



Industrial relations and social dialogue
**France: Working life in the
COVID-19 pandemic 2020**

Author: Frédéric Turlan (IR Share)

Research Manager: Christine Aumayr-Pintar (Eurofound)

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European Foundation for the Improvement of Living and Working Conditions

Telephone: (+353 1) 204 31 00

Email: information@eurofound.europa.eu

Web: www.eurofound.europa.eu

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Introduction

In 2020, a year marked by the COVID-19 pandemic, France recorded some 60,000 more deaths from all causes than in 2019. In March-April 2020, there were 27,000 more deaths (+27% in comparison to 2019) from all causes than in the same period in 2019, mainly due to excess mortality caused by COVID-19. 33,000 deaths (+16%) were recorded during the “second wave” (1 September to 31 December). The excess mortality reached 9% more than in 2018 or 2019. Because of the context of the health crisis, the government enacted most of the measures to manage the COVID-19 pandemic without prior consultation with social partners, at least in any formal way. Quite unprepared to face the pandemic, the government decided that all necessary means would be implemented to protect the French people, ‘whatever it costs’, as President Macron said. To preserve the health of the people, and the capacities of the public hospitals, the government decided on a lockdown, accompanied by a large range of measures adopted by ordinances (without parliamentary debates) to support the economy and the purchase power of citizens. Due to the lockdowns (from 17 March to 10 May, then from 30 October to 5 December), GDP fell by 8.3% in 2020. The number of employees in all private sector companies fell by 1.8% (–360,500 jobs). In the fourth quarter of 2020, the number of jobseekers was 3,816,700 for category A (people without any job). It increases by +7.5% year-on-year. Massive recourse to short-time working has limited the negative impact on employment, while governmental measures have supported the economy, helping businesses, including the self-employed. Social dialogue has been very dynamic at the company level, to adapt the organisation of work to the health context. They also have tried on several occasions to position themselves as key players in the definition of public policies, but to no avail.

Impacts of the pandemic on working life

Official statistics and research have been mobilised during this exceptional period, in order to describe the impacts of the economic situation, the evolution of the labour market, as well as changes in living conditions. To this end, statisticians have called on new data or used them in new ways (death statistics, mobile telephone data, etc.), enriched certain surveys (Camme, Crédoc's Living Conditions and Aspirations survey, etc.) or produced new ones as the monthly flash Activity and employment conditions of the workforce (Acemo-Covid) or the Epidemiology and living conditions survey (EpiCoV (see box below)). Drawing on the numerous studies available and proposing additional analyses, INSEE has published a first overview of the social situation in France during this very particular period of the first lockdown (INSEE, 2020). It focuses on social, territorial and gender inequalities, which have been highlighted, or even reinforced, with the resulting health, economic and social crisis.

Main official statistics and research on employment and working conditions

The main official statistics and research on employment and working condition that have been mobilised during this exceptional period, in order to describe the economic situation, the evolution of the labour market and living conditions, are the following:

- **The Employment survey** (*L'enquête Emploi*) is the only source for measuring unemployment and activity as defined by the International Labour Office (ILO). It is carried out continuously, during all the weeks of the year, in France excluding Mayotte. Each quarter, around 100,000 people aged 15 or over living in ordinary households (i.e. excluding homes, hospitals, prisons, etc.) respond to the survey. People describe their labour market situation during a given week, known as the "reference" week. Usually used on a quarterly or annual scale, the survey has been used in an unprecedented way on an infra-quarterly scale to analyse the specific period of confinement [Jauneau and Vidalenc, 2020], i.e. the weeks concerned by the period from 16 March 2020 to 10 May 2020. This period was compared with the equivalent period one year earlier, i.e. from 18 March to 12 May 2019. The quarterly publications relating to the first and second quarters of 2020 have also been expanded. of infra-quarterly lighting, in order to better understand the evolutions at work on the labour market.
- **The monthly flash survey Activity and employment conditions of the workforce** (Acemo-Covid) (*enquête mensuelle flash Activité et conditions d'emploi de la main d'oeuvre - Acemo-Covid*). In order to assess the way in which companies have cyclically adapted their workforce as a result of the COVID-19 crisis, DARES, with the support of INSEE, has carried out a monthly flash Acemo-Covid survey, replacing the quarterly Acemo survey. Launched at the beginning of April, it surveys 38,000 establishments every month until December 2020. It covers the establishments of companies with 10 or more employees in the non-agricultural private sector located in France excluding Mayotte. Temporary workers and trainees are excluded from the scope of salaried employees. In the end, the survey therefore covers 15 million employees out of the 25 million in the economy as a whole. Three themes are addressed: the evolution of the workforce and activity, changes in employment conditions (short-time working, teleworking, other situations) and measures of prevention measures in place.
- **The monthly business survey of households** (*L'enquête mensuelle de conjoncture auprès des ménages - Camme*). In order to monitor the opinion of households on their economic environment and their personal situation, INSEE conducts a monthly household survey (Camme). The questionnaire has been adapted in order to question the population of metropolitan France on their living conditions during confinement. It was collected by

telephone from 27 April to 16 May 2020, i.e. during a period conducive to a retrospective questioning on the whole of the first containment. More than 1,600 people aged 15 or older responded.

