



Industrial relations and social dialogue  
**France: Developments in  
working life 2022**

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## Introduction

The year 2022 was marked by the end of the COVID-19 crisis and a progressive return to normal life, as in the other EU countries. The government has abolished step by step the exceptional measures to cope with the crisis. But one crisis followed another: already underway before the war in Ukraine, the rise in inflation which reduces the purchasing power of the French has accelerated since the invasion of Ukraine and its consequences on energy prices. The government is under pressure from citizens who expect a strengthening of its interventions to cushion the inflationary shock. After the "whatever it takes" ("*Quoi qu'il en coûte*") approach adopted by the President of the Republic Emmanuel Macron, to dip into the state coffers to support businesses and citizens' living standards during the COVID-19 crisis, the government is once again intervening by multiplying aid measures while trying to target them as well as possible to avoid a drift in public finances.

Like every five years, the year 2022 was the year of the presidential election, the flagship election of French democracy. In a new duel against the far-right representative, Marine Le Pen, the outgoing President was re-elected in April. Strengthened by this legitimacy, he then implemented the programme he had outlined during the election campaign: reform of the labour market with the promise of reaching full employment by the end of his five-year term, reform of pensions with an increase in the retirement age from 62 to 65, reform of the financial participation of companies so that the added value of companies is better shared with employees.

However, things are not going entirely according to plan, as the president's party, Renaissance, has won the absolute majority at the election for the National Assembly, which forces the new government led by Elisabeth Borne, to find majorities of deputies or to divide the opposition parties to pass the announced reforms.

In the third quarter of 2022, French Gross Domestic Product (GDP) growth slowed down (+0.2%, according to the detailed results of the quarterly accounts published at the end of November, after +0.5% in the second quarter), in a context of high prices for many raw materials and fears about energy supplies, which led to tensions on market prices. Household consumption remained sluggish, with purchases of goods continuing to decline and the catch-up effects in services tending to diminish. Business investment, supported by a rebound in vehicle purchases, was therefore the only significant contributor to domestic demand growth (INSEE, 2022a). Finally, cumulative growth at the end of 2022 reached a very respectable +2.6%.

In the third quarter of 2022, salaried employment increased at the same overall rate as in the first two quarters of the year: +0.4%. This pace is relatively dynamic, even if it is half the average rate per quarter in 2021. At the end of September, salaried employment was 931,000 higher than at the end of 2019 (+3.6%).

As for the unemployment rate, it has remained between 7.3% and 7.4% since the fourth quarter of 2021. This relative stability, despite the dynamism of employment (+122,000 in the third quarter of 2022 as a quarterly average, after +263,000 in the first half of 2022), is the result of sustained growth in the active population (+105,000 in the third quarter of 2022, after +281,000 in the first half). The employment rate (68.3%) and the activity rate (73.7%) of 15-64 year-olds thus both reached their highest level in the third quarter of 2022 since INSEE began measuring them (1975).

These good economic results are seen by the government as an indicator of the success of its economic policy, and an encouragement to pursue reforms, and that of pensions, which former Prime Minister Michel Rocard prophesied 'could blow up several governments'.

Finally, relations between the government and the social partners, especially the trade unions, which had warmed up under the previous government of Jean Castex, deteriorated again during the year, culminating in the announcement of the pension reform.

## Political context

This year 2022 is of course marked by the re-election of the President of the Republic, Emmanuel Macron, on 24 April, winning ahead of the far-right candidate, Marine Le Pen, and the establishment of a new government led by Prime Minister Elisabeth Borne. Unlike Emmanuel Macron's first term, the government only has a relative majority in the National Assembly. Indeed, the Renaissance party, which supports Emmanuel Macron, did not obtain an absolute majority in the Assembly, which obliges the government to seek a majority on its bills or to make use of Article 49-3 of the Constitution. This article allows the Prime minister to force a bill through the National Assembly with no vote. The only alternative to prevent the bill from passing is then to overthrow the government. If a majority vote is obtained, the law is rejected and the government collapses.

During his presidential campaign, Emmanuel Macron announced a pension reform with an increase in the retirement age from 62 to 65, a law to reform the labour market in order to achieve full employment, which led to massive protests in 2023.

With a large majority of votes (58.55%) (Ministry of Interior, 2022), the President of the Republic sees his election as a popular approval of his programme, which many observers dispute. The latter, without disputing his legitimacy, point out that his election is also the result of a massive transfer of votes from citizens wishing to block the extreme right. In the first round, Emmanuel Macron only obtained 27.85% of the votes of citizens approving his programme. Due to a high abstention rate (28%), the President was finally elected by 38.50% of registered voters. A result that obviously has an impact on the pension reform prepared since the summer of 2022. It is strongly contested by the French, and by all the trade unions united for the first time for 10 years, around the refusal to raise the retirement age (Le Monde, 2022a). As underlined by the main French trade union confederation, the French Democratic Confederation of Labour (*Confédération Française démocratique du Travail – CFDT*), its call to vote for Emmanuel Macron in the second round was aimed at blocking the extreme right and did not constitute approval of the announced reforms, in particular the one on pensions (Les Echos, 2022a).

After the ministerial reshuffle of 4 July, the Prime Minister, Elisabeth Borne, set out the priorities of her government in her general policy speech on 6 July 2022 (Government, 2022). One of these priorities was the protection of purchasing power in the face of inflation, which took concrete form the following day with the presentation to the Council of Ministers of a bill on emergency measures in this area (Le Monde, 2022b). She considered that full employment was 'within our reach' and said she had 'the deep conviction' that France 'can break out of the vicious circle of mass unemployment.'

