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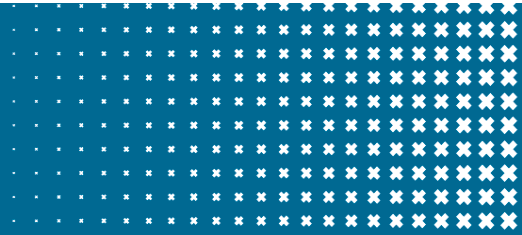
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UNIVERSITY OF AMSTERDAM

Amsterdam Institute for Advanced labour Studies



# Bargaining and Social Dialogue in the Public Sector (BARSOP)

## Country Report France

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# Abstract

The present BARSOP report includes the results of the case study on France, which analyses how social dialogue in the public sector has changed during the last 15 years, how social dialogue and social partners initiatives have impacted on public sector reforms and how the reforms have impacted on the quantity and quality of jobs and on public services in the sub-sectors of primary education, hospitals and local authorities.

Multiple factors are needed *to explain the changes* described in the report. New public management NPM-ideologies could be seen as a driver. Moreover, the economic crisis has made the public employers more powerful. The crisis has also impacted through austerity policies and other reforms. The effects from the crisis mix up with the impact of the jointly agreed reform of social dialogue in the public sector, which was implemented in the same period. Also demographic developments have been of importance and are still perceived as challenging for employment recruitment in the sector.

With regard to the *shape public sector reforms have taken*, New Public Management (NPM) has been on the agenda in the form of, e.g. contracting out, reduction of employment in the public sector, decentralisation of resources to the local level, contract management and widespread use of targets and new management methods (inspired in the private sector). Although not always succeeding, the social partners have been able to influence some of the reforms via social dialogue and collective bargaining. One main example of successful bargaining is the signing of the joint Bercy agreement reforming the social dialogue system for the public sector in 2008-2010.

Regarding the *effect of the reform policies on the quality and quantity of jobs*, the austerity policies and other reforms have contributed to the decline in public sector employment, especially until 2012. However, the share of the public sector employment to all employment is still high in comparative terms. Non-standard employment has become more widespread in some sub-sectors, such as primary education. Work intensification seems to be an issue nearly everywhere in the public sector and it is perceived as a serious concern by the social partners, and other workers' associations.

The last of the projects' questions regards the *impacts of the changes in quantity and quality of jobs on the availability and quality of public services*. This question is discussed intensively in all three sub-sectors, but no consensus exists. Research projects and evaluations provide knowledge on the issue, but do not provide clear answers to this important question.

In France, the crisis has resulted in reduced funds for the public sector, in more unilateral action by governments in industrial relations and in changing ideas concerning the role and functions of social partners. Social dialogue has been important in reshaping public sector industrial relations during the crisis even when industrial relations have remained conflictual and unions claim that collective bargaining has become more burdensome.

In France, public sector reforms have intensified during the crisis with clear effects on public budgets and in the number of jobs available in the public sector. The harshest administrative

reforms were introduced during the mandate of President Sarkozy, as part of the so-called General Public Policy Review. These NPM ideas have been translated into reform policies for the public sector in France. As public finances remain under pressure with high government expenditure, since the beginning of the economic crisis in 2008, the French administration has taken specific measures to reduce public payrolls. Therefore, employment in public administration has declined during the examined period.

France is characterised by highly adversarial industrial relations and by a trade union movement that is rather strong at the national level but has very little presence on the shop floor. The French trade union model is not one of massive trade union militancy, with unions' members concentrated in the public sector. However, as in the private sector, unionism in the civil service is characterized by the existence of many different organizations (quite diversified and fragmented representation). Attending to the peculiarities of the sector, the collective rights for civil servants have been specifically regulated in France and this peculiar status has remained relatively unchanged during the studied period.

The three sub-sectors analysed show similarities on several of the above-mentioned dimensions, special regarding the increase of work-intensification, stagnation of wages, and public employment decline. However, differences are also found, for instance when it comes to the relations between the social partners, the scope, and shape of NPM-reforms, changes in the number of jobs, and the use of non-standard employment.

# 1. Introduction

## 1.1 Short presentation of the project

The project Bargaining and Social Dialogue at the Public Sector -BARSOP- deals with the study of the evolution and role of industrial relations in the public sector in nine EU Member States: Denmark, Germany, Italy, the Netherlands, Slovakia, Czech Republic, Spain, France, and the United Kingdom. We will focus on three (sub)sectors: hospitals, primary education and municipalities. We take a multi-level governance perspective, looking at interactions between the EU, national, sectoral and local levels, and cover the past 15 years. We aim to answer two closely interrelated questions: What has been the evolution of industrial relations in the public sector? And what has been the role of industrial relations in shaping the public sector?

This report presents the findings from research carried out during 2016 - 2017 according to the objectives of the project BARSOP. We examined developments in France with regard to the evolution of collective bargaining and social dialogue in the public sector, for the period 2002-2016. The main aims of the report is to analyse the evolution of industrial relations in the three (sub)sectors. Here we will analyse the changes that have taken place in the past 15 year in the characteristics of the social partners (level and composition membership, types of organisations, mergers/fragmentation, resources, etc.), their ideas, objectives and strategies, the extent to which their relationships are consensual or conflictive and bilateral or unilateral, the coverage and dynamics of collective bargaining, social dialogue structures and processes, and the relationships between the sector, national, and EU levels. We will also discuss the reasons for these changes which may be, among others, changing economic and financial conditions, changing power resources, changing ideas on the role of industrial relations, changing political colours of governments, the influence of external actors who impose or promote certain changes, etc. Special attention has been given to the role of the crisis, where relevant. In many countries, the crisis has resulted in reduced funds for the public sector, in more unilateral action by governments in industrial relations and in changing ideas and regulations concerning the role and functions of industrial relations. In others, social dialogue has been important in reshaping public sector industrial relations during the crisis and yet in others the crisis has not been a major factor. Based on this analysis of the three sectors we aim to generalise on the general evolution of industrial relations in the public sector in the country.

Closely intertwined with this is the second question, which concerns the role of industrial relations in shaping the public sector in general and more in particular the quantity and quality of employment and the availability and quality of public services. Our starting point here is that in the past 15 years most governments and international agencies (EU, OECD, and IMF) have promoted profound public sector reforms. These reforms are generally inspired by a combination of New Public Management and austerity ideas. New Public Management focuses on privatisation and marketization of public services, including elements like accountability by result, quasi-contractual relationships, financial incentives, decentralisation, limits to collective workers' representation, and the replacement of automatic and collective mechanisms of pay increases and career promotion with more discretionary, selective and variable mechanisms.

The austerity approach focuses on the goals of limited public expenditure, limited public debt, and limited budget deficits, and is institutionalised in the economic governance of EMU. In France, public sector reforms have intensified during the crisis with clear effects on public budgets and in the number of jobs available in the public sector. The government performs several roles in this context. In the case of civil servants, the government acts both as regulator and as employer. The employment conditions of public sector workers are laid down by statute rather than contract, which places the government in a sovereign position (Bach and Kessler, 2011). Reform plans inspired by New Public Management have sought to alter this model, by introducing more contracts, by reorganising the administrative departments, and by changing the salary setting conditions, though without transforming the general economics of the statute (Bezes and Jeannot, 2011). These NPM ideas have been translated into reform policies for the public sector in France. In the country report on France we have examined: What shape has public sector reform taken in the country in general and in the three sectors in particular? What is the extent of the reforms? In what way have industrial relations actors influenced these reform processes, as well as their implementation, through collective bargaining, social dialogue, industrial action, and lobbying?; And finally, what effects have the changes in quantity and quality of jobs in the public sector had on the availability and quality of public services?

## 1.2 Research question, methods and structure of the report

The project research studies aim to answer two closely interrelated research questions with a set of sub-questions/points of focus<sup>1</sup>. In practice they are however inseparable and the empirical work to answer the two questions will overlap substantially:

1) *The evolution of industrial relations in the public sector*. This first question concerns the evolution of industrial relations in the three (sub)sectors<sup>2</sup>. Here the focus will be on the changes that have taken place in the past 15 year with regard to:

- the social partners' structure and organizational capacity, ideologies and strategies, relationships (consensual or conflictive) and the coverage of collective bargaining, social dialogue and other relevant processes.
- the reasons for changes in the above, including changing economic and financial conditions, changing power resources, changing ideas on the role of industrial relations, changing political colours of governments, etc. Special attention will be given here to the role of the economic crisis.

2) *The role of industrial relations in shaping the public sector* in times of New Public Management (NPM) and austerity - in particular the effects on the changes on quantity and quality of employment and the availability and quality of public services. Again the focus will be on the past 15 years, and emphasis will be put on four sub-questions:

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<sup>1</sup> This is a shortened version of the question pursued in the project. See the BARSOP project webpage <http://www.uva-aias.net/en/research-projects/barsopon> for the full version.

<sup>2</sup> Although they are sub-sectors within the overall public sector, they will be labelled 'sectors' in the following.

- What shape has public sector reform taken in the country in general and in the three sectors in particular?
- To what extent and in what way have industrial relations actors (trade unions and employers and their organizations) influenced these reforms?
- What effect have reform policies had on the number and quality of jobs in the public sector?
- What effect have the changes in quantity and quality of jobs had on the availability and quality of public services?

### *Methodology*

With regards to methods, in line with a mixed-method approach, our analysis is based on various sources of evidence. For the purposes of extensive analysis, we draw on available literature, legislation, reports published by national authorities or independent bodies, and the most reliable and up-to-date quantitative data. First-hand data has been collected through interviews with representatives from social partners and with other stakeholders in the public sector.

The present report is the project's national report regarding France. The report proceeds as follows. Section 1 provides an overview of the situation of the public sector and public sector industrial relations attending to public expenditure, employment, share in the total economy, basic organisation of the public sector and its distinctiveness, and main directions of reforms affecting it. In section 2, a general overview of public sector industrial relations is provided. In section 3, we explain the evolution of industrial relations and their role in shaping the sub-sector of primary education. In section 4, our attention turns to industrial relations and their role in shaping the public sector of hospitals. The section 5 is dedicated to industrial relations and their role in shaping the public sector within municipalities in particular for day-care services. Finally, in section 6, a comparative analysis is provided, where we summarize the results of our research and the main conclusions regarding the evolution of industrial relations in the public sector in France over the last 15 years.

## **1.3 Introducing the public sector in France**

Employment in the public service comprises all workers of the three branches of the public service, regardless of their types of employment: civil servants, public contract employees on a permanent or a fixed-term contract, employees on subsidized contracts or temporary workers. The State Civil Service (la Fonction publique d'Etat) includes central government departments and their decentralized administrations, as well as public administrative institutions.

From a legal-status point of view, the public sector includes two types of workers:

- Civil servants with a civil post in an administrative body. There are three main civil service bodies: central government (51% of personnel), local government (30% of personnel) and the Health Service (19% of personnel, of which 94% work in hospitals).

At the end of 2015, the total civil service workforce was 5.4 million, which corresponds to 22 percent of the total labour force.<sup>3</sup>

- Public employees working for public companies, which include all of the companies in which the State is a majority shareholder, e.g. the state electricity company (Electricité de France, EDF), the state postal services company (La Poste), and the French National Rail Company (Société nationale des chemins de fer, SNCF). At the end of 2008, the total workforce in public companies was 713,000. (Vincent, 2008) Over the last 10 years, the number of non-tenured staff has increased by 2.8% on average, while the total number has been increasing by 1.3%. Despite many agreements were signed on this subject with trade unions to provide more employment security, for this particular group of public employees that has not actually happened.<sup>4</sup>

The Central government includes:

- The central administration (central ministry departments) and their decentralized departments at local level (local departments, prefecture, education authorities.) It employs about 2.4 million workers.<sup>5</sup>
- National public institutions with a public service mission (teaching and research establishments and public administrative institutions such as the Employment Agency - Agence nationale pour l'emploi, ANPE). For the sub-sector included in the BARSOP research project, the available data shows the following relevant figure: around 1.12 million civil servants including all teaching personnel.<sup>6</sup>
- The health service personnel which are under the authority of the Health Service;

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<sup>3</sup> Sources – INSEE and DREES, <<https://www.insee.fr/en/statistiques/1376010?sommaire=1376034C>> and DGAFP, 'Fonction publique - Tableau de synthèse 2015' <[https://www.fonction-publique.gouv.fr/files/files/statistiques/rapports\\_annuels/2015/tableau-de-synthese-2015.pdf](https://www.fonction-publique.gouv.fr/files/files/statistiques/rapports_annuels/2015/tableau-de-synthese-2015.pdf)>

<sup>4</sup> Ibid.

<sup>5</sup> Source – INSEE and DREES, <<https://www.insee.fr/en/statistiques/1376010?sommaire=1376034C>>

<sup>6</sup> Source – INSEE and DREES, <<https://www.insee.fr/en/statistiques/1376010?sommaire=1376034C>>



**Table 1 Evolution of Employment in the public sector (civil service)**

	<b>In millions 2016</b>	<b>Annual evolution ( %)</b>	<b>Annual evolution ( %)</b>
<b>Number of Workers at 31.12.2016</b>	<b>Number of contracts</b>	<b>Number of contracts</b>	<b>Number of contracts</b>
<b>Civil Service – State level</b>			
Ministries	1942,3	1,4	1,4
Public administrative establishments	560,7	-0,3	0,5
<b>Civil Service – Re- gional level</b>			
Regions and De- partments	446,0	-1,0	-0,7
Communal sector	1531,2	-0,2	0,0
<b>Health Service</b>			
Hospitals	1040,7	0,0	0,1
Socio-medic estab- lishments	148,6	2,1	2,5

Source: Insee, Siasp.

Two sectors, education and health, stand out due to the fact that they include both administrative bodies and private companies. (Vincent, 2008) Education includes public teaching and research establishments (primary schools, secondary schools, colleges, and universities) and private establishments, while the health sector includes public health-care establishments and private hospitals.

