

Social Dialogue mapping

Description scheme for country overviews

FRANCE

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/france>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_France

3/ ESENER-2/ <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

Since 1966, five trade union confederations have been deemed representative at national level. Prior to 2008, each trade union at a local or sectoral level that was affiliated to one of these confederations was also considered to be representative ('presumption of representativeness'). These principles were modified in 2008 with the law on 'social democracy and working time reform'. Regardless of affiliation, representativeness now depends primarily on the 'electoral audience': therefore, to be representative and able to participate in negotiations, a trade union must win at least 10% of the votes at workplace level, the ratio being 8% at sectoral industry level.

Similar rules have also been adopted to measure the representativeness of employers' organisations.

Trade Unions (1)

- **About trade union representation**

The term 'paradox of French unionism' (Wolff, 2008) describes the combination of very low union density but strong presence at workplace level. Trade union density in France is among the lowest in Europe. In 2013, only some 11% of the French workforce belong to a union, according to the Ministry of Labour (Dares). This proportion has been relatively stable over the past 10 years. Unions are particularly strong in the public sector – with a trade union membership of 20% in 2013 -and among permanent full-time employees.

Observers bring forward a range of explanations, two of which are particularly prominent. First, French unions are weak in terms of membership, but prominently present at the workplace and union membership is often closely linked to union engagement. Elsewhere almost one French union member in five is an active employee representative. Second, virtually all collective agreements are extended to

the entire sector leading to a very high coverage rate of above 90% and this invites employees to ‘free ride’, enjoying the benefits negotiated by unions without having to commit to union membership.

• Main trade union confederations and federations

Trade unions are national organisations. France has five trade unions recognised as representative at a national level. They are mentioned in the table below. National representativeness also gives unions the same status in all sectors. All membership figures are self-reported and are likely to be overestimated.

Other unions have significant influence but do not yet have representative status at national cross-sectoral level. However, they might well conduct collective bargaining at company level or, if they meet the sectoral threshold in the latest elections, sectoral level.

The reform of trade union representativeness by the Act of 20 August 2008 led to the profound modification of the French trade union landscape at sectoral and company level. Some organisations, such as the CFTC and CFE-CGC, have lost their representativeness in a significant number of branches. Conversely, other organisations such as UNSA could see recognition of their representativeness at sectoral level.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Confédération générale du travail / General Confederation of Labour	CGT	671,488	(2015)	Yes
Confédération Française démocratique du Travail / French Democratic Confederation of Labour	CFDT	869,281	2015	Yes
Confédération Générale du Travail-Force Ouvrière / General Confederation of Labour – Force ouvrière	CGT-FO	500,000	2015	Yes
Confédération des Travailleurs Chrétiens / French Christian Workers' Confederation	CFTC	135,000	2014	Yes
Confédération Générale de l'Encadrement-Confédération générale des cadre / French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff	CFE-CGC	160,000	2015	Yes

Employers' organisations (1)

- **About Employers' organisations**

Membership of employer organisations is voluntary in France, with organisations competing to attract members. Most of the country's employers are members of at least one employer organisation.

- **Main Employers' organisations**

The Movement of French Enterprises (MEDEF) was established in 1998 to succeed the former National Council of French Employers (*Conseil national du patronat français*, CNPF). The MEDEF is a multi-layered confederation of sectoral and territorial organisations bringing together companies with more than 10 employees. It organises 76 federations that cover some 600 associations whose members are companies working in the same sector and 13 regional organisations and over 100 departmental or local organisations. It seeks to cover all companies, whatever their size, in all geographic and professional sectors.

On 6 January 2017, the General Confederation of Small and Medium Enterprises (CGPME) changed its name to the *Confederation of small and medium-sized employers' organisations* (*Confédération des petites et moyennes entreprises*, CPME). CPME is organised into four national sections: commerce, services, industry and crafts. It organises 200 territorial unions and about 200 federation or association of trades.

On 17 November 2016, the Craftwork Employers' Association (UPA) merged with the National Union of Liberal Professions (UNAPL) to create a new body, the *Union of local businesses* (*Union des entreprises de proximité* / U2P). It organises 119 federations or associations of trades and 110 regional or local organisations.

There is also an employers' organisation representing the not-for-profit sector, the Union of employers of the social economy (*Union des employeurs de l'économie sociale et solidaire*) UDES, formerly USGERES) that represents 80% of the sector's employers.

In June 2013, the three biggest employers' organisations in France (Medef, CGPME, UPA) adopted a common position on the subject of representativeness. Although several issues remain unresolved, particularly the validity of agreements, the proposals clarifies the extent to which an employers' organisation can be judged representative of an industry in relation to its size. The government took account of this position and presented a draft bill on employers' representativeness on 23 December 2013 that was merged with the draft bill on the reform of vocational training. The reform was adopted in March 2014 (*Loi n° 2014-288 du 5 mars 2014 relative à la formation professionnelle, à l'emploi et à la démocratie sociale*).