# Actors, institutions and processes

## Social partners

The year was marked by the results of trade union representativeness in the three branches of the civil service: the state civil service, the local government, and the public hospital service. The results were announced on 16 December (Ministère de la transformation et de la fonction publiques, 2022). The General Confederation of Labour (Confédération générale du travail – CGT) maintains its position as the leading trade union organisation in the civil service, with 20.9% of the vote, ahead of General Confederation of Labour – Force ouvrière (Confédération Générale du Travail-Force Ouvrière – CGT-FO) (18.7%), which takes second place from the CFDT (18.6%) (Les Echos, 2022b). The organisations with more than 5% of the vote are Union of autonomous trade unions (Union nationale des syndicats autonomes – UNSA) (11.7%), the United Trade Union Federation (Fédération Syndicale Unitaire – FSU) (9.1%) and Solidaires (5.8%). However, there are variations between the three civil services: CGT-FO (17.8%) and FSU (17.1%) are in the lead in the state civil service; the CGT (28%) is in the lead in the local government ahead of the CFDT (22.2%), while CGT-FO (26.6%) is in the lead in the hospital civil service ahead of the CFDT (23.7%). Overall, considering the results of the professional elections in the private sector of 2017, the CFDT remains the leading trade union organisation in France.

Moreover, on the institutional side, several trade union organisations have changed or announced changes at the head of their organisation. Laurent Berger was re-elected secretary general of the CFDT in June, although he indicated that he would not serve out his new four-year term. Frédéric Souillot was elected general secretary of CGT-FO at the end of its 25<sup>th</sup> congress in June, replacing Yves Veyrier. For his part, in June, Philippe Martinez, the secretary general of the CGT, announced that he would not seek a second term at the March 2023 congress, wishing that a woman succeeds him.

## Social dialogue bodies or frameworks

The year was not marked by any major developments in the system of industrial relations. However, it is worth noting the conclusion of a national interprofessional agreement which heralds a willingness on the part of the social partners to develop their own social agenda without necessarily being subject to the injunctions of the government, which asks them to negotiate on a subject based on a roadmap and a budgetary framework decided by the government (Centre Inffo, 2022).

The agreement was signed on 14 April by all employers' organisations and trade unions, with the exception of the CGT (Social partners, 2022a). It focused on the operation of social dialogue at cross-industry level and the social partners' role in managing joint institutions, such as unemployment benefit insurance and supplementary pension schemes. The text also provides for the creation of a social dialogue space tasked with drawing up, based on joint representation, a social agenda that is independent of the government's agenda (Liaisons sociales quotidien, 2022). The text calls on future governments to abandon the practice of creating a 'framework document' for cross-industry negotiations. In recent years, the government has designed this type of document to specify which budgetary framework the outcome of the negotiation will end up in. This was perceived by the social partners as an infringement of their autonomy.

The signatories ‘collectively reaffirm their desire for a strong, regulatory social democracy, with social rights and proposals, in its rightful place’ (Social partners, 2022b). They intend to ‘establish a continuous social dialogue with the definition of a joint economic and social agenda’; ‘clarify and improve the articulation of the respective roles of the social partners, the public authorities and the Parliament’ and finally ‘advance the management paritarianism by improving and completing the rules of operation, transparency and management’.

In addition, two evaluations of the ordinances of 22 September 2017, which radically reformed the framework of social dialogue and labour relations in France, were published in 2022:

- At the very end of 2021, the evaluation committee for the “labour” ordinances (Ordonnances “travail”), set up in the context of these reforms, delivered its evaluation report (France Stratégie, 2021), proposing ‘a provisional and exploratory assessment of the effects of the ordinances’ which ‘seem to achieve certain objectives targeted by their designers’ about the workplace representation. But the quantitative and qualitative elements ‘do not reflect any major changes in social dialogue practices, but rather an extension of trends (centralisation of bodies, etc.) or of previous reforms’.
- In July, the DARES drew up a first picture of the employees’ representative institution since the 2017 reform (DARES, 2022a). The findings are somewhat worrying for social dialogue, both in terms of the evolution of the coverage of companies by a social and economic committee (*comité social et économique*, former *comité d’entreprise* /works council) whose members are elected by the employees and the coverage by trade union delegates appointed by the trade union organisations. In 2020, 41.4% of companies with more than 10 employees and employing 78.4% of the workforce were covered by at least one employee representative institution, confirming the downward trend that began the previous year. This is 2.6 percentage points lower than two years earlier, in 2018, when the rate reached 44%. The fall in the coverage rate of employees with a health, safety and working conditions committee (CHSCT) is more significant. Between 50 employees – the previous threshold for setting up such committees – and 299 employees – the threshold above which they must now be set up in companies – the proportion of companies with such a body has fallen from 53.1% of companies covering 85% of employees, to 21% of companies covering 68% of employees. The DARES study also points to another area of concern for trade unions: the decline in union density reflected in the rate of coverage of companies by union delegates. From 2012 to 2018, this rate had recovered slightly, from 11.3% to 11.9% of companies. But there was a sharp reversal in 2018, with a fall of almost 2 points of percentage to 10.1%, which was confirmed in 2019 when the coverage rate fell to 9.3%. ‘These developments are taking place at a time when, paradoxically, opinion polls show that employees are regaining confidence in their representative organisations,’ the daily *Les Échos* points out (Les Échos, 2022c).

