

# New French labour law attacks workers' rights

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On May 1, the day traditionally dedicated to workers struggles, a new labour law (*Code du Travail*) came into force that fundamentally attacks the rights of French workers.

Officially, the new law is merely a “reworking” of previous labour law—i.e., a summary and simplification of numerous individual laws involving no real change of content. In reality, the government of President Nicolas Sarkozy has used this “reworking” to fundamentally change the relationship between employers and workers.

French labour laws and rules regulate the relations between employers and employees and determine all important aspects of work. The labour code goes back to the nineteenth century and was developed in its current form in the 1920s. It contains many regulations resulting from the struggle carried out by workers over the course of decades. It applies to 16 million private sector employees, as well as several million workers employed in the public sector who are paid by private companies. Different work laws and regulations apply to the public sector.

Several parliamentary deputies have pointed out that the new labour law completely redefines the relationship between workers and employers. The previous code was based on a status of dependence, which protected the weaker party against exploitation and obliged employers to take responsibility for the welfare of their workforce. Now, some deputies have warned, this obligation on the part of the employer has been undermined in the new code.

Alain Vidalies, an economic expert for the French Socialist Party (PS), said that the aim of the new code was “to adapt the structure and philosophy of the *Code du Travail* to the policy of the UMP [the ruling right-wing Union for a Popular Movement]. Although it [the

government] is not allowed to interfere with the existing law, it has allowed important conditions to be undermined and questions the unity of the labour law, while degrading and weakening social guaranties.”

In an interview with the CGT (General Confederation of Labour), Bernard Teyssié, director of the research centre for social rights at the University of Panthéon Assas, declared: “The result of the reworking has introduced new passages by fragmenting certain paragraphs, other paragraphs have been shifted in the text (assuming another meaning and significance), and some paragraphs redefined in terms of content.”

Communist Party delegate Roland Muzeau also warned about the significance of the changes involved in the labour law in a debate held in the National Assembly on December 4, 2007. In the same debate, lawyer and SP deputy Marc Dolez explained: “It denies the unequal character of the relationship between employer and employee and places them on an equal level, although the *Code du Travail* regulates employer-employee relations, which are inherently unequal and demands that the weaker party be protected.”

According to labour expert Gérard Filoche (SP), one of the few to have publicly opposed the government project, the new code means that workers “can be made fully responsible and no consideration must be given to their status of dependence.” According to this logic, the worker is theoretically made legally responsible for all that he does and stands opposed to the employer as a mere individual, completely isolated from his class.

The new labour law also envisages “separating” certain occupations into other sections, which will lead to the abolition of statutory holidays. In addition, more than 500 paragraphs have been shifted from the section of the document that is legally regulated to the section of regulations that lack any such legal status. This

allows the government to modify such sections behind the backs of the public and without the necessity of a parliamentary decree.

Another important aspect of the new code concerns special labour courts (*conseils des prud'hommes*). These are social courts made up equally of workers and management to negotiate any conflicts in the private sector. The existence of such courts is in danger because now a simple decree could rob them of much of their authority. It makes it increasingly possible for employers to bypass these courts and apply directly to regional courts, which are more likely to rule in favour of the employer.

The French big business lobby Medef has had its eyes on the labour code for some time. Although former governments, including so-called leftist administrations, had sought to revise the labour code, the first systematic attempt was made by Gaullist President Jacques Chirac and his prime minister, Jean Pierre Raffarin, in 2002. Since then, each succeeding government has continued to pursue the project.

In 2003, François Fillon, the labour minister at the time and the current prime minister, appointed a legal commission to prepare a report on the “modernisation” of the labour law in cooperation with business associations and the trade unions. This project was assigned to Michel de Virville, who made an initial proposal in 2004.

De Virville is by no means an independent authority when it comes to such questions. He occupied leading government posts in the 1980s, and in 1993, joined the executive of the Renault auto group, where he is now general secretary. He also held the post of president of the commission for labour relations for Medef and was a leading member of the industrial association UIMM, which has been hit by a corruption scandal. On January 31, 2008, he took over as head of the unemployment insurance group Unedic, but on March 1 resigned from these posts due to the unfolding UIMM corruption affair.

Based on the report by de Virville, the reform of the labour code was quickly undertaken—in part by the government of Dominique de Villepin via decrees on regulations. Such government regulations have to be confirmed by parliament but, unlike laws, do not require a debate.

It was assumed that the new code would come into

force in June 2006, but its introduction was stymied by the mass protest movement against the First Job Contract (CPE). On January 21, 2008, the National Assembly ratified the legally regulated part of the new labour code. Since then, labour minister Xavier Bertrand has also issued regulations of implementation, meaning the law came fully into effect on May 1.

The media has largely failed to comment on the revised version of the labour code, although it also affects the status of around 30,000 journalists. The official left organisations in France have also refrained from taking up the issue, although important preparations for the implementation of the new code were made just a few weeks before last year’s presidential election.

The trade union bureaucracy has consciously and secretly backed the changes to the *Code du Travail*, although the past period has witnessed a series of major labour disputes.

With reference to Herve Lanouzière, a member of the “reform commission” of the Ministry Labour, the web site *revuefiduciaire* reports that the trade unions were deeply involved in the process of elaborating the revised code. All of the major trade unions federations were involved in the reform commission, sending two members each.

*Revuefiduciaire* reports: “Sixteen meetings took place. Both sides (employers and trade unions) had full and unrestricted access to all of the work. There was an active exchange of letters, and according to Lanouzière, over 80 percent of their objections were taken into consideration.”



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