End of the 35-hour week in France: Sarkozy handed victory by the unions and “left” parties

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The raft of anti-working class laws adopted by a joint session of Parliament late on July 23 represent a major triumph for the French bourgeoisie and the conservative government of President Nicolas Sarkozy. In the face of mass popular opposition, they have enacted legislation that marks a significant shift in class relations in France: lengthening the workweek, cutting unemployment compensation, changing laws governing trade unions and strikes, and giving large handouts to big business and finance.

The National Assembly and Senate together passed a law “reforming working hours” and “renewing social democracy,” whose main function was to dismantle the 35-hour workweek law passed by the Socialist Party (PS) in 1998. According to May 2008 workplace poll for the financial daily *Les Echos*, 79 percent of workers supported maintaining the 35 hours. The government decided, therefore, to formally leave the working week at 35 hours, but to eviscerate the law by allowing agreements on overtime to be negotiated in each workplace, instead of in industry-wide negotiations.

Employers will now be able to pressure workers into agreeing to pay cuts and increases in overtime in individual contract negotiations. The law violates the spirit of the principle of collective agreements, granted in the aftermath of World War I in 1919, according to which companies cannot make agreements less favorable to workers than the industry-wide or national agreement.

Despite the nominal concession, Labor Minister Xavier Bertrand openly proclaimed, “We’re finally getting away from the 35 hours.”

Workers can now legally be made to work up to 48 hours per week. All overtime for professional workers is to be paid at a rate of an additional 10 percent per hour, as opposed to 25 percent. This extends a regressive measure in the original PS law, which tried to limit the cost to businesses by allowing the first four hours of weekly overtime be paid at the lower, 10 percent rate. In addition the approval of labor inspectors will not be required for the first 405 hours of overtime worked in a year.

Some of the law’s most draconian provisions are those cutting vacation and rest time. The law suppresses automatic rest time granted to workers if they work more than the standard overtime period. Workers paid on a daily, not hourly, basis—largely professional workers—can be required to work up to 282 days per year, as opposed to the current 218.

The law was based on a “Common Position” worked out in April by employers’ groups and the two largest French trade union federations, the CGT (General Confederation of Labor) and CFDT (French Democratic Labor Confederation). As a result, the law includes measures designed to increase the influence of the larger unions. Under the current arrangement dating back to the 1945 Liberation from Nazi occupation, any of five unions—the CGT, CFDT, FO (Workers’ Force), CFTC (French Confederation of Christian Workers), and CGC (General Confederation of Cadre)—are considered representative in any company, and can negotiate accords with management.

The new law will require unions to obtain 10 percent of votes in an enterprise—8 percent at the industry or nationwide levels—in professional elections to be considered representative. Contracts will be considered if the unions signing them have collectively obtained over 30 percent of votes. This is expected to lead to rapid regroupments between the smaller trade unions.

The National Assembly and Senate also passed a law attacking schoolteachers’ right to strike. Basing itself on restrictions of transport workers’ right to strike, passed last summer under Sarkozy’s supervision, the law requires schools to remain open and to organize the supervision of students if over 25 percent of teachers are on strike. It is not clear how schools would find the necessary personnel for such a service, but the law will be used to pressure schools into limiting strikes, for fear of massive administrative or financial penalties.

The Senate passed several other regressive laws already agreed by the National Assembly. The reform of unemployment compensation—which the government also negotiated with trade unions and employers’ federations—seeks to force workers to accept ever more poorly paid positions as their period of unemployment lengthens, or face the loss of unemployment benefits.

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It forces workers off unemployment rolls if they refuse two "reasonable job offers." A job offer within a one-hour travel radius of the worker's residence is considered reasonable in the first three months of unemployment if it pays 95 percent of the previous job's wage, if it pays 80 percent of the previous job in the first six months of unemployment, and thereafter if it pays more than unemployment benefits (57.4 percent of the previous wage).

The Senate also passed the extensive law on modernization of the economy (LME), which has been debated over the last two months. It has grown from 44 to 173 articles, faced 2,500 amendments, and will require the publishing of 20 ordinances and 123 decrees to come into effect. It allows commercial banks hit by the US mortgage crisis to start offering Livret A accounts—one of the main investment accounts for small savers in France, with just under 46 million accounts with a total value of € 137 billion, as of December 2007.

The LME scales back laws limiting large retailers' ability to pressure suppliers to reduce prices, a measure which is expected to allow them to undercut small retailers and lead to further concentration in the retail business. It also reduces self-employment taxes, to encourage workers and students to create their own small, side jobs, and reduces taxes on high-earning foreigners working in France (30 percent, as opposed to 20 percent of income tax-exempt).

The government's ability to pass such drastic cuts is a warning to the working class and requires a serious political explanation. Social gains obtained by generations of workers are being shredded by a president whose policies are massively unpopular (61 percent of those questioned expressed disapproval of Sarkozy in a recent poll).

The right-wing parliamentarians were themselves somewhat surprised and relieved by their victory. In its July 25 article, "Sarkozy: the reforms at the finish line," *Le Figaro* wrote: "At the dinner offered at the Petit Palais [in Paris] for the parliamentarians of the majority party, the atmosphere resembled that of the night of an electoral victory. 'I hadn't seen this sort of ambiance for quite some time,' said Catherine Pégard, a presidential councillor."

The government's victory is due to the lack of any political movement capable of mobilizing popular hostility to Sarkozy's program. Token condemnations of the laws after their passage by a few comparatively minor members of the nominally left parties—the Socialist Party's (PS) Alain Vidaliès and the Greens' Martine Billard—have only highlighted the silence of the PS and Green leaderships.

Their basic agreement with Sarkozy's cuts is shown by their record when they were last in power, under PS Prime Minister Lionel Jospin in 1997-2002. They carried out a massive privatization program, and only passed the 35-hour workweek legislation with the understanding that the government would finance its cost to businesses by cutting unemployment compensation.

Nor do the politics of trade union protest offer any way forward for the working class.

The one-day protest marches organized by the trade unions in May and June involved hundreds of thousands and sometimes millions of workers and students. However, they suffered from a fatal flaw—they remained politically dominated by the trade union bureaucracy, which was cynically calling the demonstrations to distract attention from their behind-the-scenes collaboration with Sarkozy. The CGT and CFDT had no intention of mounting a political offensive that would have blocked cuts they themselves had helped prepare.

More broadly, workers must draw the lessons from the wave of mass protests in 1995, 2003, 2006, 2007, and 2008, which have only set the stage for further attacks on workers' living standards. Their weak point has always been the their perspective, dictated by the trade union bureaucracy, of ultimately agreeing to a settlement with the government, negotiated by the trade unions.

None of the main left parties has made any attempt to organise political opposition to the Gaullists. Instead they have helped to legitimise their right to govern. The second round of the 2002 presidential elections brought Jacques Chirac to power in a contest against neo-fascist candidate Jean-Marie Le Pen, who had narrowly edged out the discredited PS leader Lionel Jospin in the first round. At this point the PS, Greens, and the French Communist Party all called for a vote for Chirac. In this they were joined by the petty-bourgeois Ligue Communiste Révolutionnaire.

The result has been a six-year campaign of social cuts, of which the current legislation is the crowning achievement to date.

The betrayals of the trade unions and left parties can and will lead to substantial shifts in the political orientation of the French population. To successfully oppose the further attacks on living standards that Sarkozy and his government are now preparing, a party must be formed on the basis of a socialist program, uncompromising opposition to the capitalist interests advanced by Sarkozy and his accomplices on the left, and a struggle for the international defense of the living standards of the working class.

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