## Other working life related institutions

Following the presidential election campaign during which Emmanuel Macron announced the creation of “*France Travail*”, the government launched a consultation, in September 2022, with a view to reorganising the public employment service with a twofold objective: to better integrate the unemployed, particularly those who are furthest from employment, and to better meet the recruitment needs of employers (Les Échos, 2022d). The creation of *France Travail* implies a



transformation of Pôle emploi and all the players in the public employment service, as well as a pooling of the skills of the State, local authorities and all the relevant economic and associative players, particularly in conjunction with the social partners. After a period of consultation lasting until the beginning of 2023, the government's objective is to present a future “major labour law” in the summer of 2023. To explain the objective of rationalisation and the search for efficiency in the integration of job seekers, the Prime Minister indicated that it was no longer possible to ‘continue to have, on the one hand, the State supporting job seekers, and on the other, the regions dealing with their training and the departments in charge of the integration of beneficiaries of the active solidarity income (RSA)’. It is therefore a major project to modernise the public employment service that has opened in 2022.

Finally, another of candidate Macron's promises, the government has launched the National Council for Refoundation (Conseil national de la Refondation – CNR), a multi-stakeholder process whose name evokes the Conseil national de la Résistance set up in mid-1943 to rebuild the French state and in particular a welfare state when WW2 would end. Within this framework, the “Assises du travail” were launched on 2 December in the presence of employers' and trade union organisations, academics, experts and specialists in the world of work. The discussions focused on the changing relationship with work, health and quality of life, and democracy at work. Three workshops have been set up and will have to submit their proposals by the end of February 2023. However, this process has been disrupted by the strong trade union mobilisation since January 2023 against the pension reform.

## Governmental responses to inflation

After a first wave of measures taken from autumn 2022 to mitigate the impact of inflation on the purchasing power of the French, it was not until after the presidential election and the installation of a new government in May that a new major initiative was launched to counteract the effects of inflation. Thus, on 7 July, the government presented a first draft law to this end. The law No 2022-1158 on emergency measures to protect purchasing power and the law No 2022-1157 rectifying finance law for 2022, both adopted on 16 August, were quickly adopted by Parliament. These texts contain a series of measures, including those which:

- allow employees to monetise their unused working time reduction days (*jours de RTT*), acquired in respect of periods after 1 January 2022 and until 31 December 2025 in agreement with their employer. Instead of taking them as days off, employees will therefore be able to request payment for them.<sup>i</sup>
- perpetuate, while adapting it, the exceptional purchasing power bonus (*prime exceptionnelle de pouvoir d'achat - Pepa*), as a “value sharing” bonus (*prime de partage de la valeur*) that employers can pay to employees, up to €3,000 without paying social security contributions, or even €6,000 if the company has already set up a financial participation scheme.<sup>ii</sup>
- facilitate the deployment of profit-sharing and financial participation schemes, particularly in small companies.<sup>iii</sup>
- authorise, under certain conditions, the exceptional unlocking of employee savings (*épargne salariale*) in 2022.<sup>iv</sup>
- introduce a favourable social regime for overtime (exemption from social security contributions) while raising the ceiling for the tax exemption of overtime.

The government is also encouraging the professional branches to negotiate an increase in the minimum wages provided for in the collective agreements.<sup>v</sup>

Otherwise, employees paid at the minimum wage level (SMIC) have benefited from two increases in the amount of the SMIC as a result of the automatic indexation of the minimum wage, without any additional increase decided by the government. The SMIC was thus increased by 0.9% on 1 January 2022, then by 2.65% on 1 May and finally by 2.01% on 1 August. At the same time, the government has also proceeded with early revaluations of various social benefits.<sup>vi</sup>

In addition, taking up an election promise by Emmanuel Macron, the government is considering legislation to introduce an “employee dividend” (*dividende salarial*). ‘When a company has the means to pay dividends, it must pass them on to its employees’, explained the Minister for the Economy, anticipating a failure of the social partners’ negotiations on sharing of value (see more information on the section on the national level of “Examples of recent responses” under the “Collective bargaining and inflation” section below).

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<sup>i</sup> Eurofound (2022), [Monetisation of rest days](#), Case FR-2022-1/2864 (measure in France), EU PolicyWatch, Dublin

<sup>ii</sup> Eurofound (2022), [Value sharing bonus for employees](#), Case FR-2022-27/2828 (measure in France), EU PolicyWatch, Dublin

<sup>iii</sup> Eurofound (2022), [Facilitating the deployment of profit-sharing](#), Case FR-2022-34/2830 (measure in France), EU PolicyWatch, Dublin

<sup>iv</sup> Eurofound (2022), [Allowing exceptional unlocking of employee savings](#), Case FR-2022-34/2833 (measure in France), EU PolicyWatch, Dublin

<sup>v</sup> Eurofound (2022), [Encouraging branches to raise their minimum wages](#), Case FR-2022-36/2846 (measure in France), EU PolicyWatch, Dublin

<sup>vi</sup> Eurofound (2022), [Early increase of social benefits](#), Case FR-2022-36/2846 (measure in France), EU PolicyWatch, Dublin

# Collective bargaining and inflation

## How inflation features in wage negotiations

There is no inter-professional negotiation on wages in France. The increase of the legal minimum wage (SMIC), according to a formula that considers the evolution of wages and inflation, is binding for all employers. Wage negotiations traditionally take place at two levels:

