



Industrial relations and social dialogue
**France: Working life in the
COVID-19 pandemic 2021**

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Eurofound reference number: WPEF22012

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Introduction

Like 2020, the year 2021 was marked by the COVID-19 epidemic. To curb its spread, the curfew, imposed in October 2020 in some departments, was applied from 16 January throughout the country from 6 p.m. to 6 a.m. In February, the state of health emergency was extended until 1 June 2021. The government also updated the company protocol and extended several measures to help companies and jobseekers during this unprecedented crisis. April was marked by the third national lockdown, resulting in the return of travel restrictions for the whole of France, a curfew from 7 p.m. to 6 a.m., the use of teleworking for suitable jobs and the introduction of a single date for the Easter holidays from 12 to 25 April for the whole territory (instead of a division into three zones). However, schools remain open in contrast to the 2020 lockdown.

In this context, the government has accelerated vaccination. The first step to lift the lockdown was taken on 3 May with the end of daytime travel certificates and restrictions. After months of closure, non-essential shops, cafes, bars and restaurants reopened on 19 May. The state of health emergency ended on 1 June and a semblance of normal life began. Cafés and restaurants reopened indoors, the curfew was lifted, the use of teleworking was relaxed... However, the lull was short-lived, as the COVID-19 epidemic rebounded due to the rapid spread of the Delta variant. In July, the government imposed the obligation to present a health pass to access most public places. As of 30 August, employees working in these public places, i.e., nearly 1.8 million people, were required to present a health pass. Compulsory vaccination was extended to healthcare workers. The end of November was marked by new government announcements. The booster dose of the vaccine becomes compulsory to keep one's health pass beyond 15 January 2022 for all French people aged 18 to 64 and from 15 December for those aged over 65. December is marked by the fifth wave of the epidemic due to Omicron. Teleworking was again recommended up to three days per week and the health pass has been transformed into a vaccination pass, making vaccination compulsory for access to certain places and jobs (healthcare, police, firemen...).

In this context, the government finally gave up on a substantial pension reform but decided to implement the unemployment insurance reform from October onwards after having suspended part of the measures due to the COVID-19 crisis. The stated aim is to encourage the unemployed to return to the labour market, which is showing signs of improvement.

Despite these uncertainties, France's growth in 2021 is much better than expected. On an annual average, French GDP rebounded by 7% in 2021 (after -8% in 2020), with a first half affected by health restrictions and then a sharp increase, notably in the middle of the year (INSEE, 2021a). In addition, unemployment fell dramatically in 2021. In the fourth quarter, the number of unemployed fell by 189,000 compared to the previous quarter, to 2.2 million people. The ILO unemployment rate thus fell by 0.6 points to 7.4% of the working population in France (excluding Mayotte). In the previous four quarters, it had remained almost stable, between 8.1% and 8.0%. It is 0.8 points below its pre-crisis level (end 2019) and its lowest level since 2008 (INSEE, 2022b) .

Political context

The year 2021 was marked by the regional and departmental elections, in June, which resulted in a setback for the presidential majority party of the President of the Republic, Emmanuelle Macron. His political party, La République en Marche, did not manage to implement itself in the territories. These elections were marked by a very high abstention rate. However, the election results did not lead to a change of government and the Prime Minister, Jean Castex, remained in place. Therefore, the same government team managed the health crisis linked to the COVID-19 pandemic and took economic and social measures to support the most affected sectors. In addition, this is a year of preparation for the presidential election that took place in April 2022 with successive announcements of candidacies for the presidential election, including two far-right candidates, Marine Le Pen and extreme right-wing media polemicist Eric Zemmour. The emergence during the year of the candidacy of Eric Zemmour, confirmed in November, has had a major impact on the themes addressed by the candidates of the conservative party, Les Républicains. Anxious to “stick” to the polemicist's favourite themes - security, the fight against immigration and Islamism - the conservative candidates who faced each other in a primary election did not devote much time to developing their programme, particularly on economic, social, educational or environmental issues. At the end of the primary, Valérie Pécresse was elected to represent Les Républicains at the presidential election. Apart from controversies and debates on security issues, immigration and Islamism, social and environmental issues have had a hard time making it into the media, and when they have, it has been mainly from the perspective of the purchasing power of the French. As for the representatives of the left-wing parties, they engaged in a fratricidal battle, proving incapable of putting forward a progressive candidacy, with only one candidate, Jean-Luc Mélenchon, from France Insoumise party, exceeding the 10% mark in voting intentions a few weeks before the elections.

Governments and social partners response to cushion the effects

Unlike the early months of the COVID-19 epidemic in 2020, this time the social partners were strongly involved in the elaboration of the measures to deal with the health crisis as well as the exit from the lockdown periods, with several adaptation of the National protocol to ensure the health and safety of employees over the year.ⁱ There were also consulted on the elaboration of the obligation for certain employees to present a "health-pass"ⁱⁱ to This increased consultation of the social partners is linked to the arrival of Jean Castex, appointed as Prime Minister in June 2020, who had the task of involving the social partners more in the governance of the country. However, if, as Les Échos (2022) explains, 'the economic dialogue was also very rich with the national employers' organisations - Medef, CPME and U2P - as well as the professional federations, satisfied to have "business friendly" interlocutors', at the level of the government, 'it has on the other hand largely left out the trade unions'.

