European Foundation for the Improvement of Living and Working Conditions

EMCC case studies

Facing the challenges of a globalised market: Louis de Poortere

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Introduction

Louis de Poortere is a Belgian textiles company established in the 1920s, specialising in the manufacture of high-quality carpets for the international market. For many years, it was among the largest employers in the Belgian textiles sector, with approximately 3,000 employees in the 1970s.

Mirroring the challenges facing the entire EU textiles sector over the past 20 years, Louis de Poortere has experienced difficulties linked to market liberalisation, globalisation and other factors impacting on the sector. The company had tried to adapt to new market conditions by divesting some of the less profitable parts of its business; despite these efforts, however, the company was declared bankrupt in August 2000 and a 'curator' (an official receiver) was appointed to handle its affairs. At that time, Louis de Poortere's workforce had already shrunk to 500 workers. In order to save the business, it was agreed that the profitable product lines would be sold to two separate buyers – Lano and the Dry Tex Group. The Dry Tex Group took on around 250 employees from Louis de Poortere's staff to set up a new company called SA LDP (LDP). Lano retained a further 60 members of the workforce. This case study follows the fortunes of LDP.

Between 2000 and 2004, the new company continued to struggle. Further restructuring took place in 2004 in consultation with the workforce, under the leadership of a 'crisis manager'. It was agreed to focus the company's business on its most innovative, value-added market segment and to sell other parts of the business. Through negotiations with workforce representatives, it was possible to reduce the number of envisaged redundancies from 68 to 52 by using provisions available in Belgium for combining part-time work with the receipt of unemployment benefit.

The workers who were made redundant had access to support from 'reconversion units' run in partnership between the public employment service and the trade unions. These reconversion units provided advice and guidance with job seeking, building confidence and dealing with redundancy. Although weavers are still in relatively high demand in the Belgian labour market, the reconversion units were faced with a number of challenges when trying to reintegrate workers from LDP into employment. Because wages at LDP were traditionally higher than in other parts of the sector, workers were reluctant to take similar jobs for lower salaries. Workers were also reluctant to change occupation within a company, let alone move to a new employer, even if suitable employment were available elsewhere. This was compounded by the fact that employment in the sector is also characterised by a relatively high degree of specialisation; there is a feeling that both initial and ongoing training needs to be broadened to enable workers to remain adaptable and able to move within or outside the sector in cases of restructuring. An initiative is now under way among the social partners, the relevant training institutes and the public employment service to create such a broader training curriculum. This should also serve to make employment in the textiles sector more attractive to younger people.

The case demonstrates the significant challenges experienced by what is still considered a 'traditional' sector in the face of globalisation and trade liberalisation. A number of lessons also emerge from the case: the need for European manufacturers to anticipate and adapt by innovating, creating more specialised products and ensuring the supply of a well-trained and adaptable workforce; the benefits gained from effective social dialogue in planning and implementing restructuring; and the value of tailored advice and guidance for those workers unfamiliar with the need for vocational and geographical mobility.

Company profile and context

Louis de Poortere is a textiles company specialising in the production of high-end carpets and rugs for the international market. The company's headquarters are located in the Walloon region of Mouscron, with its production site straddling the Wallonia-Flanders border.

The company was founded in the 1920s and became one of the most significant employers in the Belgian textiles sector, with around 3,000 employees in the 1970s. At various times it has also operated subsidiaries in several other European countries (such as Austria, France, Germany and the Netherlands).

Over the last 20 years, Louis de Poortere, and indeed the entire EU textiles sector, have faced a number of significant challenges. These are detailed below.

Liberalisation of markets On 1 January 2005, all quotas for the textiles trade were removed under the World Trade Organisation's (WTO) Agreement on Textiles and Clothing; competition from China is particularly significant for Europe in the context of this liberalisation. China became a member of the WTO in 2001; this meant that the export quotas that industrialised countries had placed on it up to this point were now removed. Despite this, conditions for access to the world's textile and clothing markets vary substantially worldwide. While EU customs duties average 9%, a number of other countries charge customs duties of 30% or more. In addition, there can be significant other non-tariff barriers. The 2006 follow-up report of the High Level Group for the future of textiles and clothing, established by the European Commission in 2004, indicates that imports into the EU – particularly in the apparel sector – have grown since the quota system (High Level Group for the future of textiles and clothing, 2006). However, increases in value and in volume have been somewhat less than some had feared. At the same time, the industry in Europe suffered as a result of stagnant internal demand (although exports to countries outside the EU were sustained in 2005).