- The branch-level, where the social partners negotiate on sectoral minimum wages in pay scales. Inflation plays an important role, as the indexation of the statutory minimum wage to inflation results in successive increases in the minimum wage as inflation develops. As a result, as in 2022 when the SMIC increased three times, the minimum wages set in the branches were often exceeded, as the social partners concerned were unable to renegotiate pay scales at the same pace. In general, branch-level wage negotiations take place at best every year, sometimes over longer periods. Thus, with the revaluation of the SMIC in May, the Ministry of Labour estimated in April that 120 branches out of a total of 171 branches covering more than 5,000 employees would have minimum wages below the SMIC on 1 May (Les Échos, 2022e). This does not mean that employees are paid less than the minimum wage. This is prohibited by law. But it does mean that these employees have a salary scale that starts below the SMIC. So, at the end of the month, their employer must make up the difference, with bonuses for example, so that the salary reaches at least the legal minimum wage. To remedy this situation, several branches have started to take the precaution of including a review clause (*clause de revoyure*) in their agreements to trigger new negotiations in line with inflation. Adjustment can only be made through negotiation. Indeed, clauses automatically indexing wages to the general level of prices or wages or to the minimum wage are prohibited. In other words, making a salary increase conditional on the evolution of one of the above-mentioned indices is prohibited. The Court of Cassation clearly recalled this point in 2017.
- At company level: the Labour Code requires the employer to open “compulsory annual negotiations” (Négociation collective obligatoire – NAO) on wages each year. This negotiation thus allows inflation to be considered. While there is no data on the results of wage bargaining, employers’ social contribution declarations allow to calculate the basic monthly salary (SMB). In the third quarter of 2022 the SMB increased by 3.7% over one year on average, based on figures from DARES for private sector employees. Even if such an increase in the SMB has not been seen since the early 2000s, this growth is still below the inflation levels. However, with inflation at 5.7% year-on-year in September, the wage increases achieved do not offset inflation. ‘Over one year and in constant euros, the SMB has fallen by 2%,’ emphasises the DARES (DARES, 2022b). In other words, collective bargaining did not compensate for inflation. Moreover, the annualization of negotiations has also led to social conflicts, particularly in the refineries, in order to obtain an early opening of the NAO instead of waiting the next round.

## Examples of recent responses

### National level

Two initiatives that are more competing than complementary were launched in 2022 to better distribute the wealth produced by companies, with a view to restoring purchasing power to companies.

- On 16 September, the government invited the social partners to open negotiations on the sharing of value (*partage de la valeur*) within companies in order to generalise and strengthen the benefits of value-sharing and financial participation schemes. The aim is to allow companies' profits to be shared more fairly with employees. The government has invited the social partners to work on three areas: 1/ spreading the benefit of the various existing value-sharing mechanisms (profit-sharing, employee participation, employee savings schemes, employee share ownership, etc.) more widely, especially within smaller companies; 2/ simplifying these various mechanisms; 3/ directing employee savings schemes towards "important priorities in the general interest", such as the ecological transition (Les Échos, 2022f). Social partners finally reached a national interprofessional agreement in February 2023.

### Branch level

At the level of the branches, the social partners have adapted to the context of inflation. Some examples:

- Under the collective agreement applicable to engineers and managers in the Paris metallurgy sector, which covers nearly 500,000 engineers and managers (DARES, 2022c, the Union des industries et métiers de la métallurgie (UIMM) and the CFDT, French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff (Confédération Générale de l'Encadrement-Confédération générale des cadres - CFE-CGC) and CGT-FO federations of employees in the metallurgy sector concluded an agreement on 18 March to increase the minimum salaries of engineers and managers by 3.1%. With this increase, this agreement 'takes into account the inflation outlook for 2022 as well as the contrasting situation of the companies in the sector', emphasises the CFE-CGC. The agreement adds a review clause: with a view to setting salaries for 2023, a meeting is scheduled for November 2022 to draw up 'an economic assessment of the year 2022 and an analysis of the outlook for 2023', to prepare the 2023 wage negotiations. In addition, the agreement includes a clause in which the signatories undertake, from the first quarter of 2023, to negotiate on the single scale applicable in 2024, following the overhaul of the job classification carried out by the National collective agreement of the Metal sector of 7 February 2022, which unifies all the territorial collective agreements in force until now.
- In the banking sector, which has 286,000 employees, the French Banking Association (AFB) and all the representative trade union organisations in the banking sector signed an agreement on 26 July to raise the branch's minimum wages to 5% above the legal minimum wage. The agreement also includes an updating clause in the event of a revaluation of the SMIC in the coming months and years. Without this agreement, five of the 55 minimum wages in the collective agreement would have fallen below the level of the SMIC after 1 August, according to the AFB. However, this increase should only affect around 300 of the 186,800 employees that the AFB claims on its website, as these lower classifications are hardly used any more.

According to the AFP, this is a 'strong signal': 'no employee will be paid below the SMIC + 5% on 1 August and the social partners will meet at each change to maintain this principle', explained Maya Atig, Director General of the AFB (AFB, 2022). Other negotiations are expected by the employees, in particular the one on the whole salary grid. 'This will be the main subject of the autumn', warned the CFDT, while FO, the fifth largest representative union, said it was expecting 'a strong sign as soon as the autumn arrives'.

- In the food retail sector (747,300 employees) (DARES, 2022d), an agreement on minimum wages in the food retail and wholesale branch was signed in April by three trade unions. The agreement does not consider the increase in the SMIC on 1 May, with the result that from 1 May the first six levels (up to 3B) will be at the level of the SMIC. This is criticised by the CFDT, which is not a signatory, specifying that these are the 'levels at which the jobs of so-called 'essential' employees during the health crisis are positioned'. For the CFDT, this grid also presents 'hourly rates that are still not high enough in our opinion to value the jobs and career paths of retail employees'.