After two social dialogue conferences organised in 2020 with all representative organisations to set up a social agenda for the years 2020-2021, the government has launched a third social dialogue conference in March 2021, to discuss the timetable for the various consultations and projects to be carried out in 2021. Jean Castex officially opened the consultation on the way out of the COVID-19 crisis. He announced that from March to September 2021, regular meetings will be held with the social partners to work on the scenarios for lifting the health restrictions, anticipate and adapt the accompanying measures, but also prepare for the lasting changes brought about by the crisis. The progress of the social agenda was also reviewed.

On this occasion, a timetable and a method in three phases were proposed to the social partners:

- the first phase, which took place mainly in March, corresponds to 'a sectoral consultation with the sectors most affected by the health measures'. The aim was to see how the health constraints should be progressively lifted and under what conditions companies should be supported;
- the second phase, conducted from April to May, is based on an economic, social and health diagnosis and scenarios for the evolution of the crisis in 2021. It consisted, within the framework of a territorial approach, of 'a reflection on the way in which we can develop the support systems for companies and individuals': either by developing their parameters, or by organising their 'gradual disconnection', or by imagining 'new support systems for the rebound' to 'anticipate the delayed effects of the crisis' (long-term unemployment, unemployment of older people, etc.);
- the third phase, conducted from June to September, was more prospective and aimed to see 'what basic trends have been affected by the crisis'. This work was based on an analysis of the lasting changes in working practices (teleworking, remote management, third places, etc.) and consumption patterns. It looked at the impact of the crisis on the evolution of employment and skills needs.

Following the conference, the Ministry of Labour updated the social agenda on 12 April 2021. While it was still organised into six major themes, this agenda has been supplemented by the sub-theme

‘exit from the crisis’. This method of social consultation was welcomed by the social partners. Even if the government does not necessarily follow their positions, they at least have a space to express themselves and co-construct certain measures, as they did for the “professional transitions”, to create bridge between profession in threat and sector facing labour shortage. They set up this scheme by themselves and the government took it over through legislative measures.

There will then be no more social conference, but a series of bilateral talks between the social partners and Emmanuel Macron in July, at the end of which he declared that the pension reform would only be undertaken if the epidemic was ‘under control’ and the economic recovery ‘well assured’. He also announced his wish that the unemployment insurance reform be ‘fully implemented from 1 October’.

At the beginning of September, a new series of bilateral consultations took place between the Prime Minister and the leaders of employers' and employees' organisations, in order to sweep up the current situation, while remaining, according to the government, ‘in a posture of listening and feedback from the field’. Several subjects were discussed: the reform of pensions - which the trade unions reject, some of them having demonstrated their opposition in the streets on 5 October - and the application of the reform of unemployment insurance, which the Council of State had rejected on 1 July, pointing out the ‘uncertainties of the economic situation’. The government, in view of the strong recovery in growth, considers that it can be fully applied. The discussions also focused on: the implementation of a promise made by Emmanuel Macron, the creation of a “commitment income” (“revenu d’engagement”) for young people so that they can obtain an allowance while following a training course or looking for a job; shortage occupations where recruitment is difficult ; feedback on the consequences of the health crisis, from the application of the health pass to the obligation to vaccinate in certain occupations, including changes in teleworking or the adaptation of support measures.

Social dialogue remained sustained in the companies and in the branches to use the tools put in place at national level to deal with the COVID-19 crisis, such as the use of partial unemploymentⁱⁱⁱ and in particular long-term partial unemployment (Long-term partial activity – APLD).^{iv} For instance, the carmaker PSA Peugeot-Citroën has signed an agreement with trade unions to launch such APLD scheme^v. The group Thales has also signed one.^{vi} Such agreements have also been signed on sectoral level as in the civil aviation sector.^{vii}

ⁱ Eurofound (2022), [National protocol to ensure the health and safety of employees](#), case FR-2021-5/1467 (measures in France), COVID-19 EU PolicyWatch, Dublin.

ⁱⁱ Eurofound (2022), [Obligation for certain employees to present a "health pass"](#), case FR-2021-32/1982 (measures in France), COVID-19 EU PolicyWatch, Dublin.

ⁱⁱⁱ Eurofound (2022), [Short-time working](#), case FR-2020-10/462 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{iv} Eurofound (2022), [Long term short-working scheme](#), case FR-2020-27/1030 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^v Eurofound (2022), [PSA Automobiles SA implementation of the long-term partial activity system](#), case FR-2021-36/2076 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{vi} Eurofound (2022), [Agreement of 29 January 2021 to support employment, activity and prepare the future within the Thales Group](#), case FR-2021-5/1841 (measures in France), COVID-19 EU PolicyWatch, Dublin.

^{vii} Eurofound (2022), [Long-term short-working scheme for the air transport sector](#), case FR-2021-11/1177 (measures in France), COVID-19 EU PolicyWatch, Dublin.

Adapting to the pandemic and the return to work: Policies and debates

New occupational health and safety rules

The government has repeatedly updated the company health protocol and extended several measures to help companies and jobseekers during this unprecedented crisis. As part of the vaccination campaign, the government has allowed occupational health services to vaccinate certain employees from 25 February. Since 14 March 2022, the government has decided at national level to lift the health protocol in companies and the obligation to wear a mask indoors, except in public transport and health and medico-social institutions.

The rules relating to life in the workplace outside the epidemic situation are once again in force. To assist employees and employers, a reference guide on measures to prevent the risk of contamination with COVID-19 is available (Ministère du Travail, 2022).