- **The Epidemiology and Living Conditions Survey** (L'enquête Épidémiologie et conditions de vie (EpiCoV) was set up by DREES and INSERM, in collaboration with Santé Publique France and INSEE. Its aim is twofold: to estimate the dynamics of the epidemic at a national and departmental level and to study the effect of containment and the epidemic on living conditions. The first wave of the survey took place between 2 May and 2 June 2020, on horseback between the first Imockdow of the population and the beginning of its "deconfinement". 135,000 people aged 15 or over on 1 January 2020 living in an ordinary household (excluding nursing homes (Ehpad) old people's homes, prisons, etc.) in metropolitan France, Martinique, Guadeloupe, or in Reunion Island were questioned. The survey includes detailed questions on employment status (including partial activity), working conditions, in particular the use of teleworking, and working time.
- **Crédoc's flash 2020 survey in times of sanitary confinement** (L'enquête flash 2020 du Crédoc en temps de confinement sanitaire). Crédoc's Living Conditions and Aspirations survey, conducted every year since 1978 in two waves (in January online; in June face-to-face), tracks the opinions, values and behaviour of the French. An exceptional wave was launched during the first confinement to study perceptions and opinions in this unprecedented crisis context. Collection took place online from 20 April to 4 May 2020 from a sample of 3,000 people aged 15 or over living in France and the overseas departments and territories, selected using the quota method. Specific questions on the conditions of confinement of individuals (modalities of confinement, household structure, Internet connection, equipment, work situation, etc.) were added to the usual questions on the socio-demographic characteristics of the people.

Territorial inequalities

Social inequalities related to COVID-19 have manifested in the sharp rise in the mortality of people born abroad, in Africa or Asia, with a particularly important one observed in the Seine-Saint-Denis department. The socio-demographic characteristics of this department partly explain this singularity: it is very densely populated, over-occupied dwellings are numerous (21% compared with 8% to 16% in the other departments of Île-de-France region), members of the working population, in which the proportion of workers is particularly high, do not necessarily have jobs compatible with teleworking, so there are many factors that may have favoured the transmission of the virus (Allard et al, 2020). Moreover, Seine-Saint-Denis is the department most affected by poverty, often associated with poorer health, which increases the risk of developing a severe form of COVID-19.

Social inequalities

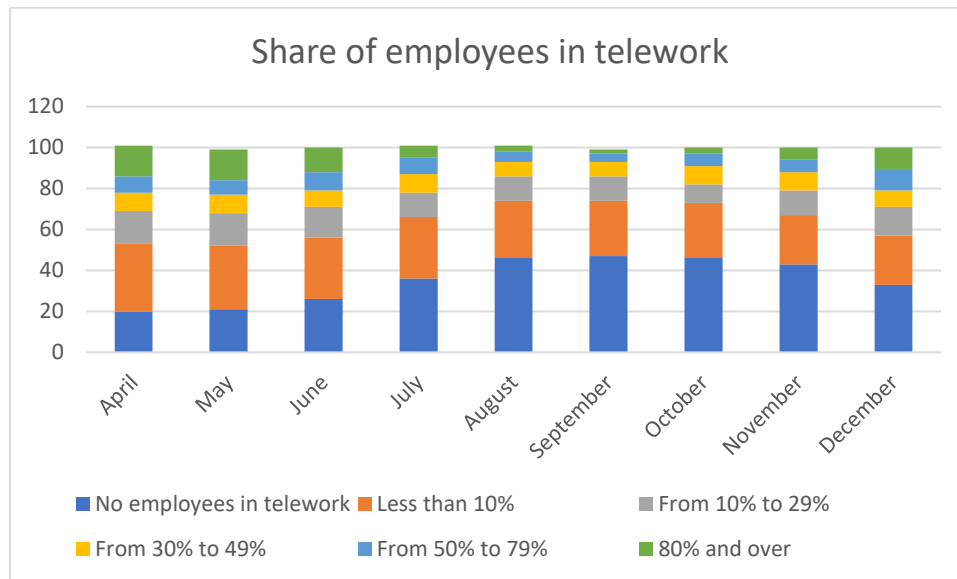
The risk of infection is higher for certain professions, particularly those in close contact with the sick, and more generally all those that cannot work at a distance. This risk also varies based on the means of commuting to and from work. However, in person work during lockdown, combined with the need to take public transit, was more frequent among blue-collar and white-collar workers than among managers, the vast majority of whom were working from home. White collar (*employés*) and blue collar workers (*ouvrier*) appear to be the most affected by the crisis: 42% and 43% of them are no longer working at the beginning of May 2020. Moreover, when they work, it is almost always on site, where exposure to the infection is greater: this is the case for 73% of employees and 97% of workers still employed two months after the start of containment. Professionals and managers (*cadres*) appear to be more spared by the crisis than any other social category. 86% of them were still working in the

7th week of the first confinement, two-thirds of them teleworking. (INED, 2020) In the end, the jobs with the most exposure were those in the health professions (nurses, care assistants, doctors, etc.) or those ensuring the continuity of certain activities (agricultural workers, non-specialised salesmen or self-service employees, police officers, etc.).

Telework and commuting

Since April, DARES has been conducting a monthly survey of companies with more than 10 employees to find out how they are reacting to the COVID-19 health crisis, which allows for data on proportion of their employees who are teleworking, working on site or looking after children.

Figure 1: Share of employees in telework



Source: DARES

During the first lockdown, in April and May, about 80% of employees worked in a company in which at least some employees (10% and over) were teleworking. 15% of employees worked in a company where teleworking or distance working was done by more than 80% of employees. After the first lockdown and the decreased transmission of COVID-19, regulations were relaxed so that in July and August, almost half of the employees worked in a company with no employees in teleworking or distance working. Since October the number of employees teleworking progressively increased but did not reach the proportions observed during the first lockdown. In December, 11% of employees worked in a company where teleworking or distance working was done by more than 80% of employees (4 percentage points less than during the first lockdown), but one third worked in a company with no employees in teleworking or distance working (+13 percentage points in comparison to April 2020).

During the first lockdown, home-based work, whether teleworking or not, increased significantly: 47% of those who worked at least one hour during the week reported having worked from home during the previous four weeks, more than double the figure for 2019 (INSEE, 2020a). Moreover, the intensity of home-based work has increased: 80% of those who worked at home did so for at least half of their working hours, compared with 30% in 2019. The frequency of working from home increased sharply for those categories of employees who already worked at home most in 2019: 81% of managers and 51% of professionals (*professions intermédiaires*, between managers and white collar employees)

worked at least one hour in the week, compared with 30% in 2019. However, skilled employees experienced the largest disruption: 38% worked from home, seven times more than during the same period in 2019. Conversely, a very small share of blue-collar workers (4%) or unskilled employees (18%) worked from home.