## Company level

One company negotiation was in the spotlight: the TotalEnergie group, where an agreement was finally reached on the night of 13 to 14 October, after weeks of strikes, particularly in the refineries and fuel depots, leading to supply difficulties in nearly 30% of service stations throughout France in mid-October (Le Monde, 2022c). The agreement was signed by two trade unions, CFE-CGC and CFDT, which together represent more than 56% of the votes among the 14,000 employees represented. The text provides for increases of 7% for 2023 and bonuses of between €3,000 and €6,000 for the year 2022. According to the company, 'all workers and technicians will benefit from a general increase of 5% with a floor of €2,000 for the lowest salaries, and all managers from a guaranteed increase of 3.5% and a floor increase of €2,000'. The CGT refused to sign the text and renewed the strike movement on several sites for several more weeks (Les Échos, 2022h).

'The numerous agreements signed between companies and employees' representatives at the beginning of the year have led to a clear increase in salaries, with a 3% rise in the basic monthly salary in the private sector, excluding bonuses and overtime, between July 2021 and June 2022, according to the Ministry of Labour', says Les Échos (Les Échos, 2022g), which points out that due to the acceleration of inflation linked to the war in Ukraine, a 'second round of negotiations began in September with companies that had foreseen a review clause in their agreement concluded at the beginning of 2022', and 'others that had not foreseen it' and that under pressure 'are also reopening the file', indicates the consultant Raymond Soubie, quoted by Les Échos. Thus, in the banking sector, some mutual banks reopened negotiations to review their agreements concluded at the beginning of the year, before being followed by the two large private banks, BNP Paribas and Société Générale, which reopened negotiations in September (Les Échos, 2022i).

In general, company-level agreements generally include a mix of immediate general salary increases and the introduction of a value-sharing bonus, which has the advantage of weighing less on the wage bill. In addition to this bonus, the agreements also provide for other measures such as transport bonuses or "mobility packages", which also help to preserve employees' purchasing power.

# Developments in working time

## Changes to legislation

No important change in 2022.

## Bargaining outcomes

The only data available are those from the Annual Review of Collective Bargaining 2021 (Ministère du Travail, 2022a) published in September 2022. At branch level, the issue of working time declined in 2021, from 113 texts to 78. However, the number of texts concluded remains higher than in 2019 (39 agreements) and 2018 (50 agreements).

At company level, 76,820 collective agreements were signed and registered, a stable result compared with 2020. As in 2020, the issue of working time was in second place behind wages in 2021, with 16,800 agreements registered (18,140 in 2020). Although its share fell by two points compared with 2020, the set of working time arrangements put in place during the COVID-19 crisis led to an increase in the number of agreements on these issues. The proportion of agreements on the setting of holidays is down (-15 points) after a peak in 2020, due to the exceptional crisis measure allowing the employer to impose the taking of paid holidays, to split them up or to suspend them temporarily. It is also important to consider the fact that two-thirds of the agreements relating to working conditions concern teleworking, with 4,070 agreements, compared to 2,760 agreements in 2020.

## Debates on duration and organisation

No important debates on this issue in 2022

## Labour market shortages and social partners

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 (Pôle emploi, 2022a). Despite the energy crisis and the impact of the war in Ukraine, the trend is confirmed in 2022. According to Pôle Emploi (Pôle emploi, 2022b), 32.8% of establishments plan to recruit in 2022 (+6.3 percentage points compared to 2021) and 57.9% anticipate recruitment difficulties (+13 points compared to 2021).

In 2021, according to the Labour Needs Survey carried out by the public employment service ((Pôle emploi, 2022c), the four occupations with the most recruitment projects deemed difficult in 2021, for which difficulties are over the national average of 44.9%, were Home helpers and housekeepers (77.3%); Nurses' aides (67.9%); Housekeepers; Engineers, R&D managers, IT project managers (65.6%) and cooks (49.3%).

The situation is even more tense in 2022. Among the recruitment projects deemed difficult in 2022 (higher than the national average of 57.9%), according to the Pôle Emploi 2022, the following are at the top of the list: Home help and housekeepers (84.8%), nurses (80.5%), Nurses' aides (74.4%), Truck drivers (72.7%), Cooks (69%), Hotel employees (65.8%), Waiters and waitresses (63.7%), Kitchen helpers, kitchen apprentices and multi-skilled restaurant employees (58%).

As explained by DARES (2021), 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.

The annual study launched by DARES (DARES, 2022f), highlights that after a decline in 2020, labour market pressures rise again and reach their highest level since 2011 in 2021. Tensions increase in almost all trades and are particularly strong in construction, industry, computer and telecommunications, and nursing. In total, 7 out of 10 trades will be under strong or very strong pressure in 2021. The origin of the tensions varies from one trade to another. It is mainly due to the intensity of hiring in the construction industry and a shortage of available workers for the above-mentioned trades. Most industrial and maintenance trades are under pressure. With the exception of unskilled workers, these occupations often require specific skills and training, and there is a shortage of labour; for blue-collar occupations, working conditions are also often restrictive.

As in 2021, 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.

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



(Ministère du Travail, 2022b). 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'.

In October 2022, the Minister of Labour welcomed the fact that 380,000 jobseekers had been helped into employment in one year, including 280,000 long-term unemployed and 146,000 very long-term unemployed (La Tribune, 2022). However, faced with recruitment difficulties, the Minister announced a new initiative (Ministère du Travail, 2022c). He announced the implementation of new actions with Pôle emploi 'to create pools of jobseekers in the territories, who will be quickly mobilised and employable to fill the jobs that are most in demand'. In an interview with *Le Figaro* (Le Figaro, 2022), Olivier Dussopt, Minister of Labour, explains that each Pôle Emploi agency must create a pool of 100 to 150 jobseekers to meet the recruitment needs of three sectors most in demand - the hotel and catering industry, health and transport and storage. The idea is that they will be quickly operational thanks to a short training course. The mechanism could be adapted according to the needs of the territories. In addition, the minister is also asking for 'greater severity when these jobseekers do not come to a jobdating with companies that are recruiting', he says, affirming that 'by the end of 2022, 500,000 controls will have been carried out'. By way of comparison, Pôle emploi carried out around 400,000 checks in 2019.