Globalisation During the past 20 years, trade liberalisation and innovations in communications and transport have made it easier for retailers and brands to source their products worldwide. Few European countries are able to compete globally on wage levels, and the European legislative framework in relation to production (e.g. employment and environmental legislation) is much stricter than in many competitor countries. This has also affected producers in the 10 Member States that joined in 2004, which face greater competition from suppliers in the Mediterranean area, such as Turkey.

EU environmental legislation Environmental legislation in the EU tends to be more stringent than legislation among its competitors – for instance, legislation governing pollution and the use of chemicals. One result of this is that it takes significantly longer to bring new chemicals to market than in other countries.

Overcapacity It is widely felt that there is significant global overcapacity in the global textiles sector, largely due to the availability and use of more productive machinery. As a result of these challenges, the European textiles and clothing sector lost nearly 1 million jobs between 1990 and 2000. Before the liberalisation of the global textiles market in 2005, the European textiles and clothing sector accounted for 4% of all EU manufacturing production and 7% of all EU manufacturing employment. The sector had an annual turnover of approximately €200 billion among over 177,000 firms (mostly SMEs). After the 2004 enlargement of the EU, employment in the sector stood at around 2.7 million people. The 2006 report from the High Level Group indicates some employers may by this stage have already anticipated the impact of trade liberalisation and decided to let workers go: employment fell by 160,000 in 2004, immediately prior to the liberalisation of 2005. This figure was only marginally higher than the decline in employment in 2005 itself, of 164,000 (High Level Group for the future of textiles and clothing, 2006).

A 2003 Commission Communication on the future of the sector in an enlarged EU points out that:

> '*In Europe, the sector's only sustainable strategy is to concentrate on innovation, research, fashion and design, creation and quality, and the use of new technologies, together with positive industrial relations. In this respect it is important, however, to realise that the new processing methods should not lead to less employment but better employment in a more friendly working environment with different working methods. Hence, it is important that education/availability of skill and organisation of the employment market are well co-ordinated*'.
>
> (European Commission, 2003)

Employment in the textiles sector in Belgium fell from 66,000 in 1980 to 34,000 in 2005; however, this decline has been less severe than in many other Member States, as the sector in Belgium is less focused on the manufacture of clothing – the subsector most affected by trade liberalisation and the globalisation of production processes.

Louis de Poortere saw its own labour force shrink from 3,000 in the 1970s to 500 in the year 2000 through a series of restructuring processes. These involved the closure of some parts of its business and the divestment of its activities in Austria, France, Germany and the Netherlands. Despite this significant reduction in its activities, the company faced further difficulties and was declared bankrupt in 2000. A 'curator' (an official receiver) was appointed to handle the company's affairs. The curator is a lawyer, drawn from an approved list, who is appointed by the court. He or she manages the assets involved in the bankruptcy and arranges for any outstanding debts to be paid, respecting the order of their claims. A magistrate supervises the curator's administration of the bankruptcy. Usually, this magistrate is a selected magistrate among the consular judges (a member of the commercial court). He or she gives the curator authorisation to organise the public sale of buildings and assets, for example.

In the case of Louis de Poortere, the curator agreed to sell parts of the business as going concerns to two companies – Lano and the Dry Tex Group (following negotiations with various outside interests). The Dry Tex Group is run by Pascal Dryon, who had been managing director of Louis De Poortere until 1998 when he was ousted by Vincent de Poortere, who managed Louis De Poortere until bankruptcy was declared in 2000. The sale was agreed on the basis that Dry Tex would continue the 'Double Piece' and 'Wilton' product lines and retain 250 employees. The other buyer, Lano, was to retain a further 60 employees, continuing with the 'Tuft' product line.