One peculiarity of the public sector in France is that it is a highly feminized sector. Women accounted for one of the highest shares in total employment across OECD countries and represent over 62.3 % of public sector employees (2013). In ministries, there are 57% female workers; in the national public institutions (public services) more than 60%. Besides, there is a higher than average level of part-time employment for women in the public sector.<sup>7</sup> Women are underrepresented in the managerial positions. However, attempts to counteract this trend have been done through an agreement negotiated by the social partners in 2013, which included measures aimed at women's career advancement in the public services.

At a Central Level, the average age of employees is 43.8 years old and women represent 16,1% of senior positions. At a Territorial Level the average age is 44.4 years old and women occupy 18% of senior positions. At the hospitals sector the average age is 42.9 years old and women are 76.4% of all workers and have 37,9% of senior positions. The average retirement age in 2008

<sup>7</sup> OECD (2015) report: 'Government at a Glance- Country Fact Sheet France', <https://www.oecd.org/gov/France.pdf>, acceded on 1.12.2016

was 59 years old for the central government civil servants. For the three branches of the civil service, persons with disability represent 4,5% of the employees.<sup>8</sup>

### **Legal status, career-based system, and remuneration**

All public sector employees benefit from a special status. Since the Law 13 July 1983 (law on the rights and obligations of civil servants), the general regulations of the different civil services have been unified, even if there are still specific provisions for each sector. Alongside the civil servants, there are state manual workers who are public employees and also public non-permanent employees who work for the civil service. The total figure of non-permanent public Employees (central government) is estimated at around 300.000. (Vicent, 2008) Finally, employees of public companies are also governed by regulations which are specific to their company.

The general civil service regulations define the rights and obligations of civil servants and state manual workers. The legislation set forth that permanent posts within the civil service should be occupied by permanent civil servants. Public servants are divided into three categories: A (supervisors and highly qualified professionals), B (middle management and qualified professionals) and C (operational personnel). The recruitment processes take place through public examination and the civil servants have the right to career progression.

Although public employees can be recruited on a contractual basis, they are normally recruited via selection processes as civil servants. Training is provided at training centres such as the: National School of Administration (ENA), and the Regional Administration Institutes that offer training for standard government posts and the Centre for European Studies (Strasbourg). There are also ministerial centres providing training for specific posts.

The civil servants assessment procedure is set out in Decree 682, on the classification and promotion of civil servants in administrative scales. The Decree provides a regulation defining the procedure for performance assessment and the classification system. Assessment is based on performance, as well as professional development prospects. The civil servant is informed of the result of the assessment. In recent years, the importance of seniority in career development has been reduced in favour of merit. The result of the assessment serves for career advancement by means of a change in level or grade. The assessment may be annual or twice yearly and is based on the rules established for each administration. It is carried out in each Ministry, in accordance with the functions of the posts. Moreover, the general assessment and classification system may be adapted by each Ministry in agreement with the trade unions.

Remuneration is based on the employee's grade and the rank of their position. The rank is linked to a base remuneration according to the civil servant's position on the salary scale. In addition to grade, rank and position, remuneration consists of compensation for residence, a family supplement and other variable pay components. In the last decade, an individualised bonus system, known as the "function and performance bonus" has been introduced in the public administration pay system, in which remuneration has a part that takes account of the

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<sup>8</sup> Eurostat, Public Employment France, (2015), accessed on 1.2.2016.  
<[http://ec.europa.eu/eurostat/statistics-explained/index.php?title=Archive:Public\\_employment\\_-\\_France&oldid=269649](http://ec.europa.eu/eurostat/statistics-explained/index.php?title=Archive:Public_employment_-_France&oldid=269649)>

civil servant's responsibilities, and another variable part covers the worker's individual performance, which is evaluated in the periodical individual assessment.

**Table 2 Evolution of Monthly Average Salary in the Public Sector**

		<b>Evolution between 2014-2015 (%)</b>	<b>Evolution between 2014-2015 (%)</b>	<b>Evolution between 2015-2016 (%)</b>	<b>Evolution between 2015-2016 (%)</b>
	Level 2016	In Euro cur- rent	In Euro con- stant	In Euro cur- rent	In Euro con- stant
<b>Total for the whole Civil Service</b>					
Gross	2710	1,0	1,0	0,9	0,7
Net	2230	0,6	0,6	0,5	0,4
<b>State level Civil Service</b>					
Gross	3060	0,8	0,8	0,8	0,6
Net	2510	0,4	0,4	0,4	0,2
<b>Territorial Civil Service</b>					
Gross	2300	1,2	1,2	0,9	0,8
Net	1900	0,8	0,8	0,6	0,4
<b>Health Care Service</b>					
Gross	2740	1,3	1,2	0,9	0,7
Net	2260	0,9	0,9	0,6	0,4

Source: Insee, Siasp.

## 1.4 The public sector reforms

In this section we will first present the main NPM-reforms which occurred in the public administration in France in the last 15 years. State modernization policies aim to improve relations between administrations and employees and to make the latter more efficient. To this end, new human resources management methods borrowed from the private sector have spread to the public sector: particularly, management planning of jobs, skills and procedures for personnel evaluation. (Bordogna, 2003) In the case of France, some of these policies were approved by a government Decree of 29th April 2002 but the main relevant NPM reforms were adopted after 2008.

A main reform to the status of civil servants (in the line of the new public management discourse) has concerned their retirement scheme. Legislation adopted in 2003 made pension contributions periods in the civil service closer to those in the private sector. Even when, the unions in the sector claimed that they strongly opposed this reform and that they organised a

major strike by civil servants to protest against it, this collective action did not prevent the reform from being implemented.

Other reforms were approved by the government to improve the quality of public services and meet the objective of replacing only one out of two retiring civil servants between 2009 and 2011 to reduce the size of the public service. Moreover, several reforms aiming at the modernisation of the 15 French Ministries to improve their efficiency were adopted. These measures had as objective the modernisation of the State's territorial organisation, streamlining internal procedures, and modernising human resource management.

During the reference period, several reforms of the public services wage setting mechanisms were undertaken. The main reforms were conducted under the so-called 'General Public Policy Review (RGPP)' during President Sarkozy's mandate. Traditionally wage negotiations in the public sector have revolved around the crucial criterion of "the value of the point". For the unions, with an increased in the point value above inflation, public workers got a pay increase; if not, they were losing purchasing power. In 2007, the Ministry of Finance introduced another assessment principle, linked with trends in the total wage bill, the progress of civil servants in their careers, and trends in the number of jobs (Bezes, 2007). Sarkozy's government adopted a reform of public sector wages inspired in the New Public Management ideas. The first measure was to stop the indexing of the point value on the retail price index. Point value grew by 2.8% over the period 2008-2011, at a time when inflation was 4.4%, bringing a real terms salary cut of 1.6%. This measure was partially offset by other initiatives. The government introduced an adjustment for employees who did not advance in their career, to counterbalance the reduction of wages (the individual standard of living guarantee was awarded in 2010 to 56,000 civil servants, at an average of €800 each). In addition, certain sectoral negotiations improved career prospects within some subsectors, through bonuses increases, or overtime payments (especially in education). Besides, the method of determining the flexible part of public servants pay was adjusted. The various bonuses were grouped into a single "position and performance bonus". The bonus amount is calculated based, firstly, on the workers' job level and secondly, on performance to be assessed by their managers. (Jeannot, 2012).

A second reform adopted during the Sarkozy's government, was a drastic reduction of the number of civil servants through reorganisations and the decrease of the replacement rate of retiring civil servants (by the non-replacement of one in two retiring civil servants). This austerity measure was based on the above mentioned process of administrative reorganisation called a 'General Public Policy Review'. This reduction of public service jobs was as follows: 75,000 jobs cut in 2008; 45,000 in 2009, (representing 5% of jobs in the public sector over those two years). This led to a fall in staff costs in the national budget from 43% in 2008 to 36.5% in 2010.

Other important measures affecting the working conditions of public workers passed during Sarkozy's government were the pension policy and sickness pay reforms, which partially brought civil servants into line with the less favourable conditions in the private sector. An austerity measure affecting workers in the public sector has been the increase in the statutory retirement age from 60 to 62 ("Réforme des retraites" in 2010) and the elimination of the phasing out model of retirement (gradual reduction of working hours with a corresponding

reduction in wage) by the elimination of the “dispositif d’accompagnement”. This reform has been quite negatively assessed by the unions, as it is eliminating some of the possibilities for flexible retirement.

Finally, several “Public Sector Downsizing” measures, in line with the reorganizations associated with the RGPP, were introduced during the Sarkozy’s administration. In particular, the policy of ‘organizational merger’ took the form of multiple unifications of central government administrations, of ministerial divisions at the regional level and of inter-ministerial divisions at the departmental level. This reform of ministerial units at regional level was marked by the desire to merge organizations in order to increase cooperation between them, and by the strengthening of the prefects’ coordinating powers. (Bezes & Jeannot, 2013)

In 2008, a main jointly negotiated reform of the social dialogue system in the public sector occurred. For many years, trade unions represented at the public sector did not officially have the legal competence to initiate collective bargaining except for salaries. In reality, the practice of bargaining over several terms and conditions of work had grown over the last decades. During negotiations, the government is represented by the Ministry for the Civil Service (central government civil service), the Ministry for Health (hospital civil service) and the Ministry for Local Authorities (local government civil service). Employee representatives come from the eight major trade unions. Subjects discussed included terms and conditions of employment, health and safety, remuneration, etc. Although the agreements reached were not legally binding, they were usually respected by the parties. Nevertheless, the Government has the prerogative to act unilaterally in the case of failure to reach agreement. This changed in 2008 with the so-called Bercy agreements which included a framework for social dialogue reform. This agreement was signed by the majority of most representative trade unions: the French Democratic Confederation of Labour, the French Confederation of Christian Workers, the Union of Executives, the General Confederation of Labour, and the National Union of Autonomous Unions. However, the union Force Ouvrière did not sign the agreement. The Bercy agreement was meant to strengthen collective bargaining and social dialogue between civil service branches and ministries, underpin the legitimacy of technical committees and advisory bodies, and reinforce the rights and means of trade unions. The content of this agreement and the legislation developing it is discussed in section 2.1.

A change in the orientation of the NPM reforms can be noticed after the entering into office of the Hollande socialist government in 2012. The term “General Public Policy Review” was dropped. Most importantly, the target of drastically reducing the number of civil servants was abandoned and even reversed in the subsector of education where new jobs were created. Besides, following the ‘Public Service 2012 Pact’, further reforms were passed, including measures dealing with individualised remuneration, mobility, evaluation, training and diversity. All these reforms were part of the wider general review of public policies, specifically in relation to human resources.

The successive French governments during the examined period have embraced the NPM reform model cautiously, preserving several features typical of its administrative tradition, starting with the public specific legal status of the employment relationship of around 5 million civil servants; a model sometimes referred to as neo-weberian (Bordogna & Neri, 2010). In

spite of the individualization of personnel management, specific regulations still govern the foundations of the civil servants' employment relationship.

The majority of the unions have opposed to the changes introduced by the New Public Management inspired reforms but struggled to get the civil servants to protest against the reforms. Nevertheless, some relevant public sector collective actions were organised during the period to protest against the effects of NPM reforms (with low success on achieving their collective demands):

- A major public sector strike was organised by the main trade union confederations in May 2014 to demand better pay for public workers. Tens of thousands of public sector workers joined that strike to demand higher wages and an end to austerity. The strike was felt in schools, hospitals, airports, city transport, police stations and government buildings around the country. Despite the turn out, government representatives reaction was to deny the wage increase until there will be clear economic growth.

- A wave of strikes in several sub-sectors of the public sector went all over the country in January and February 2016. Civil servants, hospital workers, and teachers were striking. The public service workers were protesting against reforms adopted in 2016 and affecting pay and career advancement. During that period nursery school and primary school teachers went on strike demanding a higher pay.

## 2. General overview of public sector industrial relations

### 2.1 Industrial Relations in the public sector: distinct features

Attending to the peculiarities on the industrial relations actors, comparatively in the public sector in France there is a higher percentage of trade union membership 15% average (compare with 8% of workers in private sector). That percentage amounts to 25% in education and healthcare sectors. Nevertheless, as in the private sector, unionism in the civil service is characterized by the existence of many different organizations (quite diversified and fragmented representation).

Collective rights for civil servants have been specifically regulated in France. The right of association and the right to strike have been fully recognized since 1946, except for members of the armed forces and judges. The main original feature of the regulations is that personnel representatives participate in individual career management in administrative committees and in the organization of services in consultative committees. The unions are involved in decision-making at all levels;

In public companies, personnel status is very variable, ranging from the status of personnel very close to that of a civil servant, to that of public employees, which in terms of collective labour rights entitlement is close to that of private sector workers.

Since 1983, the law has recognized that civil servants trade unions have authority to carry out wage bargaining at national level with the government. Since then, annual salary negotiations have taken place between the Civil Service Minister and the civil service trade unions, the French Democratic Confederation of Labour, (CFDT), the French Confederation of Professional and Managerial Staff (CGC), the General Confederation of Labour (CGT), the French Christian Workers' Confederation (CFTC), the General Confederation of Labour – Force ouvrière (CGT-FO), the Unitary Union Federation (FSU) and the National Federation of Independent Unions (UNSA).

Collective bargaining is centralised on a national level and includes salary increases within the limits set out in the budget by the Ministry for Finance. Until 2010, collective bargaining focused mainly on remuneration matters. These negotiations of wages in the public sector dealt with the specific pay structure for civil servants. Variable pay is particularly relevant in certain bargaining units or organisational areas. Civil service pay has two components:

- An indexed salary. Each grade is linked to an index level and the negotiated salary increases affect the value of an index point;
- And individual bonuses which are determined per grade. These bonuses on average represent 17% of civil servants' salaries.