Short-time working

Since April, DARES has been conducting a monthly survey of companies with more than 10 employees to find out how they are reacting to the COVID-19 health crisis. The survey aims to assess the way in which companies have cyclically adapted their workforce as a result of COVID-19 by mobilising the measures put in place by the Ministry of Labour for companies.

Table 1: Monthly figures on short-time working, March to December 2020

Estimates at 21 December	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20
Number of employees actually placed in short-time working (millions)	6.9	8.4	7.0	3.6	2.0	1.2	1.3	1.8	3.1	2.4
Number of hours (millions)	321	816	429	219	124	68	80	84	233	197
Amount of compensation (€ billion)	3.3	8.6	4.6	2.3	1.4	0.8	0.9	0.9	2.3	2.0

Source: ASP-DGEFP-Dares – Extraction from SI APART on 1 February 2021 data as of 31 January 2021; survey Acemo-Covid-19.

Job seekers and recruitment processes

The public employment service (Unédic) carried out a survey to study the effects of the crisis on the labour market by simultaneously interviewing jobseekers, employees and employers. It was carried out with the CSA institute between mid-September and mid-October 2020, with three representative samples (jobseekers registered at Pôle emploi, employees, establishments). It was carried out before the second lockdown was announced on 28 October 2020 (UNEDIC, 2020).

Main findings: Two-thirds of job seekers and one-third of employees saw their career plans impacted by the COVID-19 crisis. More specifically, they wish to refocus their activities on what they consider “essential” (family, health, etc.) and the fact that the economic crisis is negatively affecting their project. Since the start of the health crisis in March 2020, two thirds of jobseekers say they have adapted their job search procedures. They are making greater use of digital channels and are more likely to use their personal and professional networks. Employers say they are maintaining their recruitment methods. Similarly, employers report that they have not revised their recruitment criteria. Both employees and job seekers say they are prepared to make concessions to give themselves a better chance of seeing their career plans succeed. About a third of jobseekers and employers report having conducted at least one recruitment interview remotely (by telephone or videoconference) since the beginning of the crisis. Both job seekers and employers draw a positive overall balance. According to employers, distanced interviewing makes it possible to assess the skills and qualities of the candidate. According to job seekers, these modalities do not prevent them from feeling confident.

Young people

A poll launched in December 2020, highlights that for 18-24 year olds, the first lockdown period was a period of anxiety (60%), a period of isolation (58%) and a period that reinforced the divisions or fractures in the country (74%). When asked about incomes, 26% responded yes to the question 'You make ends meet at the end of the month, but are forced to restrict yourself' and 16% estimated that they 'are forced to dip into reserves or are loaned money to make ends meet' (ELABE, 2020).

Work-life balance

According to INSEE (2020), during the first lockdown, women continued to carry out the bulk of domestic and parenting tasks, even when working outside of the home: 19% of women and 9% of men aged 20-60 spent at least four hours a day on average on domestic tasks; 43% of mothers and 30% of fathers spent more than six hours a day looking after children. 13% of couples had more frequent quarrels than usual.

In the absence of the usual childcare arrangements due to lockdowns, the presence of a young child resulted, all other things being equal, in a more marked decline in activity for the parents concerned. In families with at least one child under the age of three, single parents reduced their working hours by an average of 60% compared with the same period in 2019, and those in couples by 38% (INSEE, 2020b). According to the Camme survey, among the women who continued working, 45% were working a "double day", accumulating more than four hours a day of work and more than four hours a day working with children, compared with only 29% of men. Moreover, the trade-offs between work and childcare were to the disadvantage of women: among those in employment, mothers were twice as likely as fathers to have been affected by a work stoppage or a special leave of absence to look after their children under 14 years of age (21% compared with 12%) (INSEE, 2020c).

Political context

COVID-19 dominated French politics in 2020, forcing the government to respond to a double crisis, health and economic. In March, it required the government to suspend the pension reform that had been contested since December 2019 by a large social movement. The municipal elections, originally scheduled for 15 and 22 March, were also disrupted by the pandemic, with strong abstention in the first round and a postponement of the second round, which was finally organised on 28 June. The government decided to close schools on 12 March and two days later all 'places receiving the public that are not essential to the life of the country' were shuttered. A generalised lockdown was put in place beginning 17 March. The first wave of the epidemic took the government by surprise, and its unpreparedness was severely criticised in December 2020 by Parliamentary investigations. However, the executive branch received the support of the public by deciding that all necessary means would be implemented to protect the French people, 'whatever it costs', according to the reasoning used by President Macron. After the second round of municipal elections, the green party won in several large cities – Lyon, Marseille, Bordeaux and Strasbourg in particular – and were also decisive allies of the outgoing mayor in Paris. Following the results, Jean Castex, a high-ranking civil servant unknown to the general public, became Prime Minister on 3 July, replacing Édouard Philippe. On 3 September, he presented a €100 billion recovery plan.

Governments and social partners response to cushion the effects

Because of the context of the health crisis, the government enacted most of the measures to manage the COVID-19 pandemic without prior consultation with social partners, at least in any formal way. However, informal consultations were held with some organisations. Quite unprepared to face the pandemic, the government decided that all necessary means would be implemented to protect the French people, 'whatever it costs', as President Macron said. To preserve the health of the people, and the capacities of the public hospitals, the government decided on a lockdown, accompanied by a large range of measures adopted by ordinances (without parliamentary debates) to support the economy and the purchase power of citizens.