The larger part of the business arising from the sale was created by Dry Tex in October 2000 under the name of SA LDP (LDP). Between 2000 and 2004, the new company, LDP, continued to struggle. In 2004, it was again restructured; it shifted production to the more profitable, higher value-added 'Wilton' product line and reduced its overheads. This led to the loss of 52 jobs and is described in more detail below.

Even after this, LDP's financial problems were not over. In 2006, it found itself unable to meet requirements to back-pay its outstanding social security contributions of around €1.5 million. Around €1 million of this debt should have been paid from the sale of disused buildings; however, the sale was blocked for legal reasons and LDP was therefore unable to liquidate these assets. The company again came close to bankruptcy but was able to enter into a *concordat* to schedule the repayment of its debts. A *concordat* is a legal agreement, made through the Belgian courts, which allows a company to propose a plan to repay its debts and to use the advice and support of a trustee. The concordat was agreed in July 2006 and gave the company until July 2008 to pay its debts. By 2007, all outstanding debts to suppliers had been paid, with the outstanding social security contributions to be paid by July 2008.

Restructuring and impact

This case study focuses on the 2004 restructuring at LDP. Following the break-up of the original Louis de Poortere company, the larger successor company continued to face difficulties. These resulted in part from the commitment undertaken in 2000 to employ 250 workers on the same salary as before, which is high by Belgian standards. The company also faced difficulties abroad and was having to fight a costly legal battle in the US to stop the misuse of its brand name LDP. It was therefore decided to sell the machinery, and move the production of the lower value-added ‘Double Piece’ product line to Turkey.

The restructuring plan that LDP implemented in 2004 was arrived at under Belgium’s legal framework (the ‘*Loi Renault*’). The *Loi Renault* was passed in 1998 as a result of the controversy surrounding the closure of the Belgian plant of the Renault car company at Vilvoorde; it pre-dates the implementation of the EU Directives on informing and consulting employees. Belgian law requires employers to consult with employee representatives, through the works council if one exists in the company, on any impending collective redundancies. Employee representatives are entitled to ask questions and put forward alternative strategies for consideration by the company. The law also requires employers to notify the public authorities of their intentions and to communicate certain information regarding restructuring to the wider company. As a result, employees and their representatives, as well as public authorities, are more involved in restructuring processes.

In the case of LPD’s 2004 restructuring exercise, the process for negotiating the plan between the employer and the trade union ran as follows. In June 2004, the employer provided information on the number of redundancies foreseen – 68 in total. The trade unions presented alternative solutions, which aimed to encourage voluntary exit through early retirement, redundancy and part-time work. The use of part-time work allowed the company to reduce the number of redundancies from 68 to 52, employees being compensated with unemployment benefit for the period they were not in work. Rather than accepting ordinary part-time contracts (which would have meant that they would only be paid for the part-time hours) some workers agreed to work less than 50% of full-time hours under this measure, as this allowed them to claim unemployment benefit for the rest of the time. Voluntary redundancies were agreed with 22 workers, a further 22 accepting early retirement and nine staff moving internally to the manufacturing of the ‘Wilton’ product line.

In July 2004, the company informed the public employment services and the Minister of Employment about the proposals for redundancies, as stipulated by law. In September 2004, broad agreement was reached between the trade unions and the employer on the restructuring plan. Many details were still being worked out to ensure that an appropriate balance was struck between paying debts (in particular for social security contributions) and maintaining sufficient working capital for the company to continue trading. The financial cost of the plan was set at €880,000.

The restructuring process was managed by appointing a ‘crisis manager’ in line with legislative requirements in Belgium. The social partners were directly involved in this process and Michel Verhelst (Managing Director of Coverfil and President of the Walloon section for the textiles branch of the Belgian federation Fedustria) was appointed to the position.