The staff of health care, medical and social establishments listed in article 12 of the law relating to the management of the health crisis of 5 August 2021 (Parliament, 2021), modified by the law of 22 January 2022 (Parliament, 2022), must be vaccinated, unless there is a medical contraindication or they present a certificate of recovery

Thus, since 15 September 2021, unless there is a recognised medical contraindication, the following workers must be vaccinated:

- all staff (including administrative staff) of health establishments and armed forces hospitals, medico-social establishments and social establishments attached to a health establishment;
- the staff of health centres and free information, screening and diagnostic centres;
- all medical professions covered by Book IV of the Public Health Code (doctors, midwives, nurses, psychologists, osteopaths, etc.), as well as their employees (for example, medical secretaries, dental assistants);
- students or pupils in institutions preparing for the exercise of the health professions
- home carers working with dependent or disabled people, in the context of home services or as employees of private employers;
- staff of health transport companies (including taxis paid for by the health insurance scheme);
- firefighters and marine firefighters (professional and volunteer) in the fire and rescue services
- pilots and aircrew of the civil security services providing care for victims;
- military personnel of units permanently assigned to civil protection missions;
- members of approved civil protection associations (for their civil protection activities only);
- staff of preventive medicine and health promotion services;
- staff of occupational health services.

The following are not subject to the vaccination requirement

- employees of external companies working on an ad hoc basis in these places, i.e., on a non-recurring basis for very short-term tasks;
- people with a contraindication to vaccination.

Since 16 October 2021, the persons concerned must justify to their employer that they:

- have a complete vaccination schedule (including booster dose);
- not be subject to vaccination because of medical contraindications;
- a certificate of recovery from COVID-19 infection.

As of 30 January 2022, the booster dose becomes compulsory for all professionals working in the health and medico-social sectors who have been subject to compulsory vaccination since 15 September 2021.

Since 14 March 2022, out of these health sectors, the vaccination pass has been suspended. Thus, employers are no longer obliged to check the passes of certain employees. The procedure for suspending a contract for lack of a vaccination pass is no longer applicable from this date. On the other hand, the vaccination obligation still applies to health care workers (as well as the procedure for suspension of contract for lack of compulsory vaccination).

Following the publication of law of 5 August 2021, employers are faced with refusals to vaccinate by employees working in establishments where, since 15 September 2021, the vaccination obligation applies. Workers have applied to administrative court or employment tribunals to challenge the suspension of their employment contract and the interruption of payment of their wages because of their refusal to be vaccinated against COVID-19. Among the arguments put forward were: "an attack on physical integrity" or even "inhumane treatment"; "an attack on the patient's free and informed consent to medical care"; "discrimination" that was not justified in the light of various European texts; and a "conditional marketing authorisation" that would affect the viability of the COVID-19 vaccine (Capstan avocats, 2021). So far, the cases have only been dealt with by courts of first instance, and to our knowledge, none of them has rejected the vaccination obligation or the health pass.

Furthermore, 2021 is also the year of the adoption of the law of 2 August 2021 to strengthen occupational health prevention (Parliament, 2021b), which transposes the national interprofessional agreement on occupational health of 9 December 2020. The law was published on 3 August. It is organised in four areas: strengthening prevention within companies and decompartmentalising public health and occupational health; defining a "core offer" of services to be provided by occupational health services; providing better support for certain vulnerable groups and combating "professional disintegration", to avoid the exit from the labour market of people suffering from an illness or a disability; and reorganising the governance of the occupational health system.

New working arrangement policies

Although no major legislative changes occurred in 2021, the year was marked by the implementation of the national interprofessional agreement of 26 November 2020 on telework (Social partners, 2020) which was extended to the entire private sector by a ministerial order of 3 April 2022, and the adoption of the framework agreement on telework of 13 July 2021 in the three public sectors (Social partners, 2021) (central administration, local government and public hospitals), which defines telework, specifies its meaning and place, and sets out the conditions for its implementation (Government, 2022). This text provides for the obligation for public employers to engage in negotiations on telework before 31 December 2021.

Even if the 2021 data are not yet known, telework has been the subject of numerous company-level negotiations. A trend that has already started since 2018, as underlined by the National Agency for the Improvement of Working Conditions (ANACT), which has carried out an analysis of 40 agreements signed in 2020 (ANACT, 2021) and announces a forthcoming analysis of agreements signed in 2021. In its 2020 report, ANACT counts, between 1 January and 4 November 2020, more than 6,000 texts (agreements and endorsements) mentioning telework, filed on the statistical database of company-level agreements (*D@ccord*), including 1,000 texts specific to telework. Texts mentioning telework represent however less than 3% of all agreements and amendments signed in 2020. But, as a sign that this is a recent subject of social dialogue, of the 1,000 texts, 70% are new agreements, the remaining 20% are amendments to existing agreements.