It must be noted 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" that didn't meet the expectation. By the end of the summer of 2021, only 64 companies had opened a space on the "Transitions pro" website. The Ministry of Labour admitted that the result was not up to expectations, announcing a forthcoming reform. One year after the launch of this scheme, it has become necessary to change certain parameters to promote its deployment', states the Ministry of Labour's instruction dated 7 February, which details its new procedures. The main change is that in companies with fewer than 300 employees, employers are no longer required to sign a collective agreement such as the management of jobs and career paths (GEPP) in order to define the list of vulnerable jobs; they can draw it up by unilateral decision, after consultation with the social and economic committee (CSE) where it exists, or by informing the employees if there is no CSE (Le Monde, 2022d).

According to a study by France Stratégie (France Stratégie, 2022a and 2022b, recruitment difficulties can be explained mainly by factors internal to companies. For France Stratégie, unobserved factors linked in particular to the internal activity of the company seem to play an important role in explaining recruitment difficulties. Thus, less than 15% of these difficulties can be explained by size, sector, location, or the qualifications sought.

In addition, to compensate for the lack of attractiveness of certain occupations, the Economic, Social and Environmental Council (Conseil économique, social et environnemental — CESE) calls on branches to guarantee minimum wages at least at the level of the minimum wage and to negotiate standard agreements linked to job quality. This proposal is taken from an opinion on jobs in short supply, adopted in plenary session on 12 January (Comité économique, social et environnemental,

2022). Several avenues are mentioned for removing obstacles to access to these occupations, one of which is to include objectives relating to the reconciliation of professional and personal life in company agreements.

## Other important policy developments

### Labour market shortages

To cope with labour market shortage, the government, convinced that part of the job shortages could be solved by increasing the constraints on jobseekers, drew up a reform of unemployment insurance, without consulting the social partners, in the framework of Law No. 2022-1598 of 21 December 2022 on emergency measures relating to the functioning of the labour market with a view to full employment.

First of all, the so called "Labour Market" law (*Loi "marché du travail"*) introduces a simple presumption of resignation in the event of abandonment of post. Thus, an employer faced with the voluntary abandonment of his post by an employee may give him formal notice to justify his absence and return to work. If the employee does not return to work within the time limit set by the employer, the employee will be presumed to have resigned. The employee may contest the termination of the employment contract before the employment tribunal (*conseil des prud'hommes*), which will rule on the nature of the termination and the associated consequences within one month. Considered to have resigned, the employee will not be entitled to unemployment compensation.

Furthermore, when an employee has received, during the previous 12 months, at least two offers of a permanent contract at the end of a fixed-term or temporary contract for the same or similar job, they will only be eligible for unemployment insurance if they have been employed under a permanent contract during the same period.

Finally, among other measures, the law authorises the government to extend the unemployment insurance rules until 31 December 2023 and to enact a new unemployment insurance reform to vary the compensation rules with the labour market situation.

Thus, on 21 November 2022, the Minister of Labour presented to the social partners and the press this future reform, intended to respond to the significant labour shortages experienced by several sectors. The announced new scheme, which will be incorporated into a decree and applicable from 1 February to 31 December 2023, provides for a 25% reduction in the maximum duration of compensation when the national unemployment rate is below 9% or does not vary by +0.8 points in one quarter.

### Employment status and contracts

No important change in 2022

#### Self-employed

The year was marked by an attempt to structure a social dialogue in the activities of car drivers (VTC) and goods or meal delivery drivers to improve the working conditions of self-employed workers. The government, hostile to a legislative initiative aimed at reclassifying the activities of these workers as salaried employees, so that they would benefit from the protections of labour legislation and the social protection granted to salaried employees, decided to regulate these activities through social dialogue.

This mechanism is provided for by the law 2022-139 of 7 February ratifying order no. 2021-484 of 21 April 2021, which laid the first foundations for social dialogue in the two- and three-wheeled goods delivery platforms and the VTC sector, by setting out the terms of representation of self-employed workers. At the same time, the law of 7 February empowered the government to complete by ordinance the rules organising social dialogue in these two sectors, in particular to define the terms of representation of the platforms themselves, as well as the conditions for negotiating, concluding and validating sectoral agreements.

Thus, the government first organised professional elections so that VTC drivers and delivery drivers could designate representatives, with a view to negotiating with platform representatives. The ballot for platform workers to appoint their representative organisations took place from 9 to 16 May 2022. According to the public authority set up to run the scheme, ARPE, 123,557 workers were called to vote to choose their representatives. Only 3,088 people took part in the ballots in these two sectors. Just 1.83% of the 84,000 registered delivery riders (a figure far lower than their actual total number), took part in the vote. The first three trade unions each received between 300 and 400 votes. Turnout among the 39,000 drivers was 3.91%. In view of their audience, seven organisations were recognised as representative in the VTC sector and four in the delivery sector, with a view to taking part in the negotiations that were to begin in autumn 2022 with the representatives of the platforms.

An order of 24 June set out the finalised list of organisations representing workers in the VTC sector, after verification of the other representativeness criteria. This text also sets their weight for the negotiation of collective agreements in the sector.

An order of 5 September sets out the list of professional platform organisations recognised as representative at national level in the VTC sector, as well as their weight for the negotiation of collective agreements in the sector, namely: the Association of Independent Platforms (API; weighting: 60.53%) and the French Federation of the Transport of Persons on Booking (FFTPR; 39.47%). Another decree recognises, for the goods delivery sector, the representativeness at national level of API alone.