> ‘*It was really crucial to the success of the restructuring plan that the person leading the discussions between the different players was external to the firm and had a very rich experience in doing this kind of negotiations.*’
> Alain Van Oothegem (LDP Human Resources Manager)

Four trade unions were involved in managing the restructuring process – FGTB/ABVV, the general labour federations of Wallonia and Flanders, and CSC/ACV, the Christian counterparts. Also involved was the employers' organisation Febeltex. An employee representative, who is a member of the company advisory board and the trade union advisory board, was also directly involved.

> '*Overall, the LDP case was very straightforward and easy; all parties involved, even the social partners, knew it was the only way to make the company survive so we hardly encountered any opposition ...... We (the management board) did a press conference together with the social partners. This usually never happens in restructuring cases.*'
>
> Michel Verhelst (Crisis Manager, during the LPD restructuring)

Because of the provisions of the *Loi Renault*, all of LDP's employees were regularly kept informed of the progress of the restructuring negotiations. The 52 workers directly affected by the process were provided with support from the Artlaine reconversion unit, an ad hoc support unit established by FOREM, the public employment service in Wallonia, once the restructuring plan had been agreed.

Reconversion units were first set up in the 1970s by the Walloon government in cooperation with FOREM and the trade unions in response to the need to deal more effectively with large-scale redundancies. Ad hoc reconversion units are managed by counsellors seconded from the trade unions, and by a FOREM career adviser. They seek to help redundant workers deal with the financial and psychological impact of redundancy. For more than 20 years, these units have assisted workers in many different sectors, including textiles, the glass industry, the aeronautics sector, metalworking, chemicals, energy, agriculture, construction and information and communications technology. Since 2000, they have supported over 1,300 redundant employees.

In the early years of their operation, the reconversion units faced some criticism for being too slow to respond to crises, and for lacking the involvement of all relevant partners. In response, the Walloon public employment services, a number of sectoral training providers and the Université Libre de Bruxelles, in cooperation with the social partners, set up the DECRIRE development partnership with funding from the EU EQUAL initiative (€350,309 of European Social Fund assistance was matched with funding from the social partners). The goal of the DECRIRE partnership was to build on the experience of the existing reconversion units and to develop a practical guide on how to set up and manage such a unit. This guide allows new units to be set up quickly to respond effectively to the threat of redundancy in a sector or region. It also ensures that the units apply common standards for the services provided, and it gives guidance on the partnerships to be involved, while allowing sufficient flexibility for the services to be adapted to the region or sector's specific needs. As well developing the guide, DECRIRE also developed a highly acclaimed film that charts the experience of workers who have benefited from the services of the reconversion units to demonstrate that there is life after redundancy.

One such reconversion unit is Artlaine, which operates in the Mouscron region of Wallonia. Artlaine was set up in partnership with the trade unions CSC/ACV and FGTB/ABVV, Febeltex, the Cabinet of the Minister for the Economy and Employment, FOREM and the training centre CEFRET. It also receives financial support from the European Social Fund. The unit is open seven days a week to offer support to redundant workers with jobseeking, skills assessment and administrative help. Access to the facilities is on a voluntary basis. Artlaine currently supports a group of 11 textile sector companies that are facing closure or restructuring. In 2005, Artlaine helped just over half of the affected employees find new jobs, while a further 15% moved on to further training. Marlyne Decroix, careers advisor with Artlaine, outlined the function of the unit: 'Our role is to look at everyone's situation, analyse how the particular individual deals with the layoff and the "mourning period" which inevitably follows the loss of their job. We help each of them to get through this painful transition period as well as possible'.

Redundant workers from LDP had access to the services of the Artlaine unit. While some workers readily found new employment, thanks to the high demand that still exists for skilled weavers in Belgium, others found the transition more difficult. Access to new employment was complicated by a number of factors.

- Many workers in the sector are still not sufficiently used to change; they are resistant to the idea of changing jobs within their own enterprise or occupation, let alone changing career.
- Many workers have highly specialised skills and lack the breadth of knowledge that would make it easier to adapt and move to a different position, even within the sector.
- There are still issues of 'hidden' illiteracy among the workforce: this hinders such workers' access to training and new employment.
- As wage levels at LDP were above the average for Belgium, many workers were reluctant to take similar jobs at lower salaries.