Therefore, numerous measures were adopted between February and April 2020 to cope with the COVID-19 crisis. The main measure consisted of relaxing the access conditions for the existing short-time working schemeⁱ. The compensation due to the employee covered at least 70% of the previous gross remuneration, i.e. approximately 84% of the net salary. For employees paid the minimum wage, the compensation reached 100% of the net salaryⁱⁱ. The scheme has been extended to new categories of beneficiariesⁱⁱⁱ. The government aims also to protect income for different categories of workers (self-employed^{iv}, unemployedⁱⁱ, seasonal workersⁱⁱⁱ, employees of the culture sectorⁱⁱⁱ...) and adopted measures to keep businesses afloat, especially for sectors that were required to cease their activities^{iv} (restaurants, live performance employees, catering, ski operations). For instance, the government decided to postpone April's social and fiscal contributions deadlines, to adapt the short-time work system, to pay supplementary health benefits, to adapt the rules of work councils' meetings and consultation deadlines^v, to adapt collective bargaining rules^{vi}, etc.

The first phase of 'deconfinement' began on 11 May, with, among other things, the reopening of many shops. On 28 May, the Prime Minister announced the terms of the second phase, from 2 to 21 June, with the instruction to maintain teleworking. To support the gradual resumption of activity, the Ministry of Labour decided to reduce the partial takeover of the activity by the State and Unédic to 85% of the compensation paid to employees on 1 June, except for those sectors that could not resume their activity. The government started also to prepare a new short-working time scheme for businesses that would be affected by the COVID-19 crisis for a long time. On 14 June, President Macron announced an early full 'deconfinement', eliminating any movement restrictions. After numerous consultations and bilateral meetings with social partners, the government published a 'deconfinement' protocol for companies that was thus lightened.

After the second round of municipal elections on 28 June, the new government set about renewing the dialogue with social partners, via a major conference on 17 July, and the preparation of a recovery plan was adopted in August by the government.

Faced with the acceleration of the transmission of the virus at the end of the summer, the government decided to put in place a new lockdown from the end of October. It was accompanied by the closure of "non-essential" shops and bars and restaurants. Contrary to the first lockdown, nurseries, schools, colleges and high schools remained open. The level of state coverage of partial unemployment, which was meant to decrease starting 1 November, was ultimately maintained, and new measures to

support businesses were announced, including new social exemptions and the strengthening of the solidarity fund.

Lockdowns gave way to a curfew which started on 15 December. Travel was again allowed during the day, but a certificate or proof was required for travel between 8:00 pm and 6:00 am. The start of the curfew was then further constrained to begin at 6 p.m. In this context, which remained fragile, an order on 21 December extended most of the emergency measures taken in respect of partial activity until the end of 2021 at the latest.

Though not significantly involved in the design of the government's response to COVID-19, social partners have been very active in negotiating agreements, both at the branch and company level, to adapt work organisation or carry out reorganisations.

ⁱ Eurofound (2020), Emergency measures relating to short-time working, case FR-2020-13/217 – measures in France, COVID-19 EU PolicyWatch, Dublin.

ⁱⁱ Eurofound (2020), [Short-time working](#), case FR-2020-10/462 – measures in France, COVID-19 EU PolicyWatch, Dublin.

ⁱⁱⁱ Eurofound (2020), [Extension of short-time work to new categories of workers](#), case FR-2020-11/741 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^{iv} Eurofound (2020), [Solidarity fund for very small companies, the self-employed and micro-entrepreneurs](#), case FR-2020-14/536 – measures in France, COVID-19 EU PolicyWatch, Dublin.

ⁱⁱ Eurofound (2020), Extension of unemployment benefit entitlements for jobseekers, case FR-2020-10/533 – measures in France, COVID-19 EU PolicyWatch, Dublin; Eurofound (2020), [Extension of period for recipients of social rights allowances](#), case FR-2020-11/556 – measures in France, COVID-19 EU PolicyWatch, Dublin.

ⁱⁱⁱ Eurofound (2020), [Extension of short-time work to new categories of workers](#), case FR-2020-11/741 – measures in France, COVID-19 EU PolicyWatch, Dublin.

ⁱⁱⁱ Eurofound (2020), [Exceptional support measures for intermittent workers and employees in the cultural sector](#), case FR-2020-12/478 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^{iv} Eurofound (2020), Assistance in the payment of rents, water, gas and electricity bills for business premises of companies, case FR-2020-13/563 – measures in France, COVID-19 EU PolicyWatch, Dublin; Eurofound (2020), [State-guaranteed treasury loans](#), case FR-2020-10/570 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^v Eurofound (2020), [Emergency measures relating to employee representative bodies](#), case FR-2020-11/1021 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^{vi} Eurofound (2020), [Adaptation of collective bargaining rules](#), case FR-2020-13/1028 – measures in France, COVID-19 EU PolicyWatch, Dublin.

How COVID-19 accelerated and disrupted working life policies and impacted social dialogue

Accelerated developments

Telework

The COVID-19 crisis has undoubtedly accelerated the move towards telework. A trade union representative from a major French bank summed up the situation by explaining that the bank had done more for the development of telework in one month than in the last ten years.

The obligation to switch to teleworking at the first lockdown was experienced as a kind of stress test which demonstrated to the management the feasibility of using telework. This time also led the French social partners to review their previous cross-industry agreement on telework and to develop a new one. Without the COVID-19 crisis, the new agreement would certainly not have been made this year.

At the company level, it appears that bargaining around the use of telework has been significant or that employers have committed themselves to reviewing their telework policy after the epidemic. Undoubtedly, the COVID-19 crisis has accelerated the use of telework.

Digitalisation

Interviews conducted by IR Share for two ongoing European studies on telework also show an acceleration in the use of digital tools. On the one hand, it is an evolution linked to the increase in telework that has forced companies to equip themselves with messaging or remote meeting tools, or to ramp up their use of tools already in place before the crisis. On the other hand, the lockdown and recourse to teleworking has also forced companies to rethink the operation of certain services in order to dematerialise them (such as recruitment and hiring procedures with remote interviews, electronic signature of the employment contract, etc.). This dematerialisation, carried out as a matter of urgency, will nevertheless remain in place for the future.