The most important study carried out on 2021 is the one conducted by DARES (DARES, 2022b). Based on the TraCov survey,¹ it underlines that 'the health crisis is leading to the massive development of telework'. While 4% of employees practised it on a regular basis in 2019, this was the case for 27% of employees surveyed in January 2021. The survey distinguishes five groups among the 37% of employees who teleworked at least once between March 2020 and January 2021:

- 25% of the teleworkers (the "**exclusive**" group) telework for the most part five days out of five and follow their meetings by videoconference. They feel they have sufficient resources on a daily basis to work remotely. This is the only group where a high proportion of employees have previous experience of teleworking. They are mostly present in the private sector, especially in companies with more than 500 employees, and live more in the Paris region (Île-de-France) or in urban areas.
- 30% of the teleworkers practice it regularly (the "**intensive**" group), between one and four days a week in January 2021. They may have previous experience of telework and often receive support from their employer for the material means of telework (computer equipment, etc.). The profile of this group is quite similar to the previous one.
- 17% of the teleworkers (the "**vulnerable**" group) also telework mostly between one and four days a week in January, but differ from the previous ones in that they have major difficulties in their work (problems with connection, digital applications, equipment). With very little experience of teleworking before the crisis, they are discovering new digital tools and are seeing an increase in the amount of time they use computers.
- For 15% of teleworking employees (the "**occasional**" group), it is an occasional practice, at most one or two days a week in January 2021. The duration of their computer work is lower than the average for teleworkers, and stable compared to before the health crisis. Their telework is little supported by their employer, who however has more often set up computerised control or monitoring of the activity.
- A final group representing 13% of teleworkers is made up of employees who no longer telework at all in January (the "**exceptional**" group): their experience of telework was limited to the crisis period in 2020, with exclusive practice for one to three months. They had very little experience

¹ The main purpose of the TraCov survey is to describe the concrete consequences of the health crisis on the working conditions and psychosocial risks of working people. The survey was conducted by Ipsos from 27 January to 7 March 2021. The survey covers all people aged 20 to 62 who worked at least one week between March 2020 and January 2021. 17,216 respondents had a job and were actually working in January 2021, including 14,340 employees in metropolitan France, excluding partial activity or administrative closures.

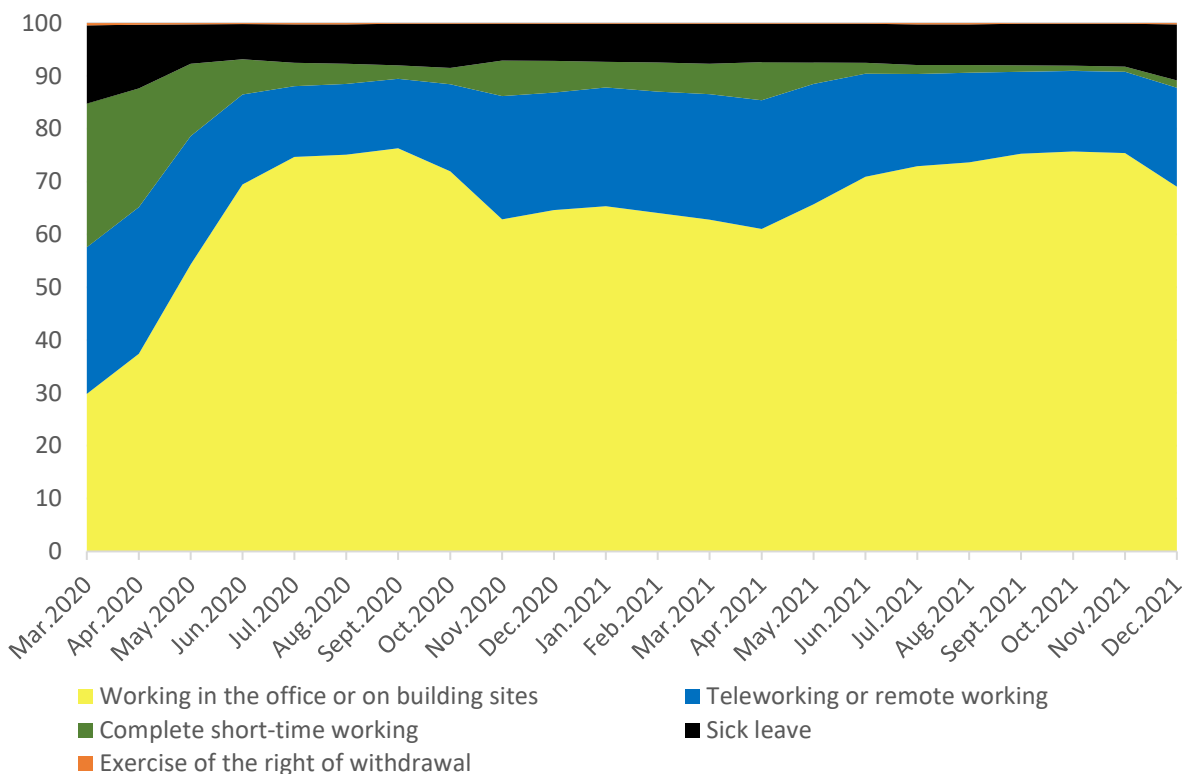
of teleworking before the crisis and they benefit little from their employer's support for teleworking.

Among teleworkers, 7 out of 10 would like to continue this practice at least once a week, and less than 1 in 10 every day of the week. The preferred frequency is one or two days a week. In terms of working conditions, the study underlines that overall, telework favours longer working hours, leading to a shift in working hours, especially for teleworkers who work five days a week. This situation is facilitated by an increase in autonomy: work overflows and is absorbed in the time saved from transport or at home in personal or family time.

The three groups of regular teleworkers ("exclusive", "intensive", "vulnerable") more often report an increase in pain. The occurrence of new pain increases with the number of weekly telework days. The appearance of new regular physical pain suggests the development of musculoskeletal disorders (MSDs) such as low back pain or tendinopathy, linked to the increase in working hours and probably the decrease in overall physical activity. Sleep disorders and depressive symptoms are related to the risks of isolation reinforced by health measures.