It was felt by representatives of the Artlaine unit that some of LDP's redundant workers were insufficiently motivated to find new employment and did not use the unit's services to their full potential. The LDP crisis manager emphasises that this experience demonstrates the need for proactive, rather than reactive approaches, in cases of company restructuring:

> '*Considering the experience I have in dealing with companies in restructuring, I now believe it is very important to take a pro-active approach. That is why I am currently participating in a pilot programme in which my employees are following a training course, now, when the business is doing well, rather than in bad times, when it is too late. At least they will be ready to face the challenges of having to adapt to changes when need be. Moreover, the training gives them broader skills which is what is really needed in the current globalised market.*'
>
> Michel Verhelst (crisis manager during the LPD restructuring)

Factors in LDP's success

There are a number of factors that allowed LDP to avoid bankruptcy on a number of occasions and to continue production in an increasingly globalised market:

- specialisation towards a high value-added segment of the market;
- the willingness of social partners to cooperate to ensure a future for the company;
- provisions within Belgian legislation to allow companies in financial difficulty to reschedule their payments while continuing to trade.

The subsequent section takes the analysis of the LDP experience one step further to draw lessons for the wider EU textiles sector to ensure its survival in a globalised market.

Specialisation to retain market share

> '*There is a need to stop the bleeding and to have the courage to stop the sectors which are not profitable*'
>
> Pascal Dryon, Manager LDP, 2004

> '*In order to survive in the ever tougher competition against Asia, companies need to offer high quality, high value-added products with fast response times.*'
>
> Michel Verhelst, Coverfil, 2007

The willingness on the part of the LDP company which emerged from the 2000 sale to divest less profitable, lower value-added product lines through the sale of manufacturing equipment to Turkey contributed to the survival of the higher value-added part of the company.

This mirrors the recommendations of the European Commission in its 2003 Communication on the future of the textiles and clothing sector in the enlarged EU, as well as that of the High Level Group on textiles and clothing.

A collaborative approach through social dialogue

> '*Everyone knew that it was a choice between bankruptcy and the restructuring plan which led to the loss of approximately 50 jobs. Negotiations between the social partners allow the number of involuntary redundancies to be kept to a minimum.*'
>
> Michel Verhelst, LDP crisis manager

The company succeeded in avoiding closure and in preparing a restructuring plan that was agreeable to all partners for two key reasons: it was willing to take tough decisions, and it engaged in early consultations with workforce representatives and trade unions – as set out in Belgian legislation. The main achievement in this process was the retention of around 20 jobs, which might otherwise have been lost. The company's original proposal to move these workers to part-time contracts proved unacceptable to the trade union. However, worker representatives were willing to accept significant reductions in working time under a scheme in which employees can receive part-time salary together with unemployment benefit for the hours that they are not working. The restructuring process also enabled the use of early retirement options to reduce the number of involuntary redundancies and permitted a number of workers to be transferred to other roles within the company. It was the recognition by all partners that this was the best way to ensure the survival of the company and the appointment of a crisis manager who had the respect of all parties that allowed this negotiation to succeed.

Having said that, it must be acknowledged that representatives of the company's management and the crisis manager have stated that salary levels at LDP (inherited from the company that existed prior to 2000) continue to be too high and out of line with the norm in the Belgian textiles sector. This is felt to be an issue that needs to be addressed in future, in order to ensure the company's continued survival. Proposals to change salary levels have so far been opposed by the trade unions.

Social partnership also played a key role in the development and improvement of the reconversion units established in Belgium since the 1970s. The successful development of such collaboration between the social partners, the public authorities and the training institutions is now being taken one step further in the elaboration of the 'Contratex' project, which aims to contribute to the anticipation of changes in the sector by offering a broader initial (and ongoing) training curriculum for workers in the sector (see the following section for further details).

Legislation allowing the rescheduling of debts

> '*Crucial to a successful restructuring is timing: we started actually already a bit too late until the point we almost went bankrupt.*'
>
> Alain Van Ooteghem (LDP Human Resources Manager)

Managers at LDP acknowledged that they had failed to adequately anticipate the difficulties the company was experiencing, and therefore perhaps waited too long before elaborating a restructuring plan and seeking assistance in the rescheduling of the company's debts. This resulted in the company almost going bankrupt on two occasions.