In addition, the development of collective agreements on long term short-working time (APLD) included also investment in vocation training to boost the skills of the workforce with the aim to adapt it to the green economy and digitalisation (the government takes on a large amount of the pedagogical costs).

On more macro-economic level, the €100 billion economic recovery plan was presented as a powerful tool for transforming the economy, with an allocation of resources directed towards digitalisation (€7 billion) and decarbonisation (€30 billion), which will inevitably have an impact on the general production make-up and the qualifications and skills of the workforce (Ministry of Economy, 2020). These sums will accelerate the transformation of the economy in favour of sustainable development.

Platform workers

Even though the debate on the protection of platform workers pre-existed the COVID-19 crisis, the pandemic has accelerated discussions around how best to provide protection for platform workers whose role was highlighted in the first lockdown. These workers have been at the centre of several discussions at the government level and specifically after the ruling of the Supreme court in a case concerning a driver who had been working for Uber since October 2016, on an independent basis, before the platform permanently deactivated his account in April 2017 (Ruling 4 March 2020, n°19-

13316). He then initiated legal proceedings to have the contractual relationship binding him to Uber reclassified as a contract of employment, in order to get unemployment pay. Resuming all the factors which demonstrated a permanent relationship of subordination between the driver and Uber, the Court ruled that

'the driver held a fictitious status as an independent worker and that Uber sent him instructions, supervised performance and exercised the power to sanction'.

As the decision opens the way for further disputes, particularly those involving the social security authorities which could demand the payment of social security contributions for large numbers of drivers, and for criminal proceedings for undeclared work, the French government aims to introduce an intermediate status clarifying the difference between salaried employment and self-employment. After launching a mission, in January, to define the different possible scenarios for creating a framework for representing digital platform workers, the Minister of Employment reacted to this ruling by announcing another mission to invent rules which allow both freedom and protection to gig workers, and to enable those who want to be self-employed to remain so but with protection, whilst offering a clear framework for platforms.

Disrupted developments

In 2020, the government planned to adopt the last decrees of the unemployment insurance reform, voted on by Parliament in 2019. The social partners were then unable to agree on the reforms to unemployment insurance, leaving the government to present its own reform, which was immediately contested by all the trade union organisations, while the employers criticised the introduction of a bonus-malus on unemployment insurance contributions in order to penalise companies making extensive use of fixed-term contracts. The government was also expected to put an end to the pension reform, which was hotly contested since December 2019 by the unions who have led the largest social movement since the previous pension reform in 2010. The bill, which was passed without parliamentary debate in the National Assembly to speed up the adoption process, was expected to finally be adopted by Parliament before the summer. But the COVID-19 crisis turned the government's plans upside down.

On 16 March, President Macron decided that 'all ongoing reforms [would] be suspended, starting with the pension reform'.

In April, the Ministry of Labour implemented several relaxations to unemployment compensation rules. The entitlements for those at the end of their entitlement were extended; the reference period for membership in the scheme was also extended; the six-month period after which unemployment benefits were to be reduced by 30% was suspended 'for the duration of the health crisis'. For Muriel Pénicaud, the Minister of Labour, the aim was to 'leave no one on the side of the road', 'fight against precariousness' and 'protect the most vulnerable'. All measures continued to be suspended by the end of 2020, and the huge impact of the crisis on the labour market, made the previous reform, tailor made for a period of economic growth, obsolete.

COVID-19 'succeeded where the challenge from trade unions failed' stressed the daily newspaper *Le Monde* (Le Monde, 2020a). Even though ministries insist that both reforms are still needed, mainly the pension reform which is strongly supported by the Minister of Economy, Bruno Lemaire, it is doubtful that these projects come back to the front burner, due to all the measures needed to deal with the consequences of the health and economic crises, and also because of the upcoming

presidential election in May 2022. This deadline makes it difficult to push forward an unpopular reform.

Impacts on the social dialogue and collective bargaining

According to figures from the Ministère du Travail, DGT (2020), after 2019 marked a sharp increase in the number of agreements finalized by the social partners in companies (80,780 agreements, i.e. +30% compared with 2018), particularly in companies with fewer than 50 employees, the conventional activity in 2020 also promised to be sustained. 53 branch agreements and more than 8,000 company agreements aimed at dealing with the consequences of the health crisis were finalized since March 2020. Collective bargaining is at the heart of the response to the crisis, in particular through the mechanism set up by Order No. 2020-323 of 25 March 2020. This text allows the employer to impose the taking of paid holidays or days of reduced working hours, as well as the system of long term short-working scheme^{vii}, provided that a collective agreement has been concluded beforehand. In order to support social partners, the government very quickly adopted measures to enable collective agreements to be negotiated and signed remotely^{xi}. These measures, adopted on a temporary basis through December 2020, allow meetings of works councils (CSE) to be held virtually, and also collective bargaining meetings. Measures have been extended for 2021. Even if these measures are temporary, they could lead to permanent measures after the pandemic. The Labour code already allows employers to conduct meetings online. Such possibilities could be extended in the future.

Both employers' organisations and trade unions have played an important role by raising their disagreements on certain measures as well as practical difficulties encountered by their members on the ground. The government has taken account of these reactions, for example by deciding not to issue an implementing decree to put in place a disputed ordinance (for instance, on derogations from working hours in services essential to the nation), or by issuing circulars or decrees specifying the application of the measures and proposing solutions to the problems

Furthermore, on an interprofessional level, the representative social partners, whose last cross-industry agreement dates from 2018, have made three cross-industry agreements over the course of this year:

- An agreement on employment and working conditions in public hospitals, which made it possible to respond to the demands of the health workforce, exposed to the first wave of the epidemic, in particular for the upgrading of careers and remuneration.
- An agreement on teleworking. The health crisis, which led to the strong movement towards telework, led the unions to put pressure on employers, who were initially very reluctant, to negotiate on the subject. The idea was to complete and enrich the cross-industry agreements (ANI) of 19 July 2005, which had been partially included in a law in 2012. The agreement contains more incentives than constraints, but it imposes obligations on the payment of costs or the use of teleworking in a crisis situation (Le Monde, 2021) .
- An agreement on occupational health, which gives priority to the prevention of accidents at work and occupational diseases, thus modifying a system based on compensation.