These findings have probably not changed much throughout 2021. The DARES (DARES, 2022a) has conducted monthly surveys which have made it possible to monitor the percentage of employees teleworking each month. Until June 2021, just over 20% of employees were teleworking. The rate then fell to around 15% before rising again at the end of the year to 18% with the introduction of the Omnicron variant.

Figure 1: Distribution of employees in the last week of the month (%)

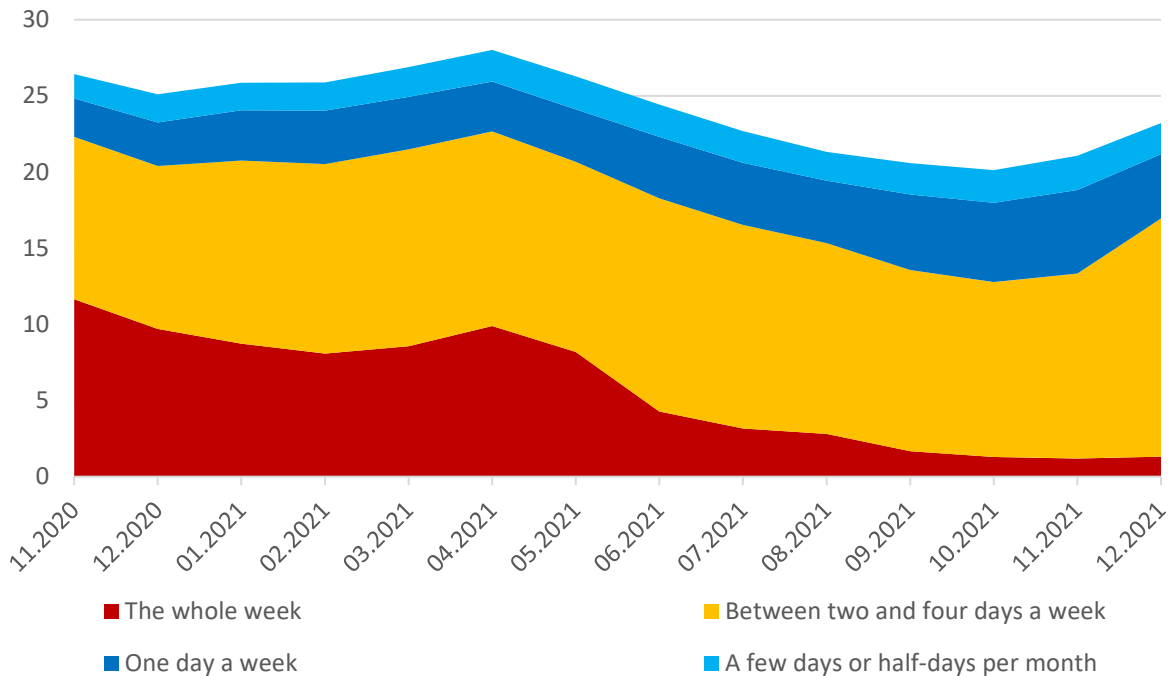


Note: Dares, enquête Acemo COVID, 2020-2022.

Source: private sector employees excluding agriculture, private individuals and extra-territorial activities; France (excluding Mayotte)

The majority of teleworkers teleworked 2-4 days a week in 2021, while the share of those who teleworked 100% decreased sharply from the beginning of the summer, from 8%-9% in the period January-May 2021 to less than 2% from September 2021.

Figure 2 : Changes in telework since November 2020 (11.2020 vs 12.2021), all sectors (% of employees)



Note: Dares, enquête Acemo COVID, 2020-2022.

Source: private sector employees excluding agriculture, private individuals and extra-territorial activities; France (excluding Mayotte)

Labour shortages

After the easing of health restrictions at the beginning of the summer of 2021, the recovery of economic activity has been accompanied by numerous recruitment projects: between April and September 2021, nearly 6 out of 10 establishments have sought to recruit, and among them, more than 7 out of 10 declare having encountered recruitment difficulties (Pôle emploi, 2021c). This is not a new phenomenon. In the 4th quarter of 2019, 20% of companies in France declared, in business surveys, that they were limited in their activity due to a lack of manpower. At the end of 2016, only 10% of companies reported such labour shortages (INSEE, 2019).

In 2021, according to the Labour Needs Survey (*Enquête Besoins en Main-d'Œuvre*) carried out by the public employment service (Pôle emploi), the ten occupations with the most recruitment projects deemed difficult in 2021 are: Home helpers and housekeepers ; Nurses' aides; Housekeepers; Engineers, R&D managers, IT project managers; Nurses; Kitchen helpers and apprentices and multi-skilled catering workers; Unskilled workers in building construction; Unskilled structural workers; Truck drivers and Domestic workers and cleaning staff (Pôle Emploi, 2021a).

The survey also indicates the share of difficult recruitments in 2021 by occupation (Pôle Emploi, 2021b). The jobs for which employers are having the most difficulty recruiting are Carpenters (83% have difficulty recruiting), roofers (82%), surveyors (82%), pipe fitters (81%), veterinarians (81%)

doctors (80%) fitters (78%), home helpers and housekeepers (77%), car body repairers (76%) and vehicle mechanics and electronics technicians (75%).