Until recently there was no collective bargaining (except for remunerations matters) in the public sector but only consultations between the Ministries and the trade unions. The situation changed with the 2008 Bercy agreement which established the right to collective bargaining for the whole public sector (at all levels and concerning all labour matters). The Bercy agreements were signed by the CFDT, which saw them as an acceptance of the collective approach to the organisation of labour, by the CGT, the FSU and UNSA, which leading position were reinforced by the new rules on representation, but it was rejected by Force Ouvrière. While the right to collectively bargain was very limited in central government, reality has overtaken the law as bargaining spread in the 1990s to many new areas: service salary scale, vocational training, progressive early retirement and 2000 and 2001 agreements on the reduction of insecure employment. According to the Bercy agreement, during a transitional period, a pact between trade unions and employers is considered to be valid if 2 trade unions, with a minimum of 20% of the votes of the entire union representation, sign it and it is not rejected by any organization that represents a majority of the votes.<sup>9</sup>

The 2008 Bercy agreement was implemented through the law on 5 July 2010 on the renewal of the social dialogue. This legislation clearly expands the scope of collective bargaining in the public sector. (Montecler, 2010) The detailed rules applying this legislation are set out in the 22 June 2011 circular on civil service negotiation. The main aim of the 2010 reform is to change two of the traditional features of social dialogue in the administration: the unilateral character of the decisions of government as an employer, and the focus on the discussion of individual cases (Jeannot, 2012). The Law on the modernisation of social dialogue reformed industrial relations in many aspects:

- it reinforced the legitimacy of union representation: By making it possible for any workers' organisation to be represented, which was not previously the case, and by broadening the electoral base to non-tenured civil servants, and creating a single election timetable;
- It established minimum rules of representativeness for a collective agreement to be valid, setting the minimum threshold that the signing unions should have attracted 50% of votes in the last union elections;
- It skips the obligation on the administration to have the same number of representatives as the unions on all social dialogue bodies;
- it modernised and harmonised the social dialogue structures, with the creation of a combined higher council of the civil service in addition to the higher councils of each national public service, the strengthening of the legitimacy and role of the technical committees responsible for matters of organisation, and the extension of the role of the health and safety committees to other working conditions. The purpose of these changes is to counterbalance the previously central role of the joint administrative committees, with their focus on individual decisions about mobility and promotion, in favour of collective discussion bodies like the technical

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<sup>9</sup> Ibid



committees. Indeed, since the entering into force of the 2010 law, the level of representation of the different unions is based on the elections to these technical committees.

- The 2010 law on modernisation of social dialogue changed also the rules on the involvement of workers' representatives on joint administrative committees (*commissions administratives paritaires*, CAP). The CAPs are advisory bodies where workers, speaking through their elected representatives, make their views known to their supervisors. In 2010, the structure and functions of these Commissions were reformed. CAPs are consulted on individual elements of employment relations (recruitment, rating, assignment, promotion, and disciplinary action). Commissions are set up for each civil service branch. Since the early 2000s, CAPs have been decentralized in some services. In hospitals, for instance, a CAP can legally be set up if four employees belonging to one category work in the institution. CAPs are the basic institution of public sector employment relations. Trade unions have used these legally based employees' representative bodies to provide visibility and legitimacy for their actions. In many state departments, CAPs stick more or less strictly to their advisory and informing role. In other departments, as is the case in the Ministry of Education, CAPs are a real instrument for unions' involvement in the drafting of statutory rules and internal labour market management. There unions have imposed a genuine co-determination of collective criteria for employees' individual career management (Tallard and Vincent, 2009). In the education sector unions have built their strength and ability to protest based on their links to the shop floor through the CAPs. (Vincent, 2016)

Apart from the CAPs in France there are other consultation bodies dealing with departments' organization. These are called the Technical Committees (*comités techniques*, CT). The CTs are consulted on organizational changes (budgetary rules, staffing trends etc.) and on the collective elements of working conditions. They are set up at all levels of administrative structures with, at the top, a council for every public service. Until 2010, CTs were joint bodies. In the past, their members used to play a rather formal role in the administrative hierarchy acting as dormant representatives, except for the union representatives. In order to revitalize this institution, their functioning was reformed in 2010 to make it more akin to that of works councils (*comités d'entreprise*) in the private sector. (Vincent, 2016)

So the influence of the unions can be measured more in terms of representation of union's officials in joint administrative committees (70% of member of central government joint administrative committees) than of union membership. In 2010, the CGT, which has recently distinguished itself by its collaborative attitude to NPM reforms, was the leading union for the civil service in general (23.5%), with an especially strong presence in local government bargaining structures. The CFDT (*Confédération Française Démocratique du Travail*) and FO (*Force Ouvrière*) unions have similar levels of representation (respectively 16.8% and 17.6% for the civil service as a whole, uniformly spread across the three components: central, local and hospital). The FSU is the largest union in the education sector and it has significant influence in the public service as a whole, (11.6%). The new radical union, SUD, is gradually gaining representativeness (9.6%). (Vicent, 2016)

Regarding the other side of the bargaining table, the public sector is unique because the state is the employer, the wages of workers are financed by public money, they are providing public

services and performing public tasks, which makes the sector highly subjected to public scrutiny, and influenced by politics. The government is represented at the bargaining table by the civil service Minister. Technical support is provided by the DGAFP (General Directorate for Administration and Civil Service), which reports to the Prime Minister. Centralised bargaining takes place every year at national level for all ministries and each ministry has a personnel operations division which consults personnel representatives. In principle in France there are no independent bodies monitoring the bargaining.

In the public sector there is also broad collective agreement coverage due to the extension of collective agreement to the whole sector/s. Besides, there is a high level of industrial conflict (1 million strike days for government ministries in 2010)<sup>10</sup>

## 2.2 Collective bargaining for public employees in public companies

The right to collective bargaining is set out in the Labour Code (Code du travail). Collective bargaining takes place at national, sectoral and company level in France. Coverage of collective agreements is high in spite of a very low trade union density (around 8%). The main reason for the high coverage is the extension of sectoral agreements. All employees are covered by a sectoral agreement as soon as it is recognised as legally valid and/or extended by the government to a particular sector. This includes those employees whose employers are not members of signatory organisations. An extension is decided by the Minister of Labour after consultation with the National Commission on Collective Bargaining. This leads to an average coverage rate of 98% (Visser, Hayter and Gammarano, 2015).

The importance of collective bargaining increased with the adoption of the 1982 Auroux Acts, which obliged the bargaining parties already bound by a sectoral agreement to negotiate pay annually and to discuss the sector's job classification system and its economic development every five years. The Auroux Acts also stimulated company-level bargaining by making annual negotiations on pay and working time obligatory in companies with union representation. However, these bargaining obligations do not always implied agreement obligations.

Furthermore, the system of collective bargaining has been profoundly reformed in France in the last two decades. The reforms of 2004 and 2008 involved some procedural changes regarding the conclusion of collective agreements and the relationship between the various levels of bargaining and initiated the road to decentralization. These reforms aimed at decentralising the bargaining process and modified the traditional prevalence of the sectoral level. (Ramos Martin 2011). The legal changes introduced in the system in 2004 (the Act on lifelong vocational training and social dialogue, also referred to as the Fillon Act<sup>11</sup>) and 2008 (the Act on the Reform of Social Democracy and Working Time 2008<sup>12</sup>) followed clearly that decentralisation

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<sup>10</sup> Source: DGAFP, 'L'emploi dans la fonction publique au 31 décembre 2011 (premiers résultats)', <https://www.fonction-publique.gouv.fr/lemploi-dans-la-fonction-publique-au-31-decembre-2016-premiers-resultats>>

<sup>11</sup> LOI n° 2004-391 du 4 mai 2004 relative à la formation professionnelle tout au long de la vie et au dialogue social.

<sup>12</sup> LOI n° 2008-789 du 20 août 2008 portant rénovation de la démocratie sociale et réforme du temps de travail.

trend. This is also the tendency noticed in the recent reform of social dialogue structures, the Act on Social Dialogue and Employment (Rebsamen) 2015.<sup>13</sup> The rationale behind that approach is that stimulating collective bargaining at undertaking level will increase internal flexibility, adaptability to a shifting economic situation, and enhance the competitiveness of the French economy.

In France, collective bargaining has mainly taken place at the sectoral level, especially when negotiating wages. However, the company level has been gaining in importance in negotiations on additional wage elements. French labour law allows forms of variable pay as long as the minima fixed by the legislator or the collective agreements applicable are respected. According to Article L. 442-1 of the Labour Code, companies with 50 employees or more have an obligation to develop employee financial participation schemes that must be negotiated with the workers' representatives. Other collective forms of profit-related pay may be adopted on a voluntary basis, but they cannot go below the minimum wages fixed by law and/or collective agreements. The same rule applies to variable pay forms introduced by the individual employment contract (Vigneau and Sobczak, 2005). Variable payment systems generally became more widespread since the 2000s due to laws on the workers' right to financial participation in the undertaking, notably Act No. 2008-1258 of 3 December 2008 in favour of the revenues of work and Act No. 2008-111 of 8 February 2008 on the purchasing power of the employee (Allouache, 2009). The minimum wages fixed by sector-level collective agreement must be respected in individual contracts of employment. However, if the collective agreement reaches its term without being replaced by a new one, the wage will be considered as an individually acquired benefit which is integrated into the employment contract.

A main feature of the recent labour law reforms (2013-2016) has been to reinforce employees' involvement procedures and collective bargaining at enterprise level. In order to strengthen the employees' involvement in the company a new system of sharing strategic information of the company in the economic and social fields for employees' representatives has been set up. This was done through the creation of an economic and social database. According to the national inter-professional agreement which inspired the Act on Securing Employment 2015<sup>14</sup>, access to shared economic information is central for the employees' involvement; crucial for the viability of enterprise survival solutions and an essential condition for effective social dialogue. (Ramos and Bennaars, 2017)

Traditionally, France is characterised by highly adversarial industrial relations and by a trade union movement that is rather strong at the national level but has very little presence on the shop floor (Caroli and Gautié, 2008; Vincent, 1998). The French trade union model is not one of massive trade union militancy (Brunhes, 2008). On the contrary, the penetration of the unions in the workplace is low, with only 8 percent trade union density - with unions' members concentrated in the public sector and large size companies.

The 2004 and 2008, changes in the Labour Code removed the automatic entitlement of the five most representative trade unions at national level to negotiate collective agreements. In an

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<sup>13</sup> LOI n° 2015-994 du 17 août 2015 relative au dialogue social et à l'emploi.

<sup>14</sup> Adopted on 14 June 2013, following the signing of the national inter-professional agreement of 11 January 2013.

attempt to solve that problem, the two sides of industry in France concluded an agreement on the reform of industrial relations, dealing with the representativeness of trade unions and the development of social dialogue. According to this agreement, at company level, unions will achieve recognition when they have gained at least 10% of votes in works council or workforce delegate elections. This agreement improved the involvement of trade unions at workplace level because it lays down several rules governing the appointment of a union shop steward, the functions of local trade unions in small and larger companies (with over 50 employees) and the procedures for negotiations over terms and conditions in companies without a shop steward. This reform of several aspects of collective bargaining is codified and further developed in the Act on Social Democracy and Working Time 2008. This Act sets the rules for determining the most representative trade unions at company, branch and inter-professional level. The representativeness of unions is fixed in an objective way, taking into account the number of votes obtained in the elections for employees representatives at the company level – with representation thresholds for representation of 10% of the votes cast in the first round of the workplace elections (works councils or workforce delegates) and 8% of the votes at branch and inter-professional levels. In the 2008 reform, the majority rule regarding the adoption of company agreements established by the previous 2004 Fillon Act was amended to promote further decentralisation of collective bargaining. Since then, the validity of company agreements is conditional upon having been signed by one or more unions receiving at least 30% of the votes cast at the first round of the works council or workforce delegate elections, regardless of the number of voters, and if not opposed by one or more unions that received the majority of votes cast in the same elections, regardless of the number of voters. These successive reforms of the rules of representation for both employees and employers representatives had been assessed by policy makers as a crucial step for the advancement of social dialogue in France (Larose, 2008).

More recently a reform of the criteria of employers' representativeness has been passed by the Act on Vocational Training, Employment and Social Democracy 2014.<sup>15</sup> This act adopts general criteria of representativeness similar to those applicable to trade unions of employees, except for that of the audience (votes casts in elections), which would be measured in relation to the number of companies which are members of the employers' association. (Aubry, 2014) The criteria are: respect for republican values, independence, financial transparency, a minimum of two years' seniority, influence characterized by activity and experience, audience measured by the number of member companies. The act also establishes rules specific to each level of negotiation and, in particular, resolves the problem of multiple accessions to national and inter-professional organizations by laying down a principle of freedom in the weighting of votes. It is argued that this new legislation does not imply the recognition of a fundamental right for employers' organisation equivalent to the constitutional right to collective bargaining of workers but it merely establishes that they could rely on a right to social dialogue (Bonnin, 2014).

The public administration has recently evaluated the development of social dialogue in France. The 'Report Combrexelle' issued by the Conseil d'État (an advisory administrative body) provides an analyses of the evolution of the social dialogue until 2015. (Combrexelle, 2015) The starting point is that the collective bargaining in the examined period is not equipped for

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<sup>15</sup> LOI n° 2014-288 du 5 mars 2014 relative à la formation professionnelle, à l'emploi et à la démocratie sociale.

situations of economic uncertainty that demand more flexibility and quick reactions. In this report the explanation for the hampering of the social dialogue is twofold. On the one hand, the complexity of the French labour law is mentioned as a limiting factor. On the other hand, the social partners playing the role of "not per se aiming at consensus" culture/strategy is described as a limiting factor.

