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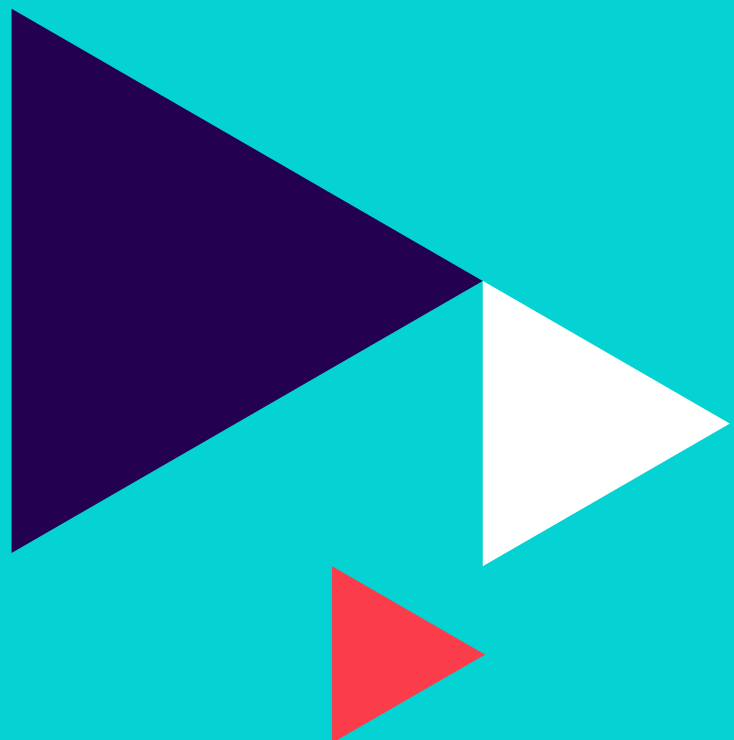
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The case of France

Héloïse Petit



Introduction

The COVID-19 crisis was both extraordinarily quick and intense and called for emergency measures. The government needed to simultaneously react to an unexpected shock and set the stage for recovery. We will here investigate the way in which social partners were or were not involved in these decisions. Our analysis is based on official publications and academic research combined with interviews with social dialogue actors and experts. In this introduction we will first describe the pre-crisis situation of the French economy and industrial relations. Second, we will present the economic impact of the crisis and the government's immediate response.

Before the crisis

Short review of the socio-economic situation of the country

In France, the COVID-19 crisis hit during an improving social and economic outlook, despite a persistent level of high unemployment.¹ Indeed, 359,000 jobs were created in 2019, after 225,000 in 2018 (for a total level of employment of 28.5 million at the end of 2019).² These dynamic job creations were related to reasonable economic growth (1.8 per cent GDP growth in 2019, exceeding the Euro area average of 1.3 per cent), and enabled a decrease in the unemployment rate (on average 8.4 per cent in 2019, which was 2 percentage points lower than in 2015, but higher than its lowest level, at 7.4 per cent, in 2008) despite a long-term tendency of a growing activity rate of workers in the 50 to 64 age group (from 55.6 per cent in 2008 to 66.9 per cent in 2019).

Even though the trend was positive, some specific problems were remaining: unemployment was still high for low-skilled (15.5 per cent for individuals with no diploma or professional certificate) and young persons (19.6 per cent); wages and purchasing power were stagnating for those workers with lower levels of qualification (around the minimum wage). This resulted in some social movements like the “yellow vests” which started in autumn 2018. The end of 2019 and beginning of 2020 were also characterized by important strikes and demonstrations against a pension reform project, which planned to take into account the whole career for pension calculations as well as to reinforce incentives to work longer.

Short review of social dialogue institutions³

The French industrial relations system actively combines **three levels of collective bargaining**. Historically, sector/branch-level bargaining came first and still has a pivotal role. First, this central role is notably due to the extensive use of legally binding *erga omnes* clauses which extend the terms set in a collective agreement to all workers, not only to the members of signatories' unions (see OECD 2017 for a detailed and comparative analysis of such mechanisms). Second, after the Second World War, the building of the welfare state set the basis for a crucial role for national social dialogue. Third, since the 1980s firm-level bargaining has an increasing role in a move towards “decentralization” common to other European countries.