Two decrees of 21 September set out the procedures for the process, as well as the rules for filing and approving future agreements that may be negotiated. They also set out the conditions under which employees must be informed when they are covered by such agreements and organise the mediation procedure that can be initiated when a dispute arises during their implementation.

On 18 October 2022, the organisations representing VTC platforms and the self-employed representatives met for a first negotiation meeting devoted to income, working conditions and training. The negotiations led to the first sectoral agreement between representatives of an industry and representatives of self-employed workers in January 2023. This agreement sets the minimum net income per journey at €7.65 (Ministère du Travail, 2023).

## Wage setting

No important change in 2022

## Gender pay gap

Article 14 of the law 2021-1774 of 24 December 2021 aimed at accelerating economic and professional equality creates an obligation of balanced representation between women and men among senior managers and members of the management bodies of large companies, accompanied by an obligation of transparency in this area.

The so-called ‘Rixain law’ entered into force on 1 March and are set out in a [circular](#) issued by the Ministry of Employment. Now that this law has been passed, companies with at least 1,000 employees are required to publish an annual statement showing any differences in gender representation, both among senior executives and company directors. They are also required to publish these differences on the Ministry of Employment’s website. Moreover, from 1 March 2026 onwards, the proportion of men or women making up each of these groups must not fall below the threshold of 30%. This target will be 40% from 1 March 2029. For the first year of application, companies have until 1 September 2022 to implement this obligation and communicate their results and the methods of publication to the Social and economic committee. They will then have to transmit this information to the administration on the “Balanced Representation” declaration portal.

Furthermore, the year 2022 marks the end of the deployment of the professional equality index. All companies with at least 50 employees had to have calculated and published their professional equality index on their website by 1 March. They also had to send their results to the Ministry of Labour via the [www.index-egapro.travail.gouv.fr](http://www.index-egapro.travail.gouv.fr) website and to their Social and economic committee.

## Health and safety

On 14 March, the government unveiled the first Plan for the Prevention of Serious and Fatal Accidents (Ministère du Travail, 2022d), which sets out a roadmap for reducing the number of such accidents over the next four years. It focuses in particular on the categories of people who are most at risk: young people and new recruits, temporary workers, self-employed and posted workers, and on the main risks they face: road accidents, falls from height and using certain types of machinery.

The social partners at cross-industry level have opened negotiations to reform the occupational injury and disease branch (AT-MP). In a joint press release published on 8 December, the social partners unveiled the content of the shared diagnosis document, drawn up on 1 December at the end of discussions on the operation of the occupational injuries and diseases branch. These discussions were initiated last July as part of their autonomous joint agenda. This diagnosis makes it possible to officially open a new phase, that of interprofessional negotiations. The social partners are counting on the conclusion of a national interprofessional agreement by mid-February 2023.

Otherwise, in a study published on 4 July, the National Agency for Working Conditions (ANACT) noted the different trends in accidents at work, occupational diseases and commuting accidents between women and men (ANACT, 2022). It calls for greater efficiency in the prevention of occupational risks, particularly in female-dominated sectors.

In terms of health at work, more than seven months after the entry into force of the law 2021-1018 of 2 August 2021 to strengthen occupational health prevention on 31 March 2022, a decree No 2022-1434 of 15 November specifies the new procedures for drawing up, accessing and keeping the

occupational health medical file. This file is now drawn up in a secure digital format and must be kept for a period of 40 years. The decree also sets out the mandatory content of the file.

On 30 September, the Paris Court of Appeal delivered a ruling in the case brought by former employees (or their families) of the France Telecom group (now Orange) against the group's former directors, regarding the pressure exerted by management on employees, with a view to persuading them to leave the company during its restructuring process. Two directors were given suspended prison sentences. The Court held that there had been 'institutional bullying.' It noted that 'the harassment resulting from the target set by the directors, i.e., that of cutting the workforce, created an ongoing climate of insecurity for all employees, and produced a domino effect, culminating in a number of employees suffering from depression, attempting suicide and actually committing suicide.' Sébastien Crozier, President of the CFE-CGC Orange union believes that 'this a historic judgment that will see the banning of management methods that involve perpetrating violence against employees'.

## Work–life balance

The Law 2022-219 of 21 February 2022, aimed at promoting adoption, provides for greater flexibility in adoption leave. The law allows, by decree, to extend the period in which the leave can be taken and makes it possible to split it up.

## Lifelong learning and skills development

In order to simplify the scheme of validation of non-formal and informal learning – the Validation of Acquired Experience (VAE) – to make it more attractive, the government presented on 15 March 2022 an experimentation of paths, the REVA experimentation, inspired by the proposals issued from a report ordered by the government (Ministère des Solidarités et de la Santé, Ministère du Travail, de l'Emploi et de l'Insertion, 2022). In view of the good results of this experiment, these trials will be extended. A bill presented to the Council of Ministers and submitted to the National Assembly on 7 September 2022 lay the groundwork for a reform of the VAE based on the findings and recommendations made in the context of the experiments conducted since 2021 on innovative and simplified VAE paths. Through these changes, the Government's ambition is to enable 100,000 people per year to benefit from this tool within five years, instead of less than 30,000 currently.

The law No 2022-1598 of 21 December 2022, contains provisions on VAE that will come into force with the publication of its implementing decrees. The main provisions are the following:

- Introduction of universal access to VAE. Any person, and no longer only those engaged in working life, will be able to benefit from the system.
- The minimum period of one year's experience has been abolished, and VAE is now accessible to anyone who can prove that they have an activity directly related to the content of the targeted certification. The proof will be simplified to allow the candidate to allow evidence to be provided in all possible forms, including video, to avoid a file consisting solely of written documents. The aim is also to open access to VAE to family carers, to enable them to have the skills they have acquired in contact with a relative who is disabled, has lost their independence or is accompanied at the end of their life recognised.