The observations in the Report Combrexelle concur with the input of the interviewees regarding the industrial relations and their development. Combrexelle states that, on both sides, the complexity of the law is felt as hampering, for the employers' organisations because this in general results in delay, for unions because it is difficult to always dispose of enough negotiators that have the same information as the other side of the table. On the employers' side the actors are not always convinced about the use of collective agreements, since it does not provide immediate and actual revenues for the enterprises. On the unions side, the collective bargaining is merely seen as an instrument to equally divide wage raises, achieve working time reduction and enhance working terms/conditions and not so much as an instrument to regulate the labour market in times of crises. Furthermore, a very relevant observation in the Report Combrexelle is that there was a lack of trust between the negotiating parties during the period of the economic crisis 2008-2015.

The interviews conducted show a similar picture to the evaluation presented by the Combrexelle report. It is perceived on the unions' side that the relation with the employers' organisations has hardened in the public sector in the last decade. The unions' representatives interviewed perceived that the management negotiators have used the economic crises as an excuse to achieve as much flexibility as possible. According to the unions, negotiation processes have become more conflictual, considering the social dialogue as more difficult and time consuming.

## 2.3 The role of the crisis

During the global financial crisis of 2008 and 2009 and the sovereign-debt crisis in 2011, on average, GDP declined slightly more in the rest of the Eurozone than in France. In 2009, output suddenly stalled in France as well as in most European countries, but companies reduced employment more slowly than during previous recessions.<sup>16</sup> While having been hit sooner by the economic crisis than most of the Eurozone countries, France was more efficient in limiting the output decline in 2010, and again in 2012 and 2013.

The French labour market tempered relatively well the initial impact of crisis compared with other EU neighbour countries. However, employment in the French public sector has shrunk (shed 40,000 jobs between 2000 and 2009.) France has begun to lag behind other European economies in terms of its per capita GDP. Until the 1990s, France was among Europe's leading economies in per capita GDP. By 2010, however, the country had dropped to 11th out of the EU-15. The main drivers of that change have been the low labour force participation of seniors and young people, as well as relatively high unemployment rates. (Coquet, 2015)

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<sup>16</sup> INSEE, January 2016, <http://www.insee.fr/fr/themes/info-rapide.asp?id=14>, acceded on 1.12.2016

On the one hand, France faces strong demand for highly skilled workers, and on other hand workers with low levels of educational attainment (estimated in more than 2 million) will be unable to find jobs by 2020. (Labaye, Roxburgh, Magnin and Mischke, 2012) While the unemployment rate of highly skilled employees is very low, the average unemployment rate ended 2015 on 10% of the workforce in metropolitan France and 10.3% overseas.<sup>17</sup>

As regards the impact of the economic crisis, France's policy management during the crisis is widely recognized for its efficiency in cushioning the main effects of the crisis, both on output and the labour market. Indeed, France benefited from powerful automatic stabilizers (in particular Unemployment Insurance and poverty allowances, RSA). As a consequence, France has experienced only a moderate decline in output despite negative fiscal impulses and tight fiscal austerity during the examined period. (Coquet, 2015)

According to the OECD report 'Economic Surveys France 2015', France was expected to have a slow economic growth of 1.6% in 2016. (OECD, 2015a) Despite the poor economic forecast, levels of wellbeing in France remain high, with relatively low inequality. The quality of life indicators where France particularly stands out among the 34 OECD members are work-life balance and environmental quality. The country's major weaknesses, identified by the OECD, are the rigidity of its labour market and the high labour market duality. This organisation has recommended taking measures to make employment contracts more flexible and simplify and shorten layoff procedures, while continuing to guarantee sufficient income protection for workers between jobs. In the report, the OECD believed the reforms already undertaken by the French government in the last years did not assure economic recovery and called for more "ambitious" structural reforms. Advisors of the Hollande government also recommended structural reforms re-founding social law, including a reform of the role of the social partners. (Barthélémy and Cette, 2014) The French response to these recommendations has been to adopt a second Macron Act in 2016. The "Macron 2" Act continues the structural reform programme begun by "Macron 1," officially named the Growth and Economic Activity Act, which aimed to relax labour laws.

In France, public finances remain under pressure with high government expenditure; Government expenditure and revenues in France are the fourth highest among OECD countries (57.3% and 53.3% of GDP respectively - 2014). (OECD, 2015b) In the public sector, since the beginning of the economic crisis in 2008, the French administration has taken specific measures to reduce public payrolls, including a replacement freezing scheme affecting 30,400 civil servants. (Bach, 2014) Therefore, employment in public administration was lower in 2014 than in 2008. In the public service as a whole, a downward trend has been observed since 2007. Between 2006 and 2011, FPE staffing decreased by 16.5%. Shifts in FPE employment result from two types of adjustment: net job losses per se, owing to non-replacement of departing staff, and staffing cuts from the redeployment of people to other public service branches, mainly local authorities in recent years. Between 2006 and 2011, ministries downsized staffing by 5.3% in total.

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<sup>17</sup> INSEE, January 2016, op. cit.



## 3. The primary education sector

### 3.1 Introduction to the sector

With more than a million workers, the Ministry of Education is the largest public employer. In France, education services are provided by public institutions but also by private ones. The vast majority are partly financed by public funds. Private primary education, mainly religious-based private education, comprises around 30% of pupils and students and many of the schools received public funding through contracts with the Ministry of Education. Public funding to private schools is used to pay teachers who, therefore, can be considered public employees. There are 840,000 teachers in primary and secondary education, of which just over 700,000 teach in state-run schools, representing 35% of the entire state workforce.

Teachers are overwhelmingly members of the union federation (Fédération syndicale unitaire autonome - FSU, 11.6%). However, the new more radical union, SUD, is gradually gaining ground (9.6%). In the relationship between the social partners in the educational sector in France two periods have been identified: The first one during the Sarkozy administration (2008-2012). During this period the right-wing political orientation of the administrative restructuring created a climate of unanimity among the main trade unions at sector level against the reforms with a trend to downsizing. Smaller trade unions became less important in terms of political influence and bargaining power. More and more the administration – as opposed to the government - ruled and there is an “alleged” willingness to modernize the social dialogue.

In the second period, under the Hollande administration (2012-2016), a trend to fragmentation in the trade union movement could be notice. There is a division between the major trade unions (FSU and Union nationale des syndicats autonomes - UNSA) which were more aligned with the government policies in the educational sector versus the CGT, Force Ouvrière, which were in clear opposition to the government measures for the sector. Small-side trade unions became again more important since 2012. According to the findings of the BARSOP qualitative research, since then, they have been often consulted; their position was more often taken into consideration, and called more often for collective action. Finally, during this last period, the government also displayed a stronger willingness to modernize the social dialogue structures within this sub-sector.

### 3.2 The social partners' role in transforming industrial relations

In the education sector a trend to de-unionization and changes in power balances can be observed in the last 15 years. The level of unionization in education in the last decade(s) has been diminishing. For instance, the major trade union in this area (the FSU) is on a decline in term of membership and political influence. That decline has reinforced the position of other unions: Force Ouvrière, (a trade union which is traditionally more radical/left) and the SNALC (a right-wing oriented education trade union). Other federations present at the sector are: the National Federation of Independent Unions (Union nationale des syndicats autonomes, UN-



SA), the French Democratic Confederation of Labour (Confédération française démocratique du travail, CFDT), the General Confederation of Labour (Confédération générale du travail, CGT), and the Independent National Education Federation (Fédération autonome de l'Education nationale, FAEN). Finally, the Confederation of Professional and Managerial Staff (Confédération française de l'encadrement-Confédération générale des cadres, CFE-CGC) and the French Christian Workers' Confederation (Confédération française des travailleurs chrétiens, CFTC), both with less than 1% of the votes in the last elections, are extremely marginal unions in this subsector.

Concerning the strategies and aims of the social partners in the primary education sector, the following trends have been identified by the qualitative study:

- The different governments were mainly concerned about communicating/presenting to the public opinion that the situation of the educational services was stable despite the “structural reforms” undertaken to reform the public services; In general terms, the trade unions have been trying to oppose many of those reforms by criticizing the negative effects of those reforms in the quality of the public education systems.
- In the last decade, the management of public administration and public offices have assumed the new public management discourse goals and adaptation strategies, such as: the public sector has to change and modernise, adapt itself to new social needs and aim to be a service-provider to its clients, optimize services, and exchange best practices. The unions have been quite reluctant to accept those NPM reforms.
- A transformation in the philosophy of unions can also be observed. The representatives of unions in the sector considered that formerly unions' members were joining the union with more idealistic ideas, such fighting for values and workers' rights, and they often stay in the union even after retiring. Nowadays, workers join mainly for more pragmatic reasons, e.g. seeking for expert assistance on juridical matters. That evolution has led to a transforming role of the union from a quasi-political vision and a core function of defending “collective rights and values” to a system of unions focused on supporting members in HR matters and providing legal advice.
- Many unions present in the sub-sector have survived the aftermath of the Bercy agreement with diminished resources and needs. However, they are keeping up with new trends (social media) and remain credible and active in the sector.
- Among the peculiarities of the sector, recently, one relevant development is that other important actors have entered the picture of social dialogue, such as associations of parents of pupils, which are increasingly important as they are organising, and the minister increasingly listens to their views and ideas for reforming the educational system. The main parents' and students' organisations playing an increasingly important role in industrial relations in the sector are: the Federation of Pupils' Parents Councils (Fédération des conseils de parents d'élèves des écoles publiques, FCPE), the Independent and Democratic College Federation (Fédération indépendante et démocratique lycéenne, FIDL), the National College Union (Union nationale lycéenne, UNL) and the French National Union of Students (Union nationale des étudiants de France, UNEF). These associations play an active role in various ministerial consultative bodies, such as

the Higher Education Council (Conseil supérieur de l'éducation, CSE) and they are also represented at the joint technical committees at various levels across the country.

### 3.3 Reforms and the role of social partners

Concerning the role of industrial relations in shaping the public sector, we pay attention to the reform policies, including budgets' cuts, governance structures, number of jobs and workers' rights and working conditions and assess to what extent and in what way have industrial relations actors have influenced these reform processes, as well as their implementation. In this context, the following conclusion can be drawn:

- Because the public services in France barely have well-functioning human resources structures, the unions have assume the role of HR support bodies; in this subsector, there is a lack of expertise on how to deal with such issues as sickness at the workplace, difficulty with retiring, and psychological problems.
- In the public services there is a transformation in management policies towards the logic of the private sector but the existing management structures are ill-prepared to deal with cases such as burnout, or work-related stress. In this field the Safety and health committees (Comité d'hygiène, de sécurité et des conditions de travail), established in the education sector since 2013, are meant to deal with these issues but their work is far from satisfactory - according to some of the trade unions representatives views-;
- The transformation to a private sector logic (following the New Public Management discourse) entailed an increased power to the heads of the establishments (directorates etc.). The directors can decide over the bonuses employees will get. This has increased the work pressures among employees, especially in unionized employees, by eliminating their "l'indemnité pour mission particulière" (expense allowances).
- On the change in social dialogue, compared to 2012, representatives of the trade unions are more frequently invited and consulted – i.e. there is a greater willingness to modernize the social dialogue. However, this trend doesn't come from the government but from the administration and the public officials.
- Changes derived of the Bercy agreement: Since the Bercy agreement, the bigger trade unions have seen an increase in their resources, at the detriment of mid-size and smaller unions which were at risk of disappearing. The collusion between the political powers and trade unions has led to the laws of 2008 and 2010 on the "new representation". In the words of a trade union spokesperson interviewed, actually what has happened is that, due to the crisis, resources were limited. In exchange for fewer resources from the government, the major trade unions received a bigger part of the share, to the detriment of the middle and small size unions. There are discrepancies among the social partners' views on the purpose of the Bercy agreement. The government representatives consider that the main reason behind the reform was to simplify the social dialogue by having fewer trade unions. The small-size unions argue that what actually happened, though, it was that now the large unions have most of the resources but they "don't act sufficiently".
- In the primary education sector, under the banner of modernization of the educational system, the Law on reform of the school ("La loi de refondation de l'école") was

adopted. The unions were divided on their position on the new legislation, while UNSA were in favour of the new decree, the FSU was divided (during the national congress on education organized by the FSU with all the trade unions belonging to that federation, the heads of the unions stay neutral and the base of the unions were opposing it). The new legislation reforms a Decree from 1950 on the duties, obligations, and legal status of teachers. New tasks/obligations for the teachers were introduced formally, which previously were part of the job but without formal recognition. The new tasks were not accompanied by an increase in salary though.

- The stagnation of the salaries of teachers since 2010 up to 2017 has been accompanied with an increased in the teaching hours, due to the extra tasks around the regular teaching. Hence, there were divisions within and between the unions of the federation and teachers on the ground on how and if it was feasible to reject these measures because it would entail changes in their status.
- Between 2012-2015, the new political landscape has had effects on the functioning of the public services, notably on national education. A reform of schools and universities was introduced: while school teachers' salaries improved slightly, the reform has been quite ideologically imposed against the advice of the majority of trade unions in primary education. The despair of the personnel is manifest to this day in a 'crisis of trust'. According to unions representatives views, the teachers were confronted with a 'pseudo social dialogue' to give the appearance that measures were jointly adopted, when they were in fact unilaterally imposed.
- During the reference period, there had been several educational reforms which had affected the working conditions of teachers and the job quality at the sector. The position of unions to these reforms can be qualified in general terms as collaborative but they have been critical with some of the reforms' effects, in particular when dealing with increasing unpaid overtime and additional administrative tasks.

In August of 2012, the main unions in the education sector were consulted on the educational reform. Trade unions were able to put forward their demands and suggestions in a large scale consultation process regarding that educational reform. The unions' demands focus on continuous training of teachers and the reform of the staff evaluation process to be geared more towards improving teaching quality. The teachers' unions also identified a need to work together better between teachers, management, support staff, and parents. When the education reform was finally adopted in November 2012, it received a mixed response from the unions. Following the reform, in the school year 2013, there was a return to four-and-a-half days of classes in primary school, the introduction of new teacher training, and the launch of a digitalisation project called e-Education, among other measures. While most of the measures in the reform were welcomed by the teachers' representatives, the unions were committed that the negotiating stage due to begin after the first assessment by the National Education Minister will ensure there will be no unilateral measures of the administration against the interests of school teachers and the very foundation of their professionalism.

