

***After the works council reform: worker
representatives' strategies for reinforcing
proximity with the workforce***

Kevin Guillas-Cavan & Marcus Kahmann IRES

ILERA presentation, 09 September 2022

Introduction

- 2017 Macron Ordinances = last avatar of the Government's attempts to rationalise works council system AND further decentralise collective bargaining
- Merger of the former 3 (private-sector) works council bodies into a single one; missions remain
- 'Proximity delegates' = optional body, missions and means undefined → rarely set up (1% firms, 17% workforce), usually at establishment-level (not shopfloor-)
- Reduction of number of elected representatives (around 50%)

Works council system before 2020

	Individual and collective claims	Information-consultation	Information-consultation	Collective bargaining
Firm		Central enterprise council		Central union delegates
Establishment		Establishment council	Health and safety committee	Local union delegates
Shopfloor-level	Personnel delegates			

Works council system after 2020

	Claims and information-consultation	Collective bargaining
Firm	Central economic and social council	Central union delegates
Establishment	Economic and social council <i>(with a health and safety commission And option proximity delegates)</i>	Local union delegates
Shopfloor-level	-	-

Research questions

- Taking into account the institutional void created at shopfloor-level by the recent reform, we ask:
 - How do worker representatives cope with the risk of a loss of proximity of the works council?
 - What are the effects and limits of these coping strategies?



Analytical frame

- Two basic functions of the works councils: deliberative (information-consultation) and representative (claims) (Rogers and Streeck 1995)
- We define proximity as the rooting of the works councils in working collectives
- What is at stake with proximity for the works councils? We argue that proximity has 3 dimensions:
 - Cognitive (knowing what is going on);
 - Representational (legitimately acting on behalf of);
 - Organisational (mobilising the workforce and claim-making).
- Problematic presupposition: establishment = workplace
- Macron ordinances reveal a tension between
 - Necessary conditions of existence of the works council ('proximity')
 - Government's objective to reduce the works council to its deliberative function to improve the firm's economic performance

Data and methods

- Methodology based on:
 - Legal analysis of company agreements relative to 'social dialogue' and works councils;
 - 10 interviews with works council consultants;
 - 8 multi-level, multi-sectoral (large) company case studies on the implementation and functioning of the new works council system. Interviews with management, union delegates, works council secretary. Bias of the sample: each firm has proximity delegates and unions are well established.
- Research sponsored by the Government's Evaluation committee of the Macron ordinances



Coping strategy (1): *Investing the new figure of the proximity representative*

- Strategic aim
 - Negotiate the implementation of proximity representatives, often against the will of management
 - Recreate the personnel delegates
- Effect: Proximity representatives were obtained in all our cases but remain undefined (no means, no mission)
- However
 - Very large perimeters (e.g. GBM: each delegate covers 20 bank branches ⇔ 'distance representative', GBM President)
 - Often ignored by local management (do not meet)
 - Lack of institutional power questions missions
 - Largely unknown (workers directly contact works councilors or union delegates)

Coping strategy (2): *Reinventing the union delegates*

■ Context

- Union delegates were untouched by the reform
- Decades of decentralisation of collective bargaining towards the firm have reinforced the central union representatives

■ Strategic aim

- Use of the union channel to gather, construct and dispatch the workers' claims to the relevant institutions/management level
- In some firms, unions designate the proximity representatives, thereby assisting the union delegate (to whom they are accountable)

■ Effect

- Substitution of institutional by organisational power... in a context of weak union power?
- (Re)unionisation of the works councils

■ However

- Limited number of union representatives
- Depends on the union presence
- Lack of formal rights of the union delegates over individual and collective claims (need to transfer to the works council)



Coping strategy (3): *Decentralising the works council*

- Context : Old trend towards the merging of the establishments into larger (regional) ones
- Strategic aim
 - Negotiate the continuity of establishment-level representation to impede further distancing of the works councils from the workforce (ensuring a 'fine(r) coverage')
 - In some rare cases, increase of the number of establishment
- Effect
 - Limited centralisation, but the trend goes on
 - Establishment-level works councils are at a 'fictive' level (higher than the workplace, lower than the level where decisions are taken) => heteromorphism of the firm's governance structure and the structure of the representative institutions
- However
 - Tension between the need for proximity representation and the need to be at the same level as the executive management (to ensure the deliberative function)
 - Need of a sufficient number of candidates to stand in the establishment-level works council elections

Coping strategy (4): *Strengthening sociological representativeness*

- Strategic aim : Constituting the electoral lists to the works council with representative from the different workplace and collectives
- Effect : Rising importance of the socio-professional categories as a criterium for selecting candidates
- However
 - Limited number of seats which does not allow to integrate every constituency
 - Union competition further reduces the number of available seats for diversity => coping strategy or social washing
 - Tension between the sociological logic (representing the different categories) and the political logic (selecting the union leader in each workplace)



Conclusion

- The workers' representatives have developed four (mutually non-exclusive) coping strategies.
- A fifth (non-)strategy may be observed: endorsing the management's and Government's project to reduce the works councils to a purely deliberative institution
- The reform creates space on the shop-floor level potentially to be filled by union activism
- However, the different coping strategies (will) have difficulties reconstituting the fine-grained representative system at the workplace level. Are unions up to the challenge?

Thank you for your attention

Follow our activities

■  @IresFR

■ www.ires.fr