

French labor law reform sets stage for historic attack on workers' rights

Francis Dubois
22 February 2016

The bill reforming French labor law, revealed last week in the media before its official presentation by the Socialist Party (PS) government of President François Hollande on March 9, is a fundamental attack on the social rights of the working class. With France already under a state of emergency, the bill gives the French ruling class the tools for an economic dictatorship without precedent since World War II.

Prepared under the oversight of PS Labour Minister Myriam El Khomri, the bill will be debated in parliament in April. The reform, whose stated objective is to safeguard and promote the competitiveness of businesses operating in France, marks the preparation by the PS of all-out social counterrevolution in France.

The protections granted by the Labour Code are to be replaced by negotiations between the unions and bosses at each individual firm, which will become “the common law principle.” These will trump workers’ individual rights under the Labour Code and industry-level agreements.

Another key measure is the lengthening and flexibilisation of the work week. The 35-hour work week law passed by the PS government of Lionel Jospin is being cast aside. The maximum number of hours worked at one job is passing from 44 hours weekly and 10 per day to 48, or 60 per week and 12 per day in some cases.

This new maximum can be imposed for long periods. Thanks to short-term contracts, employers could keep workers on the job 48 hours for months on end, and then fire them to avoid breaching the remaining restrictions. Firms are also getting the right to cut into rest times according to its needs. This applies not only to firms that are making losses, but also to those that want to “improve their competitiveness.” Overtime is to be paid 10 percent extra, instead of 25 percent, for

the first eight hours.

Employers will also have the right to organise “referendums” to “unblock difficult situations.” Trade unions representing a minority of the workforce will be able to organise such referendums whose outcome will be imposed on the entire workforce. This will allow bosses to constantly hold a gun to workers’ heads, threatening to shut down sites that refuse conditions they propose in referendums.

Another key provision is that mass sackings, which are currently subject to substantial legal controls, will be facilitated and even encouraged. Firms will be able to carry out mass sackings based on “any evidence that tends to substantiate [that they are in] difficulty.”

The conditions under which they can resort to mass sackings without legal opposition from workers, or any legal oversight whatsoever, include vague reasons like “technological change,” or “the reorganisation of the firm as necessary to preserve competitiveness.” Mass sackings would thus be justified if a firm started making lower, but still substantial, profits.

Under the bill, a transnational corporation would no longer have to prove that it needs to carry out a mass sacking based on its global situation, but on the national one. A transnational could thus easily use accounting to organise a “hard situation” in its French subsidiary and slash jobs on this basis.

A labor lawyer, Judith Krivine, told *L'Express*: “This is a disaster for workers, it is a way to increase considerably the number of mass sackings carried out for economic reasons.”

If a labor court somehow still ruled that a firm had to pay indemnities to a worker, the bill specifies these fines in advance and does not allow the judges to specify their size. According to Europe1, “Some are now saying that less scrupulous corporations will be

able to calculate whether it is profitable to engage in illegal activity” while organising sackings.

Even more sinister are the accords, cynically called “for job development,” that allow firms to cut wages and increase working time, supposedly in order to obtain new contracts. A worker who under these conditions refused to accept a change to his contract could be fired not “for economic reasons” but for “real and serious cause,” that is, without receiving any indemnity.

The preparation of such a bill is a sign that the French ruling class is preparing unprecedented social attacks on the workers. As financial markets collapse and a new global economic crisis appears on the horizon, the employers’ federations, the state, and the union bureaucracies are prepare to slash wages and carry out mass sackings.

It is this socio-economic crisis that underlies the law-and-order hysteria and the state of emergency with which the ruling class responded to the November 13 terror attacks in Paris. Undermined by debts and its lack of competitiveness, French capitalism is preparing to impose measures in the face of mass opposition and without a shred of democratic legitimacy—even of the fraudulent type conferred by the current “social dialogue” between the bosses and bought-and-paid for unions.

Hollande is thus preparing on the one hand a state of emergency to strangle popular opposition, and on the other the sabotage of the Labour Code to short-circuit what protections currently exist.

As this reform was being prepared last autumn, the press compared it to the Hartz IV laws in Germany, which boosted German competitiveness with deep austerity, or to the Reagan administration’s crushing of the PATCO air traffic controllers’ union in the United States in 1981. The isolation of the strike by the American unions and the crushing of PATCO was a key step in the transformation of US unions into corporatist bureaucracies that help impose the ruling class’ attacks on the workers.

The advancing of such a reform by the PS, which took power with the support of the unions and their allies, such as the Stalinist French Communist Party and the pseudo-left New Anticapitalist Party, points to the vacuum that exists on the left. Parties that are referred to as “left” purely by routine are in fact

violently hostile to the workers and conscious that they have moved far to the right. They speak for bourgeois and petty-bourgeois constituencies that want to impose measures outlawed by the Labour Code, which they aim to replace with the diktat of the financial markets.

“Welcome to the right, Myriam El Khomri,” wrote Pierre-Yves Bournazel, an official of the right-wing The Republicans (LR) party.

Pierre Gattaz, the head of the Medef business federation, praised the bill for “going in the right direction” and called on the PS to “go all the way” to “unlock” the labour market.

While the French trade unions are now raising a hue and cry as to the measures, their sudden indignation is not credible. The government obviously did not lay out these measures without consulting them.

The French Democratic Labour Confederation (CFDT), which is now complaining of the reform’s “somewhat dogmatic vision of flexibility,” previously praised it for “guaranteeing better transparency on labour law for workers and reinforcing social dialogue.”

The labour law reform calls for the trade unions’ participation in all the new types of firm-level agreements. The bosses and the government are manifestly confident that they will be able to work out a deal with the unions to jointly impose these attacks.



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