- Moreover, the following reform of compulsory education (*Refonder l'éducation prioritaire*) in 2015 aimed at combating youth unemployment. The focus of the reform was on combining vocational training with the educational curriculum to make it easier for young people to enter the labour market and for employers to recruit skilled students.

This reform came into effect from 1 September 2016. It comprised 14 measures and combines certain new themes, for instance, ‘sustainable development’ or ‘citizenship’ with the normal curriculum, within the compulsory educational modules. This reform of the education system sparked strikes of teachers throughout 2015. Teachers claimed that additional subjects in the new programme would mean extra working time and, also, that they had not received training to teach them. Therefore, extra-curriculum teaching has been the focus of disputes between the Ministry of Education and the main trade unions in the sector. The Ministry’s argument for the reform is that autonomy of the schools will be increased to the benefit of pupils. The unions have complained that the effect of reforming the educational system has involved unpaid working hours not calculated as additional teaching.

In terms of the collective actions which have taken place during the period under study, several actions were organised by the main trade union federations on the public service. For instance, on January 2008, widespread strikes and demonstrations took place in public sector. In a joint action, public service federations (CGT - FO - FSU - CFDT - CFTC - UNSA - Solidaires) organised nation-wide strikes and demonstrations expressing their dissatisfaction over wages and employment in the public sector. They also boosted collective bargaining negotiations to through local actions during the "week for public services" organized by the government between 1 and 8 February 2008. The actions continued on May 2008, when the main unions join in demonstrations and strikes against public sector reform. The abovementioned public service federations jointly organised a day of demonstrations and strike actions on 15 May 2008, in protest at the government proposals to reform the public services, the so-called RGPP - *Revision Generale des Politiques Publiques* (General revisions of policies on the public sector). The unions were protesting against the job cuts of 35-40,000 public positions per year planned by the government, and the widespread privatisation and deterioration of the quality of education. Unions reported that at least 60% of all French teachers were on strike.

The protest against the reform of the education sector continued on November 2009 when teachers went on strike to protests over the Sarkozy’s government reforms of public sector institutions. According to the SNES-FSU union, 40% of secondary school teachers took part in the strike over job reductions and school reforms. Teachers' unions rejected also the measures which included new training standards and steadily reducing the number of teachers (by replacing only half the public servants who retire in the sector). After a total of 65,000 education posts had been cut from 2007 to 2011, in September 2011, public and private education unions organised a new nationwide strike to protest against the budget cuts in the sector. According to the Ministry for the Interior, 110,000 teachers went on strike, and the estimate of the FSU and UNSA-Education unions came at 165,000. This strike was also supported by “new actors” in industrial relations, such as associations of pupils and parents, which also joined the strike.

### **3.4 The effect of reforms on the quantity and quality of jobs and quality of services**

The low salaries paid in the sector have led to problems in the recruitment of teachers, especially in the outskirts (“*banlieus*”) of Paris. According to the unions representatives inter-

viewed, massive downsizing of jobs and freezing of salaries have instigated a severe crisis of recruitment, which is still ongoing notwithstanding the increase in unemployment. The deterioration of work conditions and a 'management of fear', - mentioned by a union representative-, have contributed to increased numbers of burn outs in the public sector. This opinion is confirmed by the results of the UNSA Barometer, a survey with 21,200 respondents among professionals working in education. The report highlights some of the current problems workers experience in the sector. 82% of the respondents deplore that their remuneration does not reflect their qualifications and 59% cite dwindling purchasing power as problematic. Other points highlighted by the survey's respondents were the lack of career development opportunities (45%) and the high workload (40%).<sup>18</sup>

A concrete example of the effect of the crisis was that the Sarkozy government eliminated 100.000 jobs in the national education by not hiring new teachers for the ones that retired (decrease in replacement ratio). A total of 50,000 education posts were cut from 2007 to 2012 and 16,000 posts were cut in the school year 2011-2012, and another 14,000 in 2012-13. Even when the Hollande government partially reversed the measure by creating 60.000 new jobs in the national education, this falls still short of staff and that have affected the quality of education. According to the trade unions position, this has an adverse effect on the quality of the public educational system. The elimination of jobs has got the following adverse consequences: increase of class sizes from 27 to 30/32 pupils per class; closing of schools and repartitioning the pupils among other schools; and reduction of school subjects and courses. Despite the negative perception of these trends by the trade unions, the last available comparative data (the OECD PISA report 2015) do not seem to reflect a relevant decrease in the overall quality of primary education in France. France with a score of 495 points is, with Austria, the United States and Sweden, in the average of OECD countries (493 points), behind Germany and ahead of Italy. This performance from French students has been stable since 2006. In 2015, this result puts France at the level of the average of the OECD countries. In addition, the proportion of successful students (level 4 of proficiency) represents more than 21% of students, which is higher than the OECD average of 19%. The only negative trend, - compared to the 2006 results-, is the proportion of students in difficulty (below level 2 of competence), which is slightly increasing in 2015 (21% in 2006 against 22% in 2015). (OECD, 2015c)

Another effect of the budget cuts in the quality of jobs in the sector (from the point of view of job security-stability of employment) is the increase of contractual work in primary education. In this sector there has been an explosion of contract workers (with no teaching diploma and earning a lower salary) from less than 5% to 10-15% of all teachers.

Salaries have also been adversely affected by budgetary reductions in the sector. The workers in the sector are in relatively low level of pay. Even when France is one of the wealthier countries of the OECD, the level of pay of teachers stands below the 'EU22' average. Another recurring pay-related controversy is the dissatisfaction about pay inequalities – not only between different groups of employees within the education sector, but also compared with other public sectors. OECD data show that pay gaps are generally more pronounced along the career of

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<sup>18</sup> See UNSA Barometer at <http://extranet.unsa-education.com/Docs>

teachers than across education levels. The statutory pay of a teacher at the top of the scale is, on average, 60% higher than the salary of a new teacher. At the same time, statutory pay is only 10% higher for teachers in the upper secondary level, than for those working at primary school level. Pay inequalities over the career path are of particular concern in France, whereas inequalities across the levels are below the European average. In France, the salaries of primary teachers remain unattractive compared to the salaries of other working adults with a similar higher education degree. (OECD, 2016)

Another detrimental effect of the austerity measures for workers in the primary school sector has been the increase in the statutory retirement age from 60 to 62 (“Réforme des retraites” in 2010). This elimination of the flexible model of retirement (gradual reduction of working hours with a corresponding reduction in wage) is quite negatively perceived by the unions in the education sector.

Finally, the negative effects of decentralising measures have also been pointed out during the interviews. In particular the effects of the Decentralisation Law (Loi de la décentralization) which has moved the technical personnel (cleaning, services etc.) from the national public service to the territorial/regional level, have created problems in the hierarchies and management structures that were not fully prepared for that process.

The crisis also affected trade unions federations in the public sector (in particular the CGT and FSU), which have experienced growing internal debates and disagreements among their members when assessing their responses to the government reform policies. Moreover, after 2008 and, partially due to the Bercy agreement, there have been dissolution of many trade unions, and a trend of smaller unions joining the main federations.

### 3.6 Summary

The Structural Reforms implemented by the different governments on national education in France between 2010-2015 had effects on the well functioning of this public service. Notably, in 2012 and 2015, quite ideologically imposed reforms of schools were introduced against the advice of the majority of trade unions in primary education. New tasks and obligations for the teachers were introduced formally, which previously were part of the job but without formal recognition. The new tasks were not accompanied by an increase in salary levels. The stagnation of the salaries of teachers since 2010 up to 2017 has been accompanied with an increase in the teaching hours, due to the extra tasks around the regular teaching. Hence, there were divisions within and between the unions of the federation and teachers on the grounds to reject these reforms.

Regarding quantity and quality of jobs, most major changes have taken place in connection with the national education reforms. Massive downsizing of jobs and freezing of salaries have instigated a severe crisis of recruitment. The deterioration of terms and conditions of employment have contributed to growing work intensification and an increased number of burn outs in the sector. Concretely, one effect of the crisis was that the Sarkozy government eliminated 100.000 jobs in the national education by not hiring new teachers for the ones that

retired. Another effect was the explosion of fixed-term contract workers, with lower qualifications and cheaper wages.

The crisis also affected trade unions present in the sector. After 2008, there have been a dissolution of some trade unions, and a trend of smaller ones join the bigger federations. Furthermore, the most representatives trade unions have seen a growing internal pressures on their views of the NPM reforms: ie. the CGT and FSU have experienced internal debates and disagreements among their members.

With regard to the effect on service quality, the picture is clearer in terms of the effects of primary school reform. Conclusions with regards to the effects of the reform are uncertain both because the reforms are still recent. Some clear effects of the decrease in the ratio of replacement of school teachers have been that, with the elimination of teaching jobs, there has been an increase of class sizes from 27 to 30/32 pupils per class to save costs; closing of schools and repartitioning the pupils among other schools; a reduction of school subjects and less choice for the parents and pupils. These effects are perceived as negative for the quality of education by the union representatives interviewed.

Using the most official evaluation as a source (the OECD 2015 PISA indicator), the pattern in the dimension analysed is the stability in the quality of primary education services, as French students' performance has been stable since 2006 and the 2015 results put France at the level of the average of the OECD countries. (OECD 2015c) Therefore, we cannot infer that there has been a clear deterioration of the quality of services in this sector. The only clear conclusion based on the available data is that, between 2008 and 2013, public spending on education increased at a slower rate than total state spending. However, at the end of that period the proportion of GDP allocated to public expenditure on educational institutions was still slightly above the average for OECD countries. (OECD, 2016)

## 4. The hospital sector

### 4.1 Introduction

In France the hospital sector can be considered a hybrid sector. There is a blurring border between the private and public part of the health sector due to several government reforms, in particular the reform on the outsourcing of care services to private clinics that contribute to public health and services provision (*participant au service public hospitalier*, PSPH) and to the reform of the hospital's funding that brought the public sector closer to the private one, establishing the remuneration according to activity (T2A).

The public hospital service (Fonction publique hospitalière) includes public health and medico-social institutions and employs 1.1 million employees. Healthcare supply is provided in establishments of three types: state-owned, non-profit private and profit-making private. The public sector covers nearly 65% of hospital capacity. Healthcare workers account for two-thirds of the workforce of public hospital services: doctors, nurses, orderlies, and rehabilitation services staff.

### 4.2 Industrial relations in the Health care sector

Concerning the characteristics of the social partners (level and composition membership, types of organisations, mergers/fragmentation, resources, etc.), there are various trade unions operating in the health care sector, namely:

- The Health and Social Workers Federation (Fédération Santé Sociaux CFDT, FSS CFDT), affiliated to the French Democratic Federation of Labour (Confédération française démocratique du travail, CFDT). It organises both public and private health, socio-medical and social service sectors and takes part in collective bargaining in both sectors. It is involved in various bodies dealing with matters in the health sector and in bodies with equal representation in charge of training.

- The Health and Social Services Federation (Fédération CGT de la Santé et de l'Action Sociale, FSAS-CGT), affiliated to the General Confederation of Labour (Confédération générale du travail, CGT). It gathers both public and private health, and social service sectors. It is one of the main unions and therefore, part of the main bodies dealing with matters in the health sector.

- The Public Services and Health Services Workers' Federation (Fédération FO des personnels des services publics et des services de santé, FO Santé), affiliated to the General Confederation of Labour – Force ouvrière (Confédération générale du travail – Force ouvrière). It covers those working in local authorities, as well as public and private health and social service sectors. It is the third main trade union in the health sector and is involved in bodies at all levels (local, departmental, regional and national).

- The Health and Social Services Workers' Federation (Fédération CFTC Santé et Sociaux), affiliated to the French Christian Workers Confederation (Confédération française des trav-



ailleurs chrétiens, CFTC). It has members from both public and private health and social service sectors and participates in collective bargaining in the private and the public sector.

- The National Health and Social Service Workers' Federation (Fédération Nationale SUD Santé-Sociaux), affiliated to the Independent Union – Solidarity, Unity, Democracy (Union syndicale – solidaires, unitaires, démocratiques, SUD). It is the smallest union of the sector. Both public and private health, socio-medic and social service sectors are members, but the SUD takes only part in national collective bargaining in the public sector.<sup>19</sup>

In the private hospitals sector the main unions are: the Union of Federations and National Associations of Non-profit Employers in the Health, Socio-medic and Social Sector (Union des fédérations et syndicats nationaux d'employeurs sans but lucratif du secteur sanitaire, médico-social et social, UNIFED); the Federation of private hospitals and assistance in the non-profit sector (La Fédération des Etablissements Hospitaliers et d'Assistance Privés à but non lucratif, FEHAP); and The Federation of Private Hospitalisation (Fédération de l'Hospitalisation Privée, FHP).

Concerning the structure of employers' organisations in the health care sector, there are different employers' organisations for the private sector and the public sector:

In the public sector, the Hospital Federation of France (Fédération Hospitalière de France, FHF) covers all public health establishments in the sector. It represents employers (hospitals) in many consultation bodies and takes actively part in decisions about public health care. It participates in the Hospital Civil Service Higher Council (Conseil supérieur de la fonction publique hospitalière, CSFPH) and the National Committee on Health and Social Services Organisation (Comité National de l'Organisation Sanitaire et Sociale, CNOSS), which are tripartite bodies active at national level. It also participates in the equal-representation body in charge of occupational training in the public health sector, the National Association for Permanent of Hospital Staff Training (Association Nationale pour la Formation permanente du personnel Hospitalier, ANFH).

In the last decade new industrial relations actors are becoming more active in the sector such as associations of some particular groups of healthcare workers and other stakeholders. In 2010, a law established a professional association for nurses in France. Not all constituents are satisfied with this development. In fact, some nurses unions have criticised the fact that they must pay fees to this association and they call into question the representativeness of this newly created organisation.