Over the two last decades two **major lines of reform** fuelled the decentralization process: one concerns the articulation between different bargaining levels and the opportunities given to derogations, and the other concerns employee representation at the firm level. Historically, the multi-level bargaining system was ruled by a hierarchy between the different levels (giving precedence

1 See: <https://www.insee.fr/fr/statistiques/4928952>

2 See: https://dares.travail-emploi.gouv.fr/sites/default/files/pdf/daresanalyses_emploi-chomage-pop-active2019.pdf

3 For a synthetic presentation of the French system, see Gazier and Petit (2019) or Béthoux and Laroche (2021).

to higher-level agreements) and a “favourability” rule (which implied that a lower-ranking rule can only take precedence over a higher-ranking rule if it is more beneficial to the employee). Since the *Lois Auroux* (reform of the labour code) of 1982 several exceptions (enabling derogation to the rule given certain conditions) were voted into law, but the most significant changes were introduced in the Labour Act in 2016 and finally settled through the ordinances of September 2017. Now, the general rule is based on **suppletive law**: firm-level agreements prevail, except for a list of 13 themes for which sectoral agreements still prevail, and the exception may be extended to another set of four themes if and only if a sectoral agreement specifies so.

Another crucial reform included in the September 2017 ordinances has to do with **employee representation**. The French system of employee representation at the workplace is dual: it includes union delegates and elected representatives. A union delegate is an employee (among those working in the company) who is appointed by their local union branch. They are in charge of collective bargaining. Elected representatives, on the other hand, participate in the information and consultation process. In practice, elected representatives may be union members, and union delegates are often elected representatives at the same time. The ordinances catalysed a major change to create a “social and economic committee” (*Comité Social et Economique*, CSE) which merged several elected enterprise-level bodies⁴ into one. The new CSE had to be set up in every company (with 11 employees or more) before January 2020, and its implementation tends to reduce the number of representatives at the workplace (ORSEU 2019), effectively putting enterprise-level social dialogue under pressure (Erhel 2020).

In parallel to these changes in the legal framework, actual **practices** also changed.⁵ In line with the focus on lower levels of negotiations promoted by the government and the main employer organization (MEDEF), inter-sectoral bargaining has tended to weaken since 2017.⁶ Despite a relatively stable activity of 30 to 60 inter-sectoral agreements a year since 2000s, the number of agreements fell dramatically since 2017 to around ten a year. Another key fact is the failure of the negotiation of unemployment insurance reform (in which no significant agreement was reached in 2019).

Branch-level negotiations did resist the decentralization process (with approximately 1,000 texts per year since the beginning of the 2000s), while firm-level collective bargaining intensified: the number of agreements went from 50,000 agreements per year in the mid-2000s to 60,000 in 2017 and more than 80,000 in 2019. The sharp increase in the last years must be linked to the 2017 reform and, for instance, the obligation to have an agreement to implement the reform of representative bodies. Moreover, the more frequent firm-level agreements may reflect an intensification of legal obligation rather than effective social dialogue, and they are the consequence of more frequent negotiations in some firms rather than more firms actually negotiating (Mias 2017).

Short review of the culture of French social dialogue

Overall, the French system of industrial relations succeeded in achieving high coverage rates for workers and achieving important social progress together with a good level of social protection (Courtioux and Erhel 2018). Yet it has been developed on the basis of employment relations that are historically rather **conflictual**. This is still visible (Bethoux and Laroche 2021). For instance, two important strike movements took place in 2018: one concerning working conditions in the health sector and the other the reform of public transport (Higounenc 2021). We could also cite major

4 It replaces three different bodies: personnel delegates (*Délégués du personnels*) in charge of the grievance process; works councils (*Comité d'entreprise*) in charge of information and consultation processes; and the health, safety and improvement of working conditions committee (*Comité d'hygiène, de sécurité et des conditions de travail*) in charge of the health and safety process.

5 See: <https://travail-emploi.gouv.fr/demarches-ressources-documentaires/documentation-et-publications-officielles/rapports/article/rapports-bilans-de-la-negociation-collective>

6 This point will be developed in section 2.

protests against pension reform in 2019.⁷ Yet, the total number of strike days and the share of firms concerned (approximately 1 per cent) has stayed relatively stable since the mid-2000s (with the exception of 2010).

This conflictual context is often cited as a reason for the crucial role of the **state** acting as a referee in French industrial relations. The state actually plays different roles in social relations: it intervenes mostly through the implementation of incentives or obligations to negotiate but also sometimes directly takes part in or supports negotiations (mostly at the national level and also occasionally at the sector level).

Brief description of the immediate socio-economic impacts of COVID-19 in France

With a -7.9 per cent fall in **GDP** from 2019 to 2020, France was among the most severely hit countries in Europe (with -6.5 per cent in the Euro area and -6.1 per cent in the European Union).⁸ More precisely, GDP dropped by 5.9 per cent during the first quarter of 2020 and 13.2 per cent during the second quarter. Then activity progressively recovered from the end of the first lockdown (in May 2020), leading to 18.5 per cent GDP growth during the third quarter. GDP growth went negative again with the second lockdown (-1.5 per cent for the fourth quarter of 2020) and is nearly stable since then (-0.1 per cent for 2021's first quarter). Expectations are that the relief of lockdown measures should enable an intense GDP growth by the end of 2021. Overall, the European Commission forecasts a 6 per cent growth for France in 2021⁹ (higher than the 4.8 per cent growth expected at the EU or Euro area level).

