack on France's post-war system of industrial relations, conservative and business circles are complaining that it does not go far enough.

The August 4 issue of *Figaro* quotes a range of economic liberal organisations that feel that Sarkozy has only scratched the surface. Benoit Taffin, speaking for the tax payers association *Contribuables associés*, said, "The measures enacted fall far short of the expectations of the French people who elected the president of the Republic ... During his campaign, Nicolas Sarkozy promised a normal service in the morning and evening rush hours. Now, the law adopted by parliament says no such thing and leaves it to the initiative of local government."

Others accuse the president of "fearing a confrontation with the unions" and point out that "a clash with the street is inevitable if the president of the Republic decides to touch the sacred cows".

There is no doubt that the new law is just the start. Further and more extensive measures against the right to strike require amendments to the French constitution, and Sarkozy is determined to push ahead with such changes. The electoral backlash against his open tax exemption for the rich, paid for by higher purchase tax, which deprived his party the UMP of the expected two-thirds majority required for constitutional changes, may be something of an obstacle to his plans, but Sarkozy has made it clear that the latest series of laws is just the beginning.

Before leaving for his summer vacation in the US (which will include a meeting with President Bush) Sarkozy boasted, "Count on the fact that we will again press ahead strongly after the holiday period", while the finance magazine *Les Echos* ran the headline "Sarkozy promises an autumn rich in reforms."



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