One interesting new governmental initiative with incidence in the evolution of industrial relations in the sector is the establishment of the National Health Conference (Conférence Nationale de Santé, CNS) in 2006. This new body was established as a forum for health matters. This body is consulted by the government about public health objectives and improvements to the health care system. This body is composed by representatives of the social partners but also organisations representing health care users are involved in the consultations.

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<https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/france/france-industrial-relations-in-the-health-care-sector>

Besides, various tripartite bodies exist in the health sector such as joint bodies managing training and pensions.

Concerning the specific regulation of collective rights for workers in the sector, Healthcare workers in France have in principle the right to strike. However, there are specific rules framing this right due to the fact that they operate in a public sensible sector and minimum services need to be respected during collective action. These specific rules differ according to the juridical status of the care establishments. If the workers operate in a public establishment or a private one providing public health services (PSPH), only a representative union can call for a strike and a five days advance notice is necessary. In order to maintain a minimum service, the employer can assign workers, that is to say, designate specific workers who must stay at work. These restrictions to the right to strike must follow a “minimum service rationale” which means that the right to strike must be protected by an extensive abusive use of that rule by the administrative authorities.<sup>20</sup> There are disciplinary sanctions if the assigned workers do not go to work. In private establishments not operating as PSPH, all workers representatives can call for a strike, no advance notice is required, and the employer has no right to assign workers to cover the minimum services.

As regards to the right of collective bargaining, until recently there was only collective bargaining at national level on wages between the Minister of Health and Sport and the trade unions in the public sector. However, the above mentioned 2008 Bercy agreement established the right to collective bargaining for the whole public sectors at all levels and concerning all labour related matters. Since then, several agreements between the social partners have been reached about training, working conditions and health and security at the work place. Bargaining at local level is limited in the sector due to the applicability of the favourability principle, which establishes that higher level agreements minimum conditions at central/sector level must be respected.

In 2010, the law extending collective bargaining in the public health sector (developing the Bercy agreement of 2008 and based on an agreement signed by the government and CGT, CFDT, FSU, UNSA, Solidaires, CGC) was passed. Until then, there were only collective agreements on wages in the public health sector. The 2010 law relative to the development of social dialogue in the public health service aims at modernising social dialogue in this sector. During the period under study the main collective agreements in the public health sector are:

- The 2006 agreement on social dialogue development, training, working conditions improvement, and care workers status signed by the government and CFDT, UNSA, FO, CFE-CGC, CFTC. This agreement aims at improving social dialogue through the modernisation of social dialogue bodies, increasing health workers training opportunities, improving working conditions through the implementation of local contracts for the improvement of working conditions (contrats locaux d’amélioration des conditions de travail, CLACT) and prevention of health risks, and modernising health workers’ status.

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<sup>20</sup> On the limitations to the right to strike on the public sector, see: DGAFP, Limitation au droit de grève dans les services publics CE, 6 juillet 2016, n° 390031, acceded on 12.10.2016, <<https://www.fonction-publique.gouv.fr/jurisprudences-publiees-septembre-2016>>

- The 2009 agreement relative to health and security at the workplace in the public services, including public health services (signatory parties: Government and CFTC, FHF, FO, CGC, CFDT, CSFPT, and UNSA). This agreement deals with occupational risks prevention tools, specific attention as regards psychosocial risks, and work health damages.
- The 2010 agreement that changes the recognition of the nurses' diploma is part of a wider project modernising public care workers status (signatory parties: Government and FO, UNSA, SNCH, CFTC, FFASS CFE-CGC, all unions did not sign all parts of this agreement due to disagreements over retirement rights). This agreement has upgraded the nurses' diploma and that has got a positive effect on wage increase. Nurses have been asking an enhancement of their diploma and status for years. Nevertheless, this agreement has been criticised by several unions due to the consequences of this reform for nurses' pension rights because it extends the legal number of working years before retirement.

In the private health care sector, there have been several collective agreements in the last decade. In principle, they fell outside the scope of this study. However, several agreements are of interest for this study as they are dealing with similar topics and common workers' demands as the agreements reached in the public sector:

- The 2009 agreement relative to employment of older workers has been reached in this branch, foreseeing measures to take into account the demanding nature of work and the specific needs of this category of workers. The agreement foresees broader access to training and more flexibility in adapting the job to the employees' needs as regards working time in particular and specific health monitoring of employees who are 50 and more.
- The 2006, an agreement about training, signed by the FHP, SYNERPA and CFTC, CFDT, CFE-CGC, FO, CGT, which aims to address the sector challenges as regards increased qualitative and quantitative demands for health care in encouraging employees to have access to training.
- The 2008 agreement about lifelong learning (signatory parties: UNIFED and FO, CGT, CFE-CGC, CFTC, CFDT). This agreement mainly aims at facing with increases in care demands, to improve workers qualifications (necessary training to handle new technologies), support vulnerable workers (particularly young and older workers) and to stimulate recruitment of new workers within the healthcare sector.
- The 2009 agreement about workers allocated to trade unions, - employees working only for a union during paid working time - (signatory parties: UNIFED and FO, CGT, CFE-CGC, CFTC, CFDT).

## 4.2 Reforms and the role of the social partners

In this chapter we examined to what extent and in what way have industrial relations actors (trade unions and employers and their organisations) influenced these reform processes, as well as their implementation, through collective bargaining, social dialogue, industrial action, lobbying, and influencing public opinion.

In the period of reference of the study, there have been several national strikes in the health sector as a reaction to the reorganizations of working time and standardisation of nursing procedures, reform of the retirement system for public servants, to the creation of a nurses' occupational organisation, to the change in the recognition of nurses' diploma and on changes affecting their pension rights. Some problems with the exercise of this collective right have been reported due to the minimum service rules. Due to the persistent shortage of care workers, often most of the workers in a health unit are assigned as minimum services during collective actions. This situation is often denounced by nurses, who see that the strict and abusive applicability of the minimum service requirement limits their right to strike.

As a reaction to the negative impact of the austerity plans applied during the economic crisis, the unions have organised several collective actions. In 2015, trade unions called all employees of the hospital sector out on strike several times. Many trade unions in the health care sector converged in their critique of the plans to reorganize the working times and reduce the RTT (*Réduction du temps de travail*). The reorganizations (*à la lean management*) aimed at transforming public hospitals into an enterprise through the rationalization of the flux of patients and through the standardization of procedures of nursing (through the so-called "Plan Hirsch" -named after the director of the AP-HP-). This plan involved budget cut plans of a range 20-30 million euro. Finally, this new organization of work went into effect on September 1<sup>st</sup> 2016 and introduced greater flexibility in the planning of the workers' shifts in an attempt to adjust working hours to the peak hours of activity in the hospitals.<sup>21</sup>

In November 2016, CFE-CGC called the employees of the sector out on strike to protest again. The targets were still the reforms envisaged by the directorate such as lean management style and a change of the organization of working hours. The hospital staff joined forces to protest against the worsening of their working conditions. These include a lack of investment in the sector, a shortage of staff, being overworked with no time for treating patients. Also, the unions were clearly opposing the 2016 new law for the modernisation of the French health system. The new plan is intended to set up a new mode of cooperation between public health institutions on a territorial scale, the so-called GHT, '*Groupements Hospitaliers de Territoire*' (hospital grouping per territory). The employers defended that the aim of this plan is to provide better care by increasing cooperation of public hospitals around medical projects. However, the CGT criticized the decree for being a second wave of rationalisation of the healthcare system towards an economic and budgetary logic.

### **4.3 Quantity and quality of jobs and services and the effects of reforms.**

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<sup>21</sup> <http://cfecgc-santesocial.fr/greve-le-jeudi-15-septembre-2016/>

The main challenges reported by the social partners in the sector are the growing demand of care services deriving from the ageing of the population, the budgetary constraints affecting the sector in the last decade, and the shortage of skilled workforce. The unions' representatives denounce a deterioration of working conditions in the studied period due to higher workloads, growing stress, and overtime. All those factors are claimed to have a negative impact in healthcare services quality. All this occurred in the context of the government's plan which reduced its budget by some €3.5 billion euro.

The main negative effects of the crisis are that employees in the hospital sector had seen a loss of their purchasing power of 8% since 2010 due to stagnation of wages. This decreasing trend has been only partially counteracted by a general wage raise of 1.2% has been achieved by an agreement in 2016. It proceeds in two stages of an increase of 0.6% in July 2016 and 0.6% in February 2017. The salary of a nurse in a public hospital thus augments by 9€ per month at the beginning of the career and by 15€ at the end of the career. This gesture is a step into the right direction and complements the PPCR reform, which became effective on January 1st 2016. The PPCR reform (professional career & remuneration) will make possible the integration of a symbolic part of the bonuses into the base salary, thereby allowing it to count for pensions. Moreover, it includes a wage rise of nurses of categories A and B as of 2019. However, according to the latest official numbers, the average net monthly salary in the public hospital sector was still 2185€ in contrast to 2202€ in the private sector.<sup>22</sup>

According to the unions in the sector, the French health care system is confronted with a serious shortage of workers and an increase in care demand due to the ageing of the population. This problem is particularly worrying for the professional group of nurses due to the ageing of the staff that will be retiring in the next decade. The CGT has expressed this concern in several letters to the Ministers involved regarding wages, working time, training, quality of working conditions and work-life balance. The union demands improvement in the training and recruitment policies in order to create jobs in the public sector (100.000 jobs positions are needed in the public hospitals according to the CGT). According to that union job creation is the only solution to improve job quality and care quality in the sector and to solve the problem of overtime and the increasing workloads. Improvement in working conditions and wages increases are considered both by unions and policy makers as the only solution in order to solve the current recruitment and staff retention problems. According to both social partners, another crucial tool to overcome the shortage of qualified care workers is training. Therefore, agreements have been reached in the examined period about training both at the private and public branches of the health sector. (EUROFOUND, 2011)

A main conclusion is that work-intensity has clearly increased in the hospital sector during this period. Employees in the sector mentioned that work pressure and work intensity increased dramatically in the last decade and linked that development to administrative reforms, organisational changes, and greater job insecurity in the public sector. For instance, more than three-quarters of hospital workers reported fragmented work in 2013, frequently having to interrupt one task to do another. Nurses in particular report a clear intensification of work and that they have to treat almost twice as many patients in comparison to a decade ago. This in-

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<sup>22</sup> <http://cfecgc-santesocial.fr/revalorisation-des-salaires-hopital-public/>

crease in work pace and switching tasks indicates a growing trend to intensification of work. According to a national survey conducted by trade unions in 2011, 73% of employees in the sector have experienced a negative impact on their health as a result of the deterioration of their professional activities. The number of extra working hours skyrocketed, while 53% of the respondents also reported that acknowledgement and recognition at the workplace deteriorated. The reported extra stress affected one out of two people.<sup>23</sup> However, a positive improvement in flexibilisation of working time (availability of adjusting of schedules) has also been noticed.<sup>24</sup>

## 4.7 Summary

In industrial relation terms, ‘hospitals’ are a mixed sector in France. Since the introduction of the reform on the contracting out of care services to private clinics that contribute to public health and services provision (PSPH), private hospitals could also be seen as part of the public healthcare sector. Besides, the reform of the public hospitals’ funding establishing the remuneration according to activity (T2A) has also contributed to blur the borders between the private and public parts of the sector.

Regarding quantity of employment, the total number of employees has decreased during the crisis, especially during the Sarkozy government periods. Regarding quality of employment, the nurses and health care and support staff analysed in this chapter generally face few precariousness challenges but there is evidence of an increase in work related stress due to the intensification of labour and the shortage of sufficient staff, especially for some of the hospitals sector worker, i.e. the nurses. The largest problem with regard to the quality of employment seems to be work-intensification, but the employer’s organizations and the trade union do not seem to agree on the extent of this problem.

Moreover, it is a matter of controversy if the changes in quantity and quality of employment has a ‘spilled-over’ effect into problems in the quantity and quality of the services. Most outspoken is the trade union for nurses, that already see a connection between work intensification and declining quality of services, including the safety of patients. Those who do not see such a connection point to that nearly all main service indicators point in the right direction. Indeed the French population, according to the OECD data/report: the satisfaction and confidence across public services is high for the healthcare sector (71%) (OECD, 2014)

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<sup>23</sup> [https://lorraine.cfdt.fr/portail/lorraine/salle-de-presse-88/fonction-publique-hospitaliere-recette\\_28736](https://lorraine.cfdt.fr/portail/lorraine/salle-de-presse-88/fonction-publique-hospitaliere-recette_28736)

<sup>24</sup> Sources: interviews with trade union representatives and Dares, (2014), 6th Working Conditions Survey 2013 by French Ministry of Labour.

# 5. Municipalities and pre-school and after-school care services

## 5.1 Introduction to the sector

In France, the regional and local authorities (*“la Fonction publique Territoriale”*) comprise three geographical levels of competences in the provision of public services; a) the regions are in charge of economic development, transport, vocational training and maintenance of secondary school buildings; b) the *“départements”* (counties) are in charge of road maintenance and maintaining schools as well as of welfare services and, finally, c) municipalities, are in charge of urban planning, environment, maintenance of primary schools and many local services (nursery schools/out of school day-care, libraries, and sports facilities). In total terms there are around 1.9 million public employees working for regional and local authorities, of whom 1.5 million at municipal level. Local government services are very largely made up of operational staff (category C, 76.1%) and only 8.4% of the workers are managers (category A).<sup>25</sup>

In the municipalities sector the research has focused on the provision of pre-school and out-of-school hours childcare services. France has a generous supply of pre-school and day-care centres subsidised the regional and local authorities (town-halls, *“mairies”*). Parents can send their babies to both publicly and privately run nurseries, called *crèches*, as soon as the child is three months old (the end of the average maternity leave). French public nurseries and day-care centres are funded by local and regional authorities and by means-tested parental fees. All French cities and towns offer this service but small, rural localities have a limited number of places and in big cities, such as Paris, demand often outstrips availability. Most day-care centres open 11 hours a day and close only for one month over the summer period, as well as during public holidays.