In addition, the situation of LDP also demonstrates the impact of outside factors. In the case of LDP, these factors related to a court case in the United States in which the company had to seek to protect its brand name, as well as to difficulties in liquidating assets linked to a pending court case associated with the pre-2000 company. Although such factors were not directly related to the profitability of LDP's products, they could have resulted in the company going out of business had it not been able enter into a *concordat* in order repay its debts in line with an agreed payment plan. The possibility for a company to enter into a *concordat* arises from Belgian legislation passed in 1997 to allow alternatives to bankruptcy.

Lessons for the textiles sector in a globalised market

The example of LPD mirrors the experience of many textile companies across the EU. It demonstrates the need for enterprises unable to compete on the basis of price in a globalised market to move into production that is more specialised, of higher quality, with higher 'value-added', and more driven by innovation and research and development. Another key factor behind the continued success of the textiles production sector in the EU is its quick response times, thanks to just–in-time manufacturing for a fast-moving fashion and product market. It is no longer considered possible to increase productivity, and therefore competitiveness, through the use of more advanced machinery alone. Indeed, innovations in production technology often make it easier for manufacturers to move their production sites to lower-wage countries, both inside and outside the EU. The added value required to keep EU textiles producers in business must increasingly lie in the know-how of workers in the sector to drive production and innovation. According to Michel Verhelst (manager at Coverfil and crisis manager in the case of LDP), a better link must be created between higher salaries in Europe and greater and more broadly based skills; this would then also permit organisational innovation through flatter and more efficient management structures.

However, in the case of Belgium, the improvement of the skills base is currently hampered by the lack of specialist training institutions for high-level textile engineers, as well as the absence of an agreed curriculum for a broader, more adaptable vocational training strand for the sector, which would allow workers to develop more transferable skills. Enabling greater transferability of skills would also make a career in the sector more attractive to younger workers, who often see textiles as a moribund industry.

> '*The name 'textiles sector' in itself is not helpful and consideration should be given to renaming it to 'technology of the fibre' to reflect more accurately the processes now involved in high quality textile production. It may also serve to attract more interest and R&D funding from governments, which are keen to fund research and investment in the ICT or bio-chemicals sector but consider textiles as being too 'old fashioned' to be a future orientated sector.*'
>
> Michel Verhelst, LDP crisis manager

This lesson has been drawn from cases such as that of LDP, as well as the experience of European Social Fund cofunded partnerships, such as DECRIRE and Artlaine. Ongoing cooperation over the years led, in 2006, to agreement on a new project entitled 'Contratex' between the social partners, training institutions in the textile sector, academic experts and the public employment services in Wallonia. In acknowledging the significant challenges facing the sector, the project seeks to contribute to the anticipation of change by providing better initial and ongoing training to workers in the sector by offering transferable as well as specialist skills. For any workers potentially affected by restructuring, the training institution CEFRET and the relevant social partners work together to develop appropriate curricula. The development of these curricula is informed by the needs of the sectoral and regional labour market, in order to assist with any mobility within or outside the company or sector. The aim is eventually to ensure that such training provision focused on employability is the norm rather than the exception. The goal is to agree a curriculum by June 2008, with the first workers being trained on a voluntary basis in 2008.

The negotiation of this initiative has not been without difficulties, particularly as there was some concern among the trade unions that such multiskilling might lead to a weakening of specialisation, and so affect wage levels. However, for the project partners at least, this has been overcome through the common recognition that the sector needs to change and become more adaptable in order to face the challenges of a more globalised market. Cooperation on this project has been very positive between the social partners, who took the unusual step of making joint representations to the Walloon government to seek its support.

The need for increasing investment in human resources is also strongly highlighted in the report of the High Level Group, along with a number of proposals: to increase investment in research and development; greater support for networking between SMEs; the protection of intellectual property rights; and the creation of a more level playing field in trade policy.

Supplementary information

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Individuals consulted

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