The fall in GDP during the two first quarters of 2020 was associated with a rapid fall in **employment**¹⁰ (by the end of the second quarter of 2020, employment had fallen by 2.7 per cent compared to the last quarter of 2019). Following the ups and downs of GDP during the two last quarters (with +1.7 per cent for Q3 and -0.1 per cent for Q4), total employment fell by 1.3 per cent in 2020 relative to 2019 (which corresponds to a loss of 328,000 jobs).

The crisis actually affected sectors quite differently, both in terms of GDP and employment growth. It mostly impacted market services in the private sector, especially "accommodation and food service activities" (in which employment fell by 6.7 per cent), "professional, scientific and technical activities" (-4.8 per cent) and "other service activities" (-3.7 per cent), among which "arts, entertainment and recreation" was particularly affected (-8.5 per cent). Even if they are a relatively small industry, we must also note that temporary employment placement agencies represent a consequent share of total job losses given a fall of 21 per cent of their total employment. In comparison, manufacturing was little impacted (with the exception of "manufacture of motor vehicles" with -3.2 per cent).

At first, **unemployment** did not rise and the unemployment rate measured by the Labour Force Survey even decreased during the first lockdown period, as many unemployed were not able to look actively for a job: at the end of the second quarter, the unemployment rate was 7.1 per cent (1.3 percentage points below its level of June 2019). Yet it rose sharply when GDP grew again (attaining 9.1 by the end of the third quarter) but went down again with the second lockdown (to 8 per cent in Q4 2020) and is rather stable since then (8.1 per cent by the end of Q1 2021). Overall unemployment fell by 0.4 per cent (from 2019 to 2020), showing the role taken by activity rates' cyclical adjustments: during the first lockdown the activity rate fell by 2.3 points (during Q2 2020) and continued to adjust to lockdown measures in such a way that, on a yearly basis, it fell by 0.2 points. These temporary

7 This is part of social dialogue, as pension funds are jointly governed by worker and employer organizations.

8 See: <https://ec.europa.eu/eurostat/databrowser/view/tec00115/default/table?lang=en>

9 See: https://ec.europa.eu/info/business-economy-euro/economic-performance-and-forecasts/economic-forecasts/spring-2021-economic-forecast-rolling-sleeves_en

10 In this paragraph and the next one, statistics for employment dynamics are calculated by the author based on INSEE data available here: https://www.insee.fr/fr/statistiques/fichier/5230337/IR_ETE_T42020.xls

adjustments are expected to rapidly fade away and expectations are that unemployment will rise again as activity picks up and the European Commission forecasts a 9.1 per cent unemployment rate in 2021 .

Adjustment to the GDP shock also induced a temporary fall in number of hours worked (average working time fell from 31.4 hours per week in Q4 2019 to 25.6 in Q2 2020). Yet it rapidly came back close to its original value (31 hours per week in Q1 2021).

If we compare the 7.9 per cent fall in GDP to the 1.3 per cent fall in employment (and even 0.4 per cent fall in the unemployment rate), we can see a large part of the labour market shock was absorbed by labour market and social policies, which reacted very rapidly, in addition to existing protections through unemployment insurance, health insurance or social benefits.

Brief description of first government responses/strategies

The first government responses to the crisis concerned **health issues**. While the first COVID-19 cases were confirmed in France by the end of January 2020, one month later the first restrictions started to be put in place (e.g. a ban on assemblies of more than 5,000 persons). Soon after, on 17 March a complete lockdown of the population was decided and it lasted nearly three months (until 8 May). The removal of restrictions was progressive and lasted until the end of June. In the autumn, with the resumption of the epidemic, a second lockdown (with slightly lighter measures, notably keeping schools open) was implemented from 30 October. Starting a month later, the lifting of restrictions was again progressive and geographically differentiated. A curfew was maintained and even reinforced in January in places (starting at 6 pm rather than 8 pm). From February, a third period of lockdowns was initiated but only on a local basis and for the weekends (concerning 16 *départements* out of 101, including Ile-de-France). A lighter version of lockdown (combining a curfew and mobility limited to a perimeter of 10 km) was applied to the whole country by the end of March and lasted until the beginning of June. Restrictive measures were fully lifted since the beginning of July 2021. Over the whole period, there were constant restrictions on international mobility, with rules differing according to countries and time. Wearing a mask in public places also has been a constant rule, the scope of which varied over the period.

Regarding the **economy**, the government rapidly launched a set of specific measures aiming at avoiding lay-offs (through the use of short-time work) and sustaining firms' financial situation (for example, implementing specific support that could benefit firms with no employees) and households' income (through reforms to social protection, and especially the unemployment insurance regime; also by implementing specific support for those not covered by social protection and social policies).