- VAE is extended to the acquisition of “blocks of skills” (blocs de compétences”). It means that an individual would be able to acquire a “bloc of competences” in a specific field without to obtain a full certification. This should boost the number of VAE and help mobility from one sector to the other.
- The legislative provisions of the Education Code on the composition and functioning of the VAE jury are deleted. The principle of the jury is included in the Labour Code. A decree will determine the new operating procedures that should ease the setting up of juries.
- Support is offered to the candidate as soon as the eligibility file is compiled. This will lead to create the role of “Architect of competences” mentioned above.
- Creation of a public VAE service, managed by a public interest grouping.

In addition, on 8 December, the social partners submitted a contribution to the government indicating ways to adapt the vocational training system (Ministère du Travail, 2022e). Introducing a tax credit for companies contributing to their employees' personal training accounts (CPF) and another for employees helping to finance their retraining; creating a digital tool to help companies draw up their skills development plans; refocusing CPF funding on professional issues. These are some of the 17 proposals that the social partners (apart from the CFE-CGC, the CGT and the FO) have put forward to feed into the debates on the future law intended to adapt in 2023 certain parameters of the last training reform adopted in 2021.

# Working life of Ukrainian refugees

## Employment and working conditions

In June, the French Office of Immigration and Integration (Office français de l'immigration et de l'intégration – OFII) gave the figure of 99,000 Ukrainian refugees in France. A number that would have increased during the year, as a parliamentary report adopted in November announced 106,000 Ukrainians welcomed in France (Assemblée nationale, 2022). It seems that no statistics are yet available on the integration of Ukrainian refugees into the French labour market. However, according to an article in the daily Le Monde (Le Monde, 2022e), 'in November, only one Ukrainian in ten had found a job in France. This is nevertheless three times more than in June, when there were only 3,500. If a majority of them are employed in the hotel and restaurant industry, some have recently joined industrial sectors, notably in Brittany'. At the end of November, '11,000 of them had taken French courses, an essential step for integrating into the labour market', underlines Le Monde. Without speaking French, many qualified Ukrainians cannot work in their profession. 'Nikolovna Valaria, a urologist at the Kiev hospital, started babysitting, stresses the article. Igor Prognev, who used to be a university professor, now works as a stock boy in a supermarket'. An article in France Bleu also highlights the difficulty of keeping a job despite a dynamic job market, as in Nice, and the choice refugees have to make between a low-paid job and the risk of losing aid (France bleu, 2022).

## Social partner initiatives to support Ukrainian refugees

Main initiatives to support Ukrainian refugees are issued from the State, the Public employment services (Pôle Emploi) and NGOs used to work with refugees. There is no evidence of strong initiatives from social partners to support refugees, but all trade unions have developed different kind of small but powerful initiatives as providing housing, language lessons, funding. Social partners are also involved in Pôle emploi, as it is a tripartite institution. And Pôle Emploi has set up a specific [webpage](#) for Ukrainians, and a [leaflet](#) in Ukrainian to support the refugees on the labour market. Otherwise, French trade unions have expressed their solidarity with Ukraine, and with trade unions in Ukraine. All the peak level trade unions have also helped organise a humanitarian convoy to Ukraine to bring aid to the population.



## Commentary and outlook

The year 2022 is marked by the presidential election campaign, with a President of the Republic, Emmanuel Macron, unveiling his programme in the last weeks before the election and a far-right candidate, competing on her right, imposing the themes of security and immigration in the debates, to the detriment of economic and especially social issues. The election, in the eyes of most French people who voted against the arrival of the far right in power, is not a blank check to carry out the reforms announced by Emmanuel Macron. However, despite the absence of an absolute majority in the National Assembly, Macron is imposing his reforms, supported by a rather good economic situation, despite the return of inflation and the economic difficulties linked to the war in Ukraine.

The economy is growing (+2.6% in 2022), job creation is dynamic and unemployment, without managing to fall due to the arrival of newcomers on the labour market thanks to a certain dynamism of the demography, is at a historically low level, a little above 7%, giving substance to the government's objective of reaching full employment. However, after the COVID-19 years and with the impact of inflation on household purchasing power, the French are increasingly sensitive to the issue of social justice. The opposition and the trade unions regularly denounce the increase in inequalities, which have been accentuated by the COVID-19 crisis and inflation.

The poorest households have suffered the most from these crises, which have affected the wealthiest households proportionally less, as they saved during COVID-19 and are less affected by the rise in energy and food prices. The social climate therefore deteriorated as the year progressed, as did relations between the government and the social partners who, once again, after the interlude of the COVID crisis and the previous government led by Jean Castex, found themselves in opposition to the government on most issues: the government is imposing a reform of unemployment insurance - the flagship measure of which is reducing the duration of unemployment benefit periods, against the wishes of the social partners, who are nonetheless joint stakeholders of the unemployment insurance scheme.

The high point was the announcement of a pension reform in December, after several months of "consultation" with social partners. One of the objectives of which is to postpone the retirement age from 62 to 64 (the government conceded that it would not go as far as 65 as announced during the presidential campaign). This reform is being carried out with the unanimous opposition of all the trade unions, including the CFDT, which was nonetheless in favour of an ambitious reform, but which has never stopped repeating that raising the age to 64 or 65 is a red line. Thus, despite a positive economic situation, the French people's distrust of the government has increased with these reforms, which appear to be unfair, particularly the one on pensions.

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