As explained by DARES (2021b), among the 30 occupations with the highest level of tension in 2020, two thirds are facing a reduced pool of workers (strong or even very strong shortage of available labour) and slightly more than half are recruiting intensively (very strong or strong hiring intensity). Almost all the occupations in the top 30 require specific training (strong and very strong training-employment link). In a few cases, such as vehicle mechanics and electronics technicians, the mismatch is more qualitative: the trade is under pressure despite a sufficient pool of available labour. In these cases, the tension stems from a lack of training, a very strong need for recruitment, or restrictive working conditions that slow down candidates.

To respond to tensions on the labour market, the government launched a €1.4 billion plan on 27 September 2021, which mobilises the regions and Pôle emploi and focuses on on-the-job training. This plan, according to the government, 'aims first of all to meet the immediate needs of companies, by directing jobseekers and employees towards the jobs that are most in demand. It also aims to facilitate the professional transitions of employees, to enable them to improve their skills and to reorient themselves towards promising professions. Lastly, this plan pays special attention to long-term jobseekers, giving priority to work placements, which have proven their effectiveness' (Ministère du Travail, 2021b).

These recruitment difficulties are of concern to the executive, as they risk hindering the recovery of activity, while highlighting - once again - a cruel paradox: on the one hand, job vacancies - of the order of 300,000, according to the Banque de France -; on the other, jobseekers whose numbers, in the second quarter, remain higher than those of the last three months of 2019 (Le Monde, 2021f).

The governments, employers' organisation and macro-economists explain the labour shortage by a gap between the available positions and the skills of the job seekers. For them, labour shortage is related to a problem of adequacy between job offers and qualifications. Trade unions and labour economists partially agreed the lack of adequacy between the needs of companies and the skills of the workforce, but they focus more on the lack of attractiveness of occupations.

It has to be notice that the scheme of "collective transition" was created in October 2020 on a proposal of social partners. The aim is to facilitate the retraining of employees whose jobs would be threatened, as soon as they move towards jobs deemed to be promising. As part of the plan presented in September 2021, the government wanted to stimulate the "collective transitions" scheme, 'which has struggled to get off the ground since its launch at the beginning of the year,' says Le Monde. Targeted at the retraining of employees whose jobs are threatened, this tool will be simplified and may be used in the context of collective contractual dismissals - a procedure that allows a company director to separate from employees on a voluntary basis' (Le Monde, 2021f).

Wages and wage-setting

According to DARES (2022c) data for 2021, in companies with 10 or more employees (excluding agriculture, private individuals and extra-territorial activities), the basic monthly wage index (SMB) for all employees rose by 1.7% between December 2020 and December 2021. By comparison, the price index (for all households and excluding tobacco) increased by 2.8% over the same period. Over one year, salaries in constant euros therefore fall by 1.1% in all sectors. They fell by 1.2% in construction and industry, and by 1.0% in the service sector. Over one year, the SMB rose by 2.1% for employees, 1.7% for manual workers, 1.6% for managers and 1.5% for "intermediate

professions” (technicians...). In constant euros and over the same period, it decreased by 0.7%, 1.1%, 1.2% and 1.3% respectively for each of these socio-professional categories (employees, workers, managers and intermediate professions).

As regards the minimum wage, after an increase on 1 January 2021 (from €10.15 to €10.25 per hour), it was automatically raised in October 2021 to €10.48 due to the acceleration of inflation, before rising to €10.57 on 1 January 2022, again due to automatic indexation. Between December 2020 and December 2021, it will have risen by 3.1%, faster than the SMB over the same period (INSEE, 2022c).

It is still too early to have data on collective bargaining in 2021, which will be consolidated by DARES in the summer of 2022. On the other hand, DARES (2021) notes that with the crisis, the number of collective performance agreements (“accord de performance collective” – APC, see box below) has increased significantly.

Accord de performance collective - APC

Provided for by the ordinance of 27 September 2017, the APC is concluded in order to meet the company's operating requirements and to preserve or develop employment. The topics for negotiation are working time, the adjustment of remuneration in compliance with the minimum hierarchical wages and the adjustment of professional or geographical mobility. Provisions in a APC that are contrary to and incompatible with the employee's employment contract prevail. Refusal of the agreement by the employee may result in dismissal

Thus, 247 APCs were concluded during the last three quarters of 2020, compared to 133 in the previous three quarters. For the DARES, ‘this 86% increase is all the more remarkable given that the total number of agreements or endorsements (excluding employee savings schemes) increased only slightly over the same period (+8%) and even fell over the whole of 2020’.

According to the DARES, this increase in APCs is based on companies that are experienced in social dialogue. The agreements are adapted to the urgency of the health crisis and are different from those concluded previously. More than half of them mention economic difficulties as a preamble. The proportion of fixed-term agreements is increasing, and their duration is much shorter than before. The theme of wages is mentioned more often and the provisions on compensation, although still in the minority, are more frequent. Thus, the proportion of APCs dealing with wages rose from 38% to 62% with the crisis. Among these APCs, the most frequently discussed measures are the adjustment of the pay structure and the modification of the hourly rate. However, with the crisis, they are more associated with a decrease: 80% mention a decrease in fixed bonuses (compared to 76% before the crisis), 71% a decrease in the variable part (compared to 57% previously) and 68% a decrease in the hourly rate (compared to 7% before the crisis).

Furthermore, according to a Liaisons Sociales/OpinionWay study, unveiled on 9 November 2021, working time was a major issue in collective bargaining in companies in 2021. Thus, of the 53% of organisations that have concluded an agreement since last January, working time was the priority issue for 34% of them (mainly about organisation of working time, setting of holidays, collective working hours, time savings account, fixed-term working time and night work. The subject of “wages” comes in sixth place (20%), but the impact on wages of measures provided for in working time agreements cannot be ruled out.