For babies or for after-school care for older children, there is also a system of qualified nannies, *“assistantes maternelles”*, who are paid to either look after children either on their own premises or at your home; they are allowed to take a maximum of five children at one time. An *“assistante maternelle”* holds a state childcare diploma and is subject to regular inspections. The town-halls are responsible for control and they have a list of qualified nannies working in their area. There is also a system of parental *crèches*, which are nurseries run by parent associations. The nurseries employing qualified *“assistantes maternelles”* are licensed by the town-hall to operate. This kind of nurseries are non-profit, the parents of the users children pay an equal share of the costs, often provide food and equipment, and take an active role in nursery management. Hiring privately a child-care provider is also possible and it is partially publicly subsidised. For this kind of services the government has created the *“chèque emploi service”*,

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<sup>25</sup> DGAFP, ‘Fonction publique - Tableau de synthèse 2015’, <https://www.fonction-publique.gouv.fr/statistiques-calendrier-et-publications-par-theme>

which both simplifies the process and returns part of those expenses to parents in the form of tax deductions.

From two years old, children in France can begin public nursery school, or “*école maternelle*” These pre-schools are state-funded. It is common for schools to offer both a lunch service and baby/childcare services on the premises both before and after school and during school breaks; while the schooling itself is paid by public funds, parents pay for additional services a fees that is means-based.

A group of workers in the pre-school system have been specifically adversely affected by the government reforms and budgetary reduction in the sector introduced since 2009. These are the so-called Atsem (specialized territorial agents of nursery schools). They are around 60,000 civil servants Atsem. 99% of them are women and they are responsible for assisting nursery school teachers. Initially focused on maintenance and hospitality, with the latest reforms their duties have become more and more educational, and extracurricular. The assigned tasks also vary by municipality and school. The Atsem and the teacher often form a complementary duo. The main problems that they have been denouncing in the last years are that: their job description is too vague, working conditions are sometimes extremely difficult; there is lack of opportunities and career prospects for them. The Atsem initiated a campaign to defend some of their claims for improvement in their working conditions and career development in 2016. Some of their demands have found acknowledgement by the Ministry of Education and the local authorities hiring them.

## **5.2 The social partners in the sector and the collective agreements**

For workers in the municipality public sector wages are negotiated at central level. Also decided centrally are general questions on pensions and sickness benefits. At local level, the social dialogue takes place in several committees, in the technical committees dealing with the organisation of work and in the health and safety committees. Local authorities have significant flexibility on certain aspects of pay (bonuses, promotion levels) and informal negotiation procedures for the reorganisation of departments, working conditions, and hours.

The CGT is the main trade union in the public regional-local administration sector. Another union with important presence in the sector is the Interno federation (affiliated to the CFDT union confederation, the second union of the territorial public service). Also representing the workers at this sub-sector and growing in importance, we find FO. These unions have organised several collective actions between 2010 and 2016 to protest against the changes to regulations governing pre- and out of school care and reducing employment levels in the sector.

An important stakeholder/actor in this particular sector is the Atsem collective of France, which have around 5,000 members among the group of specialized territorial agents of nursery schools. They have been quite active campaigning against the public funding budget cuts that have led to a reduction of job places, to a stagnation of their wages, and an increase on their assigned tasks and work related pressures. There protests have been coordinated with the main trade unions present at the sector.



Another new relevant actor playing an important role in industrial relations in this sub-sector is the FCPE: “*Association de Parents d’élèves adhérents*”. This Association of students’ parents is a network of parents whose aim is to defend the interests of children in the childcare institutions.

### **5.3 Reforms and the role of the social partners**

The French Government responded to the crisis by choosing a policy of decentralization of public services to the local level and also cutting the budget for these services. (Jeannot, 2013) In the context of this financial constraint policy, the local authorities implement several budget cuts, re-definition/accumulation of employees’ tasks or staff redundancies in the preschool services facilities. In the regional/municipalities sector, several reforms are considered by the unions as having detrimental effects on the quality of employment and services. In particular the 2010 Re-foundation Law and the Law on decentralisation on the nursery schools (managed by the municipalities), with the Re-foundation Law “Loi de la refondation”, the afternoon day-care has to be paid by the regions (which lack enough financial resources), instead of the government. This has led to a wave of elimination of the extra afternoon hours or to a search for alternative financing options in the private sector. According to the unions’ representatives, this introduces private interests in the public education system and threatens the egalitarian and neutral aspect of it. Lastly, the decentralization law has moved the technical personnel from the national public service to the local/regional level, which as a consequence has created serious problems in the hierarchy system/management.

In 2010, the reform of the regulations covering nursery schools (pre-school child-care provisions reform) by the government arose criticism within the union movement. On March 2010 the Interno federation (affiliated to the CFDT union confederation) organised a national-wide strike protesting to the changes to regulations governing pre-school care. The union argued that the reform would lead to lower staffing levels and the employment of less qualified staff. The union defended that the reforms were detrimental for both the working conditions of nursery workers and the quality of child-care services.

Following strike action on April 2010, another union represented in sector, the CGT local and regional government federation, also initiated a campaign against the new regulations on childcare. The union argued that the changes will reduce the level of trained staff required at a crèche, a matter of concern not just for the workers in the sector but also for parents. This union also organised a further strike action and demonstrations at national level on May 2010 and urged local councils to protest against the new regulations and to refuse to implement them.

To protest against the increase of their tasks, the deterioration of their working conditions, and the stagnation of their career prospects, the Atsem (specialized territorial agents of nursery schools) association and several unions representing workers in the sector organised a strike in December 2016. The collective Atsem of France, supported by the CGT, the CFDT and FO, launched the strike claiming for a reduction of their tasks, a decrease in work pressure, and an improvement of their wages.

On their job description, Atsem are responsible for "assistance to teaching staff for the reception, animation and hygiene of very young children or preparation and cleaning premises and equipment." Atsem are also required to "participate in the educational community". But beyond these general lines, the outlines of their tasks are unclear. The representatives of the Atsem claimed that they have become the agents to do everything in the nursery schools. Since the reform of the school schedules in 2010, they are in charge of the extra-curricular workshops (pottery, cutting, colouring, etc.) and frequently the teachers rely on them to assist during school time. This multiplication of their assigned tasks is noted by several Atsem everywhere in France. Therefore, they decided to organize in an association, to denounce the undervaluation of their profession. They are organised in the Atsem collective of France and demand a clarification of their tasks and a reduction of the work pressure. They also demand a redefinition of their status as civil servants - 'category C', which since 1992, it has not changed. They complained of having no career plan, no possibility of hierarchical evolution, not being allowed to take part on state competitions for managerial functions and to remain in a low salary scale (step 6 of the category with an average salary of 1,550 euros net).

A recent report prepared by the *Conseil supérieur de la fonction publique territoriale* CNFPT, based on interviews, surveys and statistics, describes the evolution of this professional category and highlights the main issues affecting the Atsem group, but also presents a series of consensual proposals between the two colleges of the Conseil Supérieur to positively develop the Atsem employment framework. The Atsem main wish is to evolve professionally. They asked above all for more recognition and levelling up of the value of their teaching support missions. The report concluded that the continuous changes of Atsem's tasks and obligations raises many concerns, related both the vagueness of certain functions in the particular status and the nature of the tasks they are entrusted to them. (De Carlos, 2017) Previously, other report commanded by the UNESCO has already criticized the broad gap between nursery school teachers and other childcare/education professionals in professional training and working terms and conditions. While nursery school teachers receive a post-university 2-year teacher academic education, crèche staff only follows a year of professional training in nursing. These increasingly distinct orientations, levels and lengths of training between the two groups of workforce raise concerns about pedagogical continuity between different early childhood service types. Furthermore, there is a clear gap in terms of status and salary: nurseries teachers enjoy much more favourable conditions than day-care staff. Thus, the UNESCO report pointed the need to rethink the training and working conditions of the Atsem, and to engender coherence as well as continuity in the child's learning experience. (Kaga, 2007)

Some of the demands of the Atsem were accepted by the government at the beginning of 2017. The Minister of the Public Service, Ms. Girardin agreed to improve the working conditions and career development opportunities of nursery school assistants or Atsem. The first demand to be met was the clarification of their job tasks, following the recommendations of the report adopted on 2 February 2017 by the Superior Council of the Territorial Public Service (CNFPT). At the time of finishing the research study, the Minister had also announced the launch of a negotiating process between the Association of Mayors of France (AMF) and the Atsem's representatives and their unions to improve their working conditions by strengthening the "risk prevention" test and grant them "the right to reclassification/promotion". Reacting to this initiative, the CGT welcomed "a first victory that called for the rapid implementation of concrete

measures", the CFDT wishing that these negotiation process will "finally, move from words to action".

The Ministry has agreed to study the issue of possibilities of professional development for the group. The transitions of Atsem who wish it to work on other sectors (animation, administration) and in category B of the public service (better paid) should also be facilitated. The union CFDT representatives emphasized that that transition was possible but subject to the "goodwill of local employers". Employers at local will have to "encourage these professional developments" as well as "competitive preparation training", according to the minister.

Concerning the increase of salaries, Atsem, like other public agents of category C, have been increased since 2014, for 612 annual euros to which were added more than 200 euros annual related to the thaw of the point of index. The Atsem went on strike on December 2016 and February 2017 to demand a re-evaluation of their employment framework but the government did not agreed on a wage raise at the moment of finishing the current research study.

## **5.4 Quantity and quality of jobs and quality of the service**

The impact of the recent changes in the quantity and quality of jobs and regarding the quality of the pre and out of school care services provided by the regional and local authorities will be discussed in this section.

Recently, efforts to reconcile improvements in services with the maintenance of municipal workers' working conditions are apparent in many sectors of municipal action, such as the out-of-school hours childcare service. However, out-of-school hour's childcare staff has suffered the deterioration of their working conditions in the last decade. The staff concerned is required to work in different shifts, in the morning for preschool care, in the evening for after-school care, and at midday as canteen monitors. These multiple duties create jobs that are full-time, but stretch over extended hours with periods of inactivity. These shifts system are particularly problematic for workers who do not live near the workplace and cannot rest in between shifts.

The Atsem in particular claimed to have been the main victims of municipal budget cuts. Many municipalities have been since 2010 abolishing or reducing the posts of these agents who help teachers in nursery schools. They are directly payed by the municipalities and these agents have seen their working hours reduced, or even their positions removed, for budgetary reasons. This is particularly the case in the regions Rhône, Saumur, Maine-et-Loire and Ile-de-France.

The deterioration of the terms of employment and working conditions of the group has taken different forms. The reduction of jobs came in different forms: some municipalities did not replace all post of agents who retired; others asked Atsem to share their time between the classroom and extracurricular activities of the afternoon, thus avoiding hiring extra staff. These have resulted in an increase in the tasks assigned to the Atsem and in the number of children per class in pre and out of school facilities, up to 30 children per class.

The representatives of the parents of students association (FCPE) are quite critical with the government's cuts in the funding of the childcare services sector. The FCPE is opposing the reductions in Atsem posts and working time, citing the impossibility for a single teacher to manage classes for up to 30 children. They consider that the Atsem's posts are necessary in the nursery schools and important for children's early learning processes. The FCPE considers that the teachers of small age children need the help of the assistant and complaints that the cuts had led to concentrate the Atsem on the small section (babies) classes, leaving the teachers of the higher levels without assistance, with children aged 3 to 5 years.

The Atsem is a profession valued by school parents and in the school environment. Both school teachers and parents recognized the importance of Atsem for the well-functioning of nursery schools, the need to upgrade their status and reduce the arduousness of their profession. According to a representative of SNUIPP (primary teachers union): "The Atsem have an extremely valuable role, they are a reference for children and make sure they feel safe at school, while the teacher is the person who should teach the children. The Atsem is the one that will put the child in the right conditions to learn. There is a total complementarity between the two categories of workers at the nursery school but they should not replace the teacher in the learning tasks." The representative of the CIPF, a main association of parents of pupils, also highlights the important role of the Atsem in the nursery school system: "The Atsem have an eminently important role, they constitute a real pedagogical support for the teachers". The teachers and Atsem representatives and the parents agree that this professional group is an indispensable element in the education system and yet they have a very precarious status most of the time. Moreover, there is a clear gender element on the vulnerability of this group of workers, as they are mainly women in a low paid job who often live far from their place of work. Teachers as parents associations agree, however, to limit the educational role of Atsem and they advise the local administration to clearly define their tasks and refocus their mission, as they should not replace the teacher.

Measuring the quality of childcare services is a complicated task and it is difficult to formulate true and fair definitions of quality care. However, from a subjective point of view, both workers in the sector and associations of parents agree that the increasing tasks assigned to nursery school assistants, the reduction of this type of posts by many municipalities in the pre and out of school facilities, and the increase of the number of children per class have led to a deterioration of the quality of care and learning in the sector during the examined period.

Up to 2009 public expenditure paid by the CNAF and directed towards public childcare facilities had risen steadily and, despite the overall background of costs in other public services the system of public nursery schools did not suffered cutbacks in funding (Fagnani & Math, 2010). However, the situation changed dramatically from 2010 with the reform of the regulations covering nursery schools. Nowadays, while the level of state funding of nursery schools is still above the average for OECD countries, the ratio of students to teaching staff is lower and that might potentially have an adverse impact in the quality of day-care. (OECD, 2016)

## 5.6 Summary

The sector has been subject to several policy reforms since 2010. The sector has been affected by a number of reforms targeting childcare, in particular, the Law on decentralisation on the nursery schools and the re-foundation Law “Loi de la refondation”. These reforms have often been of the NPM-type and have in this sector especially led to increasing growing stress, standardisation of services, and increased use of private providers. The economic crisis has been the main driver of the adopted reforms.