Far from paralysing the players in social dialogue, the health crisis has breathed new life into negotiations between social partners. However, even though they have tried on several occasions to position themselves as key players in the definition of public policies during the COVID-19 crisis, they were not listened to by the government, locked in a centralised state logic, distrustful of intermediate bodies, as social partners.

In terms of representativeness measures, the government decided to postpone the workplace elections for SMEs with less than 11 employees, which should have taken place by the end of 2020. They were postponed a first time to the beginning of 2021. Now, they will be organised from the 22 March 2021 to the 4 April 2021.

^{vii} Eurofound (2020), [Long term short-working scheme](#), case FR-2020-27/10230 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xi} Eurofound (2020), [Adaptation of collective bargaining rules](#), case FR-2020-13/1028 (measures in France), COVID-19 EU PolicyWatch, Dublin.

Other important policy developments

As explained above, the COVID-19 crisis has stopped the steady flow of reforms, particularly the pension reform which was suspended. However, a few initiatives to improve working conditions are worth highlighting.

Paternity leave to be extended

Paternity leave is due to be doubled from July 2021 according to the law No. 2020-1576 of 14 December 2020 on the financing of social security for 2021. At the present time, fathers enjoy 11 days' paternity leave in the form of an allowance paid by the Social Security system, plus the three days of "leave for the birth of a child" provided for by the Labour Code and remunerated by the employer. The aim is to add a further 14 days, financed by the Social Security system, in order to reach a target of 28 days, seven of which would be compulsory. More specifically, paternity leave will be composed of:

1. an initial period of four consecutive calendar days, immediately following the three-day birth leave;
2. a second period of 21 calendar days, increased to 28 calendar days in the case of multiple births.

During the first period of seven days (including the birth leave), the employee may not work. The second period may be taken, whether or not contiguous with the first period, within a period determined by decree. It may also be divided into two periods, in accordance with the terms and conditions defined by decree. These provisions will apply to children born or adopted on or after 1 July 2021 as well as to children born before that date but whose birth was supposed to take place on or after 1 July 2021.

Extending the leave granted in the event of the death of a child

The Law no. 2020-692 of 8 June 2020 included four aspects:

1. it has extended the amount of leave granted in the event of the death of a child, from five to seven days for the parents of a child aged under 25 or people who are "genuinely and permanently" responsible for a young person aged under 25, which covers blended families.
2. It creates an additional eight days' parental bereavement leave, which can be taken at any time up to one year following the date of the child's death, and does not have to be taken as one single block.
3. It also creates a 13-week period of protection against redundancy following the child's death.
4. It extends the mechanism whereby company employees can donate vacation days to their fellow employees who have suffered the loss of a child.

Labour disputes in the context of the pandemic

Data on the total number of individual days not worked due to strikes is analysed annually by DARES, but with a temporary delay. In 2019, DARES published the data for 2017 (DARES, 2020b). Data for 2020 to assess the impact of the COVID-19 crisis on social conflicts are therefore not available.

One conflict has been particularly publicised in the media: for several weeks, Amazon workers mobilised and threatened to go on strike or exercise their right to withdraw, because of safety conditions which were deemed insufficient. Five of the company's six warehouses have been warned by the Ministry of Labour to better protect workers against COVID-19. Then the formal notice was lifted for three of them. However, on 10 April the Sud-Solidaires union summoned the multinational company in summary proceedings before the Nanterre court in order to obtain a ban on continuing to employ staff at its six French sites and, at the very least, to reduce, as the company had undertaken, its activity to 10% of "essential" goods. Four days later, the court found that the company had manifestly failed to fulfil its obligation to ensure the safety and health of its employees. It ordered it to restrict its activity to the sole activities of receiving goods, preparing and dispatching orders for food, hygiene and medical products.

Other "COVID-19 strikes" were reported, mainly during the first lockdown. For instance, at the Chantiers de l'Atlantique, where the FO and CGT unions demanded temporary closure. At La Redoute and Amazon there were protest movements in the Hauts-de-France; or at the Belfort site of Alstom (Les Echos, 2020).

Major developments in working time regulation as a result of the pandemic

Legislation on working time

There was no major and sustainable change in the working time regulation in 2020. However, numerous measures were adopted between February and April 2020 to cope with the COVID-19 crisis. The main measure consisted of relaxing the access conditions for the existing short-time working scheme^{viii} as mentioned above. The scheme was adapted during the crisis^{ix} to support companies over a long period. The government, after consultation of the social partners, launched a second scheme aimed towards the Allocation partielle de longue durée^x.

The government has adopted measures to relax the working time regulations on a temporary basis to support business to cope with the COVID-19 crisis. For instance, it has adopted an order on temporary derogation from working hours in essential services^{xi}, or from the rules on driving time in road haulage^{xii}. It has also provided employers with more flexibility to manage annual leave and days off related to working time reduction.

However, even though the issue about the extension of working time was raised in 2020 (see below), the derogation to working time rules are not expected to be maintained over time.