Finally, a hot issue about wages is related to essential workers (so called “first ligne” and “second line” workers in France). In the public sector, the answer of the government to reward the “first line” workers (mainly health staff) was to set up a large and exceptional tripartite conference launched in Spring 2020 during the first wave of the COVID-19, the so-called “Ségur de la Santé”. The “Ségur de la Santé” mainly focus to resolve the “public hospital crisis” but has also impacts on the private sector as the State budget is also be used to increase wages in the public and in the private sector for medical staff and carers (for instance in nursing home for elderly people). Increases happen in September and December 2020 but also in 2021 for various professions.

The exceptional purchasing power bonus adopted in 2020 has been renewed in 2021, by the article 4 of the rectifying finance law for 2021 ([Loi n° 2021-953 du 19 juillet 2021 de finances rectificative pour 2021](#)). This so-called "Macron" bonus allows employers to pay employees earning less than three times the minimum wage (SMIC) a bonus exempt from tax and social security contributions. In 2021, it benefits in particular the workers of the "second line" who are particularly involved during the health crisis, notably because the vast majority of these employees are paid below this ceiling. Following the 2.2% increase of the SMIC on 1 October 2021, employees earning a maximum of €4,768.41, compared with €4,631.74 previously, are eligible for the purchasing power bonus. This bonus is exempt from tax and social security contributions, up to a limit of €1,000, which can be increased to €2,000 if a profit-sharing agreement is signed or for workers of the “second line” (cashiers, cleaning staff, refuse collectors or deliverymen, for example) if measures are taken to increase the salary. These employees must be covered by a branch agreement or a company agreement, which identifies those employees who, because of the nature of their tasks, have contributed directly to the continuity of economic activity and the maintenance of social cohesion. In addition, these employees must have carried out their activity, in 2020 or 2021, solely or mainly on site during the periods of the state of health emergency.

In the summer of 2020, the Ministry of Labour initiated a consultation process with the social partners within the framework of a social agenda which was to address the issue of recognition of second-line workers. In the framework of sectoral social dialogue in 2021, several branches have upgraded their national collective agreement to increase wages and to give more career perspective to the employees. For instance, significant wage increases were negotiated in the hotels, cafes, restaurants branch with an average increase of 16%, (Le Monde, 2021j), and in the landscape gardener branch (5%). The ministry of Labour has put pressure on about 40 branches employing more than 5,000 employees to speed up wage collective bargaining as a part of the agreed wages were under the level of the minimum wage (Les Échos, 2021).

Impacts on the social dialogue and collective bargaining

At cross-industry level, the social partners, with the exception of the CGT, have signed only one national cross-industry agreement on training in 2021, the lowest level since 2016 (Accord-cadre national interprofessionnel du 14 octobre 2021 sur la formation pour adapter la loi du 5 septembre 2018 pour la liberté de choisir son avenir professionnel). The agreement aims to adapt the law of 5 September 2018, which radically reformed the vocational training system. The signatories note in the preamble that ‘the health and economic crisis of COVID-19 has highlighted the inadequacy of support for employees and companies in the face of the profound and rapid changes in the professions and the transitions at work, whatever their nature’. The agreement identifies seven themes to be implemented through social dialogue, such as ‘making the development of employees’ skills a strategic issue for companies’ so that the vocational training system ‘is really put at the service of the development of skills expected by companies and the securing of employees’ professional careers.

Although activity has been calm at the level of interprofessional collective bargaining, the social partners adopted, in March 2021, an autonomous economic and social agenda different from that dictated by the government (Le Monde, 2021a). Within this framework, they decided in particular to open negotiations on the "modernisation of paritarianism", which began on 5 January 2022. ‘In a context where the State has increased its hold in the field of policies falling under the responsibility of employers’ and employees’ organisations’, the social partners ‘want to regain room for manoeuvre after having lost much of it during Emmanuel Macron’s five-year term’ explains Le Monde (Le Monde, 2022). The aim is to agree on the functioning of institutions in which employers and trade unions have a strong responsibility (for example, the Unédic association which steers unemployment insurance) and to review the activity of the social partners aimed at reaching compromises on a given issue.

For the other levels of collective bargaining, information will be provided in the annual review of collective bargaining to be published this summer by the Ministry of Labour. However, some of the trends highlighted in the 2020 report should be repeated in 2021 (Ministère du Travail, 2021a).

At branch level, the volume of agreements concluded in 2020 was down by almost 23% compared with 2019 (950 agreements compared with 1,227 in 2019). This decline can be explained in large part by the impact of the health crisis on negotiating conditions. Some social partners have suspended their negotiations because they were unable to meet face-to-face. It is likely that with a more favourable health situation in 2021 and pressure from the government on employers’ organisation to negotiate on minimum wages in the branches, the number of branch agreements will be higher in 2021.

As regards to company collective bargaining, the same reasons led to a slight decrease in the number of agreements concluded in 2020: 96,500 texts were concluded in 2020, a decrease of 7% compared to 2019 (103,700 texts). However, texts referring to the COVID-19 crisis represent 13.5% of the texts concluded between March and December 2020, i.e., 10,760 texts, which demonstrates a certain vitality of collective bargaining when it comes to dealing with crisis situations.