In 2016, the childcare sector was involved in a largescale industrial conflict. Moreover, the crisis has affected the power relations also in the day-care sector in favour of employers. The relationship between the social partners have been increasingly conflictual and have led to moderate success regarding employees’ campaigns/collective actions demanding better training and professionalization, promotion possibilities, and employment security.

The policy reforms of the public sector have also affected the quality, as well as the quantity of jobs in the municipal child-care sector. The reduction in the number of jobs and the extension of working hours and professional tasks for workers in the sector are clearly connected with austerity measures and decentralisation policies. Regarding the job quality, especially the NPM-reforms have changed the job content of the child-care workers (Atsem) and challenged their chances of professional career advancement. Moreover, the reforms have resulted in an increased workload and accumulation of various tasks. It is, however, a professional group that is highly value by small children parents and pre-school teachers/colleagues.

The social partners and parents’ associations have supported the association of Atsem in their labour demands and have succeeded in influencing policy-makers by increasing focussing their protests not only on the professional demands of improving job quality (in particular higher professionalization and facilitation of career advancement of the Atsem) but also on the impact of better job quality in the quality of day-care services provided by municipalities.

The effect from the changes in the job quantity and quality as well as regarding the quality of the services provided is difficult to measure and there is no clear evidence for the direction of change. The few available sources point to stability rather than change, whereas the trade union as well other stakeholders find that the municipalities did not have enough economic resources to provide quality services and that the budget cuts have led to a more stressful/demanding work performance for nursery school staff and reduced the quality in childcare and learning.

## **6. Comparison and conclusions**

### **6.1 Comparative overview of the public sector**

In this final part we summarize the findings of our research under the two overall research questions (see section 1.2), presenting the effects of the public sector reforms in the analysed period on the working conditions of public servants and employees in that sector, and focusing in the crisis derived effects.

Massive downsizing of jobs and freezing of salaries have instigated a severe crisis of recruitment in the public sector in France (especially in primary education and among certain groups in the health-care sector, such as nurses), which is still ongoing notwithstanding the increase in unemployment. Moreover, the deterioration of the conditions of work and the increase in the pace of work have contributed to increased numbers of burn outs in the public sector.

A main conclusion is that work-intensity has clearly increased during this period. Workers in the public sector in France are facing increasing pressure at work in the form of stress-related complains derived from having to work more quickly, work in a pressurised way, and assuming additional tasks, as staff numbers have been declining. The interviewees mentioned that work pressure and work intensity increased dramatically in the last decade and linked that development to the NPM reforms, organisational changes, and greater job insecurity in the public sector, due to crisis/austerity policy related reforms. They also mentioned the lack of properly functioning Human Resources structures able to cope with increasing work-related stress complains, especially in the education and hospitals sectors. However, a positive improvement in flexibilisation of working time (availability of adjusting of schedules) has also been noticed in health-care.

In short, a growth in the intensification and fragmentation of work has been identified in the public sector. This is a problem especially in the hospital sector and in the nursery care provided by municipalities, where the majority of hospital workers reported fragmented work, and switching tasks, as well as problems with career advancement possibilities.

Focusing on the impact of crisis in industrial relations, the BARSOP project research shows that industrial relations in the public sector have not been strongly affected by the crisis. The role of the public administration in social dialogue and collective bargaining after the reforms remains similar, despite the changes in social dialogue structures introduced by the Bercy agreement. The union positions remain relatively strong and the collective bargaining processes leading to agreements by the social partners are stable. In fact, one of the positive effects of the Bercy agreements and their follow-up legislation has been the extension in the material scope of collective bargaining.

The analysis of the impact of the 2008-2015 economic crisis on industrial relations leads to different conclusions:

- Stability on the social dialogue processes at sub-sector level (with an increase in industrial conflicts since 2014);
- Few adverse consequences of the Bercy agreements for mid-size and smaller unions, which have experienced a decline of their financial resources; this shortage led to some small unions joining larger confederations to survive in the aftermath of the Bercy reforms.
- Collective agreements concluded during the crisis show an effort of social partners to maintain the functioning of social dialogue as a mean of social regulation.
- On the unions' side there is a perception that collective bargaining became more burdensome during the crisis: unions representatives interviewed mentioned that the increased difficulties for employees' representatives to resist employers' threats of job losses due to economic dif-

difficulties, have forced them to accept unfavourable agreements with lower working conditions (in particular on wages).

## 6.2 Main Changes in the industrial relations system

The first sub-question concerned changes within the last 15 years with regards to ‘the social partners’ structure and organizational capacity, ideologies and strategies, relationships (consensual or conflictive) and the coverage of collective bargaining, social dialogue and other relevant processes’. Because of the questions very broad scope, it is nearly impossible to answer generally for the public sector within the limits of this national report. But a focus on the three selected sectors might also provide some information that can contribute to a general picture.

Regarding ideology in the public sector as a whole, it is worth to mention that several NPM reforms have been passed, mostly during the Sarkozy’s government. In general, the reforms have been rejected by the public sector trade unions and they have not profoundly transformed the role of collective bargaining. The trade unions have often opposed the NPM measures. However, they have also reached several relevant agreements with the administration, most importantly the Bercy agreement reforming social dialogue and collective bargaining at the public sector.

On the general evolution of industrial relations, stability in collective bargaining is combined with an escalation in the conflictual character of relationship between the social partners. Since 2008, the number of agreements in the public sector has decreased due to the fact that the Ministries have little budgetary room for manoeuvre; At the same time the number of conflicts (strikes) have increased, due to the protests of public workers against the deterioration of their working conditions (freezing of wages, negative effect of lower replacement rate on accumulation of tasks and intensification of labour). The negative effect of the lack of specific dispute resolution procedures in the public sector has also not helped to decrease the level of conflicts in industrial relations in the public sector.

Regarding the impact of the crisis in industrial relations, a main conclusion of the report is that industrial relations in the public sector have not been strongly affected by the crisis. The role of the state/administration in social dialogue and collective bargaining has not been altered by the last reforms (including the Bercy agreement). Moreover, union positions remain relatively strong, and collective bargaining arrangements appear to be fairly stable.

One of the main effects of the 2008 Bercy agreement is that many unions present in the public sector have survived the aftermath of the crisis with diminished resources and needs. Smaller trade unions became less important in terms of political influence and bargaining power. The new rules stimulated the trend of small unions to join larger federations to survive.

An evolution in the core tasks of unions and socio-political role has been observed. An evolution in the philosophy of unions has led to a transforming role of the unions from a higher pseudo-political activism to a more pragmatic task of advisory/legal support providers. Even when the core role of trade unions as defenders of collective rights and promoters of the im-



provement of terms and conditions of employment remains, unions have been dedicating more resources to supporting members in HR matters and providing legal advice.

An interesting factor of evolution is that “new actors” reinforced their role in the social dialogue system, such as associations patients/care services users which are part of National Health Conference (health) and of parents of pupils/children (sub-sectors of primary education and municipalities childcare services) within the Higher Education Council and other technical committees. These “new actors” were often consulted by the government on health care services and educational reforms. They have been also increasingly joining the demands of the trade unions to improve the quality of services and participated actively in protests and demonstrations against some of the governments’ imposed reforms. Some studies and surveys, targeting specifically the public sector, have observed that increasing citizen participation is also considered as a significant trend in this sector. (Bezes & Jeannot, 2013)

Another overall development might be partly related to this, but has only been visible in the present decade: that the administration/public employers have become the most pro-active part in collective bargaining, often leaving the trade unions with a reactive role.

### 6.3 Comparing the sectors and perspectives

Table 3. See below a table comparing the findings from the three sectors. There are several commonalities to the three sub-sectors examined:

- the study shows no major changes with regard to the social partner organization, to their organizational densities or to the coverage of the relevant collective agreements on wages;
- the relations between the social partners have become more conflictual during the period in all the three sectors, with frequent collective actions being organized by the various trade unions as a reaction to NMP-reforms;
- growing influence of “new actors”: associations patients/care services users are part of National Health Conference (health) and of parents of pupils (primary education and municipal day-care services) within the Higher Education Council and other technical committees and more active involvement in trade unions’ campaigns against public sector reforms.
- have seen a development towards ‘tougher’ employers/administration and less room for manoeuvring for trade unions to negotiate better terms and conditions of employment;
- have been affected by the same drivers for change;
- have been affected by NPM-reforms (although not to the same extent/differences per sector);
- stronger social partner influence through the collective bargaining since 2008/2010 due to Bercy agreement and new legal framework for social dialogue (more areas open to bargaining/clearer representativeness rules);
- have experienced work-intensification;
- Quality (especially on terms of job security and freezing of wages) and quantity of jobs (particularly during the first part of the examined period until 2011) has been diminishing.



- have been subject to intense discussions of the quality of services, though without leading to any clear picture of this quality, and without a clear link to the development in quality and quantity of jobs has been established.

*Variation* is seen with regard to:

- the scope of NPM-reforms (less extensive in the municipalities/childcare services sector)
- the shape of NPM-reforms (most widespread use of outsourcing and new semi-private administration in the hospital sector)
- the overall number of jobs (changed the least in the hospital sector)
- the use of atypical employment (least widespread in the hospital sector and especially growing in the primary school sector)

**Table 3. Comparing findings from the three sectors**

	<i>Hospital sector</i>	<i>School sector</i>	<i>Local sector/nurseries</i>
<b>1. Changes SP organizations and relations</b>	No major, After Bercy Agreement & Hirsch reform effect on composition and financial resources of unions Stronger position of employers in the bargaining	No Major changes: trend to more conflictual relations and tougher employers, but no big org. changes Some positive effect on the scope of collective bargaining (Bercy agreement)	No major, although employers has become 'tougher'. Extensive organisational changes
<b>2. Reasons for changes</b>	NPM-ideologies Economic crisis > budget cuts/austerity policies + changing power-relations Structural Reform; demographic development; technological development		
<b>3. Scope and shape of reforms</b>	Extensive NPM-reforms, limited outsourcing Overall reduction of budget, reduced per user, Reduction of staff	Extensive NPM-reforms, limited outsourcing Overall reduced budget, reduced per user Reduction of staff	Extensive NPM-reforms, extensive outsourcing Overall reduced budget, reduced per user Reduction of staff
<b>4. Role of SP in reforms though:</b>	Policy arena: Uneven for sector specific NPM reforms Important for general legal framework (Bercy agreement) CB area: Important	Policy arena: TU important role Important for general legal framework (Bercy agreement) CB area: Important	Policy arena: Limited for TU Important for general legal framework (Bercy agreement) CB area: Important
<b>5. Quantity and quality of jobs</b>	Less jobs, fewer support staff, problems with recruitment (specially for nurses) Atypical widespread, but mostly longer working time and increasing Work-intensification	Reduced number of jobs Reduced civil servant positions/Increasing private law contracts Increasing work-intensification	Reduced number of jobs Increasing in type and number of tasks assigned Increasing Work-intensification
<b>6. Effects on quality of service</b>	TU & patients associations say work intensification leads to negative effects on quality	Very controversial issue. Reduction in number of teachers/increased in number of Pupils per class Stability in primary education quality standards Negative overall development in nursery care	quality of service reduced/ increased in number of children per class in primary and nursery schools; Scarce of staff – workers doing learning tasks above their category level Negative perception by unions and parents of children associations

Note: SP = social partners. CB = collective bargaining. TU = trade unions. Org = organization or organizational.

## 6.4 Final conclusions of the evolution of public sector reforms and industrial relations changes

In France, the crisis has resulted in reduced funds for the public sector, in more unilateral action by governments in industrial relations and in changing ideas concerning the role and functions of social partners. Social dialogue has been important in reshaping public sector industrial relations during the crisis even when industrial relations have remained conflictual and unions claim that collective bargaining has become more burdensome. In general terms the attempts to modernize the French public administration and management structures has not implied a frontal attack on trade unions' role and social dialogue processes and employees' representation institutions have remained stable, even after the Bercy's reforms.

In France, public sector reforms have intensified during the crisis with clear effects on public budgets and in the number of jobs available in the public sector. These changing ideas have been translated into reform policies for the public sector in France. During the studied period, public finances have remained under pressure with high government expenditure in France. Consequently, since the beginning of the economic crisis in 2008, the French administration has taken specific measures to reduce public payrolls and adopt re-organisation strategies to downside public employment within the NPM policy called 'Revision Generale des Politiques Publiques' (General revisions of policies on the public sector). Therefore, employment in public administration has declined during the examined period.

Before 2007, France was often portrayed as a main resistant to administrative reforms inspired in New Public Management ideas (Rouban, 2007). However, policies of administrative reforms have developed intensively in the French context as elsewhere, with specificities (Bezes, 2009). The political will to modernize the public service has been accelerating since 2008, partly due to the pressures deriving from the debt crisis in the euro zone and subsequent economic crisis. While the objective of modernization policies has been twofold: on the one hand improving the quality and efficiency of public services and, on the other hand, curbing public spending, the latter objective has been a priority since 2010. (Vicent, 2016) New Public Management ideas have been implemented and diffused in the French context but with specific institutional constraints (Rouban, 2008; Bezes, 2012). In particular in the health and education sectors, ministries have developed their own specific managerial tools and dynamics of administrative changes.

France is characterized by highly adversarial industrial relations and by a trade union movement that is rather strong at the national level but has very little presence on the shop floor. The French trade union model is not one of massive trade union militancy, with unions' members concentrated in the public sector. However, as in the private sector, unionism in the public sector is characterized by the existence of many different organizations (quite diversified and fragmented representation). Attending to the peculiarities of the sector, the collective rights for civil servants and public employees have been specifically regulated in France and this peculiar status has remained relatively unchanged during the studied period.

The three sub-sectors analysed show similarities on several of the above-mentioned dimensions, special regarding the increase of work-intensification, stagnation of wages, and public

employment decline. However, differences are also found, for instance when it comes to the relations between the social partners, the scope, and shape of NPM-reforms, changes in the number of jobs, and the use of non-standard employment.

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