Collective bargaining on working time

Collective bargaining is at the heart of the responses to the epidemic crisis, in particular through the mechanism set up by Order No. 2020-323 of 25 March 2020. This text allows the employer to impose the taking of paid holidays or days of reduced working hours, as well as the system of long term short-working scheme^{xiii}, provided that a collective agreement has been conducted beforehand. In order to support social partners, the government very quickly adopted measures to enable collective agreements to be negotiated and signed remotely^{xiv}. Therefore, numerous company-level agreements, as well as branch-level agreements, have dealt with working time measures. At the company-level, many agreements aimed to mitigate the impact of short-time working schemes on wages by introducing solidarity measures. For instance, Renault Trucks' managers have agreed to reduce their remuneration in short-time working, in order to provide better compensation for other employees. Workers and technicians in short-time working were paid 92% of their net salary, instead of the 84% provided by the legal system.^{xv xvi} In some companies, working time flexibility was used to avoid short-time working, as was done at Bigard^{xvii}. Other agreements aimed to manage paid leave. For instance, with the Metal industry, social partners made a branch agreement designed to facilitate the taking of paid holidays in order to 'face the difficulties inherent in this period and to prepare as well as possible for a resumption of activity'^{xviii}. Such goals were also found in company-level agreements, as by the car maker PSA Peugeot-Citroën, with the possibility of adapting the programming of holidays in each establishment^{xix}. Social partners also agreed to the adaptation of the organisation of production. An agreement made by STMicroelectronics aims to 'preserve the protection of the health and safety of the employees present while maintaining the company's operations as much as possible'^{xx}. Adaptation agreements were also concluded by Airbus^{xxi} and Daher^{xxii}. After the first lockdown, the return to work was managed at the company-level. At EDF, an agreement was put in place to 'support the relaunching of activity by preserving the balance between

the need to fulfill missions, the interests of the company and the protection of employees'. The text aims to organise the management of leave and working time, to recognise financially the commitment of employees during the health crisis and to support those who find themselves in financial difficulty. Finally, social partners in some companies estimated that it was urgent to renegotiate their teleworking agreement to take into account the massive use of remote work during the pandemic, as was done at Suez^{xxiii}.

On 26 November, all social partners, with the exception of the CGT, reached agreement on teleworking.

- [Accord national interprofessionnel du 26 novembre 2020 pour une mise en œuvre réussie du télétravail](#)

This agreement supplements the existing legal framework and clarifies it in greater detail but does not create any new rights. According to the signatories, it is 'a tool for providing assistance with social dialogue, and support with negotiations' for branches and businesses. The employer, in conjunction with the employee, must define 'times during which he/she can be contacted, in accordance with the working hours in force within the company'. Other than in exceptional circumstances, such as a health crisis, the frequency of recourse to teleworking is to be determined by agreement between the employer and employee. The agreement does not prohibit full-time teleworking, but emphasises the importance of achieving a balance between time spent teleworking and time spent working on site, to prevent the social connections from being broken. Every company will now be able to use this framework to implement telework in a sustainable way" according to Elisabeth Borne, Minister for Labour, Employment and Integration (Ministry of Labour, 2020c) .

^{viii} Eurofound (2020), [Emergency measures relating to short-time working](#), case FR-2020-13/217 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^{ix} Eurofound (2020), [Short-time working](#), case FR-2020-10/462 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^x Eurofound (2020), [Long term short-working scheme](#), case FR-2020-27/10230 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xi} Eurofound (2020), [Temporary derogation from working hours in essential services](#), case FR-2020-13/490 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^{xii} Eurofound (2020), [Derogation from the rules on driving time in road haulage](#), case FR-2020-12/743 – measures in France, COVID-19 EU PolicyWatch, Dublin.

^{xiii} Eurofound (2020), [Long term short-working scheme](#), case FR-2020-27/10230 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xiv} Eurofound (2020), [Adaptation of collective bargaining rules](#), case FR-2020-13/1028 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xvi} Eurofound (2020), [Renault Trucks: Solidarity agreement](#), case FR-2020-16/824 (measures in France), COVID-19 EU PolicyWatch, Dublin. See also, Eurofound (2020), [New agreement within the Ariane-Group contains solidarity fund and other measures](#), case FR-2020-22/1159 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xvii} Eurofound (2020), [Bigard group agreement prioritises measures to avoid partial unemployment](#), case FR-2020-12/1170 (measures in France), COVID-19 EU PolicyWatch, Dublin

^{xviii} Eurofound (2020), [Metalworking national agreement on the organisation of work to deal with the COVID-19 epidemic](#), case FR-2020-14/750 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xix} Eurofound (2020), [Social and solidarity agreement, protecting the health of the employees and the company of the PSA Group](#), case FR-2020-12/825 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xx} Eurofound (2020), [Agreement on the adaptation of the organisation of manufacturing services at STMicroelectronics](#), case FR-2020-12/747 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xxi} Eurofound (2020), [Airbus agreement for making up unworked hours during its production suspension period](#), case FR-2020-14/218 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xxii} Eurofound (2020), [Company-level agreement at Daher group to cope with COVID-19 crisis](#), case FR-2020-12/744 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{xxiii} Eurofound (2020), [Suez: agreement on telework](#), case FR-2020-46/1466 (measures in France), COVID-19 EU PolicyWatch, Dublin.

Ongoing debates on working time

Given the economic crisis caused by the pandemic and the containment measures in place, there has been a lively debate on how to revive the economy. One of the most debated topics was, of course, working time. On the one hand, Geoffroy Roux de Bézieux, the president of the Medef, stated in April, in an interview with *Le Figaro* that ‘sooner or later we will have to ask ourselves the question of working hours, public holidays and paid holidays to accompany the economic recovery’ (*Le Figaro*, 2020). The trade unions and the left parties, as expected, reacted immediately in denouncing the remarks as ‘indecent, cynical and inappropriate’. The liberal think-tank IFRAP published in May a “shock plan” suggesting that employees ‘work more and longer by extending working hours’ (IFRAP, 2020). On 16 May, the think-tank Institut Montaigne published a note that has been considered as provocative in the media and by some political parties, as it suggests increasing the working time in France to recover from the COVID-19 crisis and return to growth (Institut Montaigne, 2020). The daily publication *Le Monde* has published a fact-checking article answering criticisms published on social media (*Le Monde*, 2020b). For the author, a reasoned increase in working time, defined in a decentralised and above all negotiated manner, could be useful and favourable to the resumption of activity. The report contains an original proposal to give companies the possibility to make agreements allowing for the payment of deferred overtime and overtime days by including them in profit-sharing, incentive schemes or employee savings schemes. All these proposals have prompted physical threats or death threats on social media ‘because we dare to address the issue of working time’, stresses Bernard Martinot in a blog (Martinot, B, 2020).