In the evaluation report launched by France Stratégie on the ordinances of 22 September 2017 (France Stratégie, 2021), which radically reformed social dialogue, particularly in companies, the authors emphasise, with regard to the impact of the COVID-19 crisis, 'the ability shown by entrepreneurs, elected representatives and union delegates in companies - but not only - to make their exchanges an effective means of building and validating solutions in the emergency imposed by an unprecedented crisis. Procedures and formalism were relegated to the benefit of solutions. This is proof that more cooperative relations are possible, regardless of the legal framework. However, while the intensity of dialogue during the COVID-19 crisis helped to improve relations between managers, chairpersons of social and economic committees (CSE), trade union delegates, etc., it made the work of elected representatives more complicated among themselves and their relations with employees more difficult'.

Finally, the Ministry of Labour published the results of the representativeness survey based on the professional elections held from 2017 to 2020, which confirmed the CFDT as the leading trade union confederation ahead of the CGT (Le Monde, 2021b), while the Medef and the CPME are vying for the top spot among employers' organisations, with the former covering more employees while the latter has more members (Le Monde, 2021c). The COVID-19 crisis had little influence on the results, although some trade union organisations consider that it explains part of the decline in the turnout in the professional elections.

Labour disputes in the context of the pandemic

Figures for strikes in 2021 will not be known until 2023. The latest available statistics are for 2019, published in October 2021 (DARES, 2021a). They show that in 2019, 2.5% of companies with 10 or more employees in the non-agricultural private sector (representing 25% of employees) experienced one or more collective work stoppages. This proportion increased by 1 point compared to 2018. The number of individual days not worked due to strike action (JINT) per 1,000 employees reached 161 in 2019, compared with 107 in 2018 and 71 in 2016. This increase of almost 60% between 2018 and 2019 is mainly due to cross-industry strikes, in particular those against the pension reform.

In 2021, the most significant collective conflicts were mainly related to the introduction of a compulsory health pass ("Pass sanitaire"). After the first demonstrations by people opposed to restrictions on access to public places (open only to people with a health pass) and to vaccination (Le Monde, 2021d and Libération, 2021), the movement was strengthened when the health pass, and then for certain professions, the vaccination became compulsory, on pain of suspension of the employment contract, which could even lead to its termination. At least 237,000 people demonstrated in France on 7 August (Le Monde, 2021e). 'Many of the demonstrators, some of whom are vaccinated, are contesting the imposition of the health pass, which they say is a "disguised vaccination obligation" and establishes "a society of control", explains Le Monde. They consider the constraint disproportionate and are particularly concerned that an employer could have the power to suspend the employment contract of an employee without a valid pass'.

An unlimited general strike against compulsory vaccination and the health pass took place in the overseas department of Guadeloupe in November, in a context of violence (Le Monde, 2021g), with the support of certain unions contesting the compulsory vaccination of health care staff. This social conflict will continue until the end of 2021 (Le Monde, 2021k).

The end of the year was marked by an increase in the number of strikes in the context of the annual collective wage negotiations that companies are required to conduct, mainly concerning wage demands. They concern sectors where employees feel they have made efforts (or taken risks) during the COVID-19 crisis without being rewarded. This feeling of injustice is fuelled by the resumption of inflation, which reduces the purchasing power of households. Significant movements have thus affected the Cora supermarket (Le Monde, 2021l), or the cosmetics and perfume chain Sephora where the employees denounce, as in many large companies, "Record profits for shareholders, 0 euro for employees" (Le Monde, 2021h). Even industry is affected, as at Dassault Aviation. Recalling that the "order book is full", the unions are demanding a salary increase of €200 net per month on the basic salary of €1,700 (Le Monde, 2021i).

Commentary and outlook

The year 2021 is a pivotal year after a cycle of reforms undertaken at the beginning of the President of the Republic, Emmanuel Macron's mandate. Faced with the COVID-19 crisis, the government put in place measures, and adapted those adopted in 2020, to deal with the health crisis, notably by accelerating vaccination as the only way out of the crisis, even to the point of imposing vaccination on certain professions. It also steered the economy back on track, maintaining aid to companies in a more detailed manner, by sector, while postponing several times the reduction in the share of partial unemployment benefits taking in charge by the State. Overall, Emmanuel Macron's principle of "whatever it takes" ("Quoi qu'il en coûte") has remained in force, even if with the worsening of public deficits, the government has begun a shift to gradually reduce public spending. The social partners were consulted to a large extent throughout this period.

As a year preceding the presidential election in April 2022, 2021 has not been marked by major reforms or even by substantive debates on the evaluation of the policies carried out under Emmanuel Macron's mandate. Moreover, the COVID-19 crisis made it difficult for real social debates to emerge in preparation for the presidential elections, as most of the electoral campaign was parasitized by the rise in power of far-right candidates, focusing all public debates on security and immigration issues, leaving little room for economic (except from the perspective of purchasing power), social and ecological issues. During this period, marked by a significant return to growth and a fall in unemployment to a historically low level, the social partners remained active in the branches and above all in companies, which since the Macron ordinances of 2017 have become the main level of collective bargaining. However, the third evaluation report on these ordinances also stressed that they had weakened the unions, reducing the number of employees with a mandate as staff representative or union delegate, as well as the resources of the former works councils, which have become social and economic committees. A situation that leads some trade unions, like the CFDT, to review the reform. This is undoubtedly a subject that will be on the agenda of the next government after the presidential elections.

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