According to a decree of 13 June 2015, to be representative at sectoral level, employers' organisations have to include a number of member companies representing at least 8% of all companies adhering to

employers' organisations in the corresponding branch (member companies' audience) or 8% of employees employed by the same organisation at the national, interprofessional or professional level (employees' employed audience). The decree gives practical details on how to calculate the threshold of 8%. It also explains how employers' organisations can oppose a collective agreement if they represent affiliated companies that employ more than 50% of the workforce of companies affiliated to employers' organisations within the sector. The need to demonstrate its representativeness based on the number of members is likely to intensify the current rivalry between employers' organisations. The reform comes into effect in 2017. For the first time, the [audience of employers' professional organisations](#) was measured at national and interprofessional level as well as at the level of professional branches, and published on 23 April 2017.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Mouvement des Entreprises de France / Movement of French Entreprises	MEDEF	123,387	2015	Yes
Confédération des Petites et Moyennes Entreprises / Confederation of small and medium-sized employers' organisations, representing small and medium-sized enterprises (SMEs)	CPME	144,939	2015	Yes
Union des entreprises de proximité (U2P) / Union of local businesses, representing liberal profession and craft workers	U2P	150,605	2015	Yes

Social Dialogue on OSH (2)

- **National level**

The Working Conditions Advisory Board (*Conseil d'orientation sur les conditions de travail, COCT*)^{[39][40]}

The Working Conditions Advisory Board was established by Decree No. 2008-1217 of 25 November 2008. The COCT is a national body for consultation between social partners and public authorities, headed by the Minister of Labour. The COCT carries out two functions : a consultative role on all legislation on OSH, and an advisory role on OSH public policy orientations (eg, elaboration of the national occupational health plan). This advisory role has been reinforced by the 2016 reform, which created new bodies for dialogue at national and regional level within the COCT ^{[31][35]}.

The COCT comprises all stakeholders : social partners, ministerial departments, representatives of OSH bodies, and qualified experts.

Each region of France has also established regional Working Conditions Advisory Boards (CROCT) with similar functions and composition.

• Sectoral level

The social dialogue at sectoral level is organised within national and regional committees (*Comité Technique National*, CTN; *Comité Technique Régional*, CTR). There are nine national technical committees, each representing a different industrial, trade or services sector. Their action is coordinated by the Occupational Accidents and Diseases Commission of the National Health Insurance Fund for Salaried Workers (CAT/MP, CNAMTS). Equally made up of employer and employee representatives, they are responsible for defining priority risk prevention actions in companies that fall within their specific sectors. They notably carry out studies on occupational hazards and relevant prevention means, and elaborate national prevention recommendations.

There are several regional technical committees in every French region. They are also composed of employer and employee representatives in equal numbers. Their number and scope of action depend on the regional economic activity, and their action is matched to that of the relevant national technical committees. They play an important role as an interface between the CTN and companies as they disseminate information, they identify good practices and they evaluate the application of national prevention recommendations.

• Company level

Social dialogue on OSH in companies involves the management, and, depending on the size of the enterprise, the Health, Safety, and Working Conditions Committee (CHSCT) and the Staff Delegates.

French Laws No. 82-1097 of 23 December 1982^[46], No. 91-1414 of 31 December 1991^[47], No. 2003-699 of 30 July 2003^[48], and No. 2015-994 of 17 August 2015^[31] define the status and the missions of the **Health, Safety and Working Conditions Committee** (*Comité d'Hygiène, de Sécurité et des Conditions de Travail*, CHSCT) ^[49] ^[50].

All companies with more than 50 employees have to set up such a committee. The CHSCT is to be consulted on all OSH related issue in the firm, such as compliance with regulation, prevention plans. It analyses occupational risks, proposes actions for improving working conditions, and is watchful to ensure that legislative and regulatory instructions and guidelines are complied with. The CHSCT can also conduct technical examinations and investigations, in particular in case of an occupational accident or disease. In companies with 11 to 49 employees, **staff delegates** (*délégués du personnel*) represent the employees for all OSH related issues, and fulfill the same missions as the CHSCT's. In micro enterprises (under 11 employees) employers must appoint one or several **competent employees** to handle the prevention of occupational risks in the company.

• Collective agreements

Collective negotiation takes place at three levels in France : inter-professional, branch level and company level. In order to complete and develop the provisions of the Labour Code, social partners negotiate and sign, notably at branch level, collective agreements regarding employment, vocational training, working conditions and social guarantees for employees. These agreements make it possible to take into account the specific working conditions of different professions. Most of them have been extended to all the companies in a given sector by an Order of the Minister of Labour^[44].

Employer organisations and trade unions are equally represented in the national commission for collective negotiation (Commission nationale de la négociation collective), which advises the government on the application, interpretation and extension of collective agreements^[45].