In June, in the conservative party, *Les Républicains*, many questioned the desirability of making employees work harder in the name of the recovery (*Le Monde*, 2020c). In a five-part project to restore ‘the balance between social justice and economic freedom’, LR proposes the annualisation of working time and negotiated adjustment directly within companies. French people who work around 1,600 hours a year could increase to 1,800, according to Christian Jacob, the party's president, depending on agreements that would allow them to be close to ‘the realities on the ground and the evolution of the order book’.

Instead, trade unionists and representatives of the unemployed argue for a division of labour. At the CGT, Philippe Martinez called for a decrease in the working week from 32 hours to 35 (*Capital*, 2020): ‘If we want to reduce unemployment, if we want everyone to work, especially the young people who are heavily affected by unemployment, we must not increase the length of working time, on the contrary, we must reduce it’, believes the general secretary. A group of some 20 trade union organisations, including the CGT and the FSU, and associations, including Oxfam and Greenpeace France, called for a move to 32 hours, ‘without loss of pay or flexibility’, considering that ‘the sharing of working time is essential to give everyone access to work and to improve the quality of life’ (*Libération*, 2020). As the daily newspaper *La Croix* points out, ‘Should we work more or not? The question divides employers and trade unions, politicians and economists’ (*La Croix*, 2020).

It should also be noted that the 150 citizens drawn to form the "Citizens' Convention for the Climate" rejected the proposal to reduce the working week from 35 to 28 hours, 'without loss of pay and with the objective of sobriety and reduction of greenhouse gases'. With 65% of the votes opposed to the measure, the Citizens' Convention clearly shows its opposition. It was one of the few not adopted by the convention.

Impacts of the crisis on wages and wage setting

A slight downturn of wage increase

Government statistics do not record wage negotiations at the branch and company level. There is no substantial aggregate data on the outcomes of the recent collective bargaining rounds. Instead, it monitors wage developments (ACEMO survey) with two indicators: the basic hourly wage for workers and employees (SHBOE), which is used to index the minimum wage, and the basic monthly wage (SMB), which reflects the average change in wages excluding bonuses and overtime. According to the provisory data for 2020, the SMB increased by 0.3% in the fourth quarter of 2020 and 1.5% year-on-year in the companies with 10 or more employees from the whole private sector. The SHBOE is increasing from 0.3% in the fourth quarter of 2020 and 1.6% over one year. These developments must be seen in the light of inflation over the period: consumer prices decreased by 0.3% between December 2019 and December 2020 (DARES, 2021). The increase in both indices marks a downturn from the fourth quarter of 2019, without any significant slowdown being observed.

Expected drop of variable part of remuneration

According to the 2020 Remuneration Barometer (APEC, 2020), published by Apec, a joint body for the employment of managers, the variable part of remuneration is expected to decrease in 2020, affecting in particular commercial managers and managers in large companies. In addition, financial participation schemes, such as profit-sharing (participation) and incentive schemes (intéressement), are expected to be lower in 2020.

Impact on wages of collective performance agreements

A new kind of company collective agreement was introduced by the 2017 reform of the Labour code (Collective Performance Agreements). This instrument has been in place since 1 January 2018. It covers all private companies, whatever their size, and replaces the former internal mobility agreements and agreements to maintain employment. This instrument allows employers to negotiate with unions or other employee representatives at the company level to organise working time, wages as well as the terms and conditions for the internal professional and geographical mobility of employees 'to meet the needs related to the operation of the company or to safeguard or develop employment'. To cope with the COVID-19 crisis, some companies have negotiated such agreements. For instance, a collective performance agreement has been signed at Derichebourg aeronautics, a subcontractor in the aeronautics sector which was a victim of the coronavirus crisis. The agreement, signed with the FO trade union, imposes a reduction in a number of financial benefits on 1,500 employees. The 10% of employees who refuse the planned concessions will lose their jobs. There is no data available on the number of such agreements, but an increase is highly expected.

Minimum wage and second line workers

The French government – based on the recommendation of an expert group on minimum wages decided not to grant any additional increase beyond the formula-based indexation increase (+0.99%) – a decision which was criticised by most unions. COVID-19 has had no significant impact on the setting of the minimum wage. With regards to the second-line employees, there is a lot of discussion on the increase of wages. The government has set up a working group with the social partners whose objective is to identify what is behind the concept of "second-line workers" by taking into account the reality of work in the first lockdown and identifying the trades that continued activity while exposed to COVID-19. It is a question of trying to establish tools in the branches to revalue these trades, not necessarily from the point of view of salary. The recognition of their career path should resort to the "valorisation of acquired experience" (VAE).

What is new in working life in the country?

The first and most important development of the COVID-19 crisis has been the extension of telework. During the first lockdown, home-based work, whether teleworking or not, increased significantly. As a “stress test”, the expansion of telework to cope with the health crisis will remain an important tool to work organisation. It has proved to companies that telework is manageable, increases work-life balance and doesn’t reduce workers performance. On the contrary, initial feedback from the field highlights an increase in productivity and an extension of the working time.

The lockdown and switch to teleworking has also forced companies to rethink the operation of certain services in order to dematerialise them (such as recruitment and hiring procedures with remote interviews, electronic signature of the employment contract, etc.). This dematerialisation, carried out as a matter of urgency, will nevertheless remain in place for the future.

The crisis opened up new debates, such as the need to protect the self-employed or to pay workers more who are among the first and second line exposed to COVID-19. It has highlighted some important inequalities in the country, forcing the government to take care of the most precarious workers and to find solutions to support young people through different schemes, even if it refused to extend the benefit of the minimum allowance to young people.

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