Short-time work has been the most emblematic measure and a major component of the policy response to the labour market consequences of the COVID-19 crisis in France. At its highest, the share of private sector employees affected by partial activity (in full-time equivalent) reached 29 per cent in April 2020¹¹ (*Comité de suivi et d'évaluation des mesures de soutien financier aux entreprises confrontées à l'épidémie de COVID-19 2021*), a volume that it had never approached before. The device is based on an existing policy tool (called *activité partielle*, "part-time activity") and was extended rapidly to sectors and workers who were not covered before, as well as being made more generous. The basic idea is to give firms facing temporary difficulties the possibility to reduce employees' working time or to suspend their activity, while maintaining their labour contracts. Employees receive a compensation

¹¹ See: <https://www.strategie.gouv.fr/publications/comite-de-suivi-devaluation-mesures-de-soutien-financier-aux-entreprises-confrontees>, the Progress report of the monitoring and evaluation committee on financial support measures for companies facing the COVID-19 epidemic, July 2021

for unworked hours, which is financed by the employer and by a public subsidy (see box 3 for details and further changes to the scheme).

Besides short-time work, the government also rapidly modified the rules governing working hours and the use of paid rest days and holidays to make them an adjustment variable to cope with the crisis (March 2020 ordinances).¹²

Other measures aimed at **sustaining firms' finances**¹³ have various forms such as delayed payment deadlines for social security and/or tax liabilities, tax remission, state-guaranteed loans and specific support from solidarity funds. These measures are focused on small firms, and especially the self-employed and those activities most hit by the lockdown.

Measures aiming at **sustaining household** income mainly relied on the social protection system and especially the unemployment insurance regime. In this field, the COVID-19 crisis first led the government to suspend the application of new unemployment compensation rules decided in 2019 (the government later decided to actually implement the reform in 2021, raising critics from social partners, see section 2). Indeed, this new agreement adopts more restrictive rules to calculate unemployment benefits. In addition, to avoid the end of unemployment insurance for those unemployed who cannot find a job in the context of the crisis, the government extended the right to unemployment insurance by three months during the lockdowns.¹⁴ In the case of cultural workers, who were strongly hit by the restrictions and who benefit from specific unemployment insurance rules based on their working hours over a year (*intermittents*), the government introduced a lost year (*année blanche*) in the calculation of entitlement rights:¹⁵ a cultural worker cannot lose their status until September 2021; moreover, the level of their benefit will not be revised during that period. This lost year has further been extended to December 2021. Specific temporary allowances were granted to certain groups who appeared to be very vulnerable in the context of the crisis (minimum income recipients, vulnerable workers, students and young persons). For instance, in 2020, minimum income recipients received €150 per household plus €100 per child in lockdown periods.

To take into account medium-term objectives for the post-COVID-19 crisis period, the government announced a specific plan to sustain youth employment and labour market integration in July 2020.¹⁶ It launched a wider Recovery Plan of €100 billion in September, including three main goals: speeding up the greening of the economy and sustaining ecological transition, developing skills and improving social cohesion, boosting France's competitiveness and economic resilience (see section 3).

Peak-level social dialogue – emergencies and adjustments

French social dialogue was reshaped by the COVID-19 crisis in two different ways: first, from the very start of the crisis, the government launched a series of regular crisis meetings with social partners, and second, soon after the first lockdown, social dialogue at the national level took on a new urgency. We will describe both steps one after the other.

These next two sections are based on two types of sources: reading of official publications and academic research, and interviews with social partners and government representatives conducted

¹² See *Ministère du Travail* (2021) for a detailed presentation of all changes that were made to labour law in response to the crisis.

¹³ See: <https://www.economie.gouv.fr/covid19-soutien-entreprises/les-mesures#>

¹⁴ See: <https://www.unedic.org/indemnisation/vos-questions-sur-indemnisation-assurance-chomage/covid19-quelles-regles-temporaires>

¹⁵ See: <https://www.pole-emploi.fr/spectacle/covid-19---mesures-exceptionnell/intermittents-du-spectacle--lall.html>

¹⁶ See: <https://travail-emploi.gouv.fr/le-ministere-en-action/relance-activite/plan-1jeune-1solution/>

for this project (see box 1 for a brief presentation of social partners in France). Interviews were conducted in July and August 2021 with national representatives of three of trade unions (CFDT, CGT and FO), two employer organisations (CPME and MEDEF), two government counsellors from administration (the Ministry of Labour) and two experts (a sociologist in industrial relations and an economist taking part in the post crisis social agenda). Social partners' points of view are also drafted based on their positions as expressed in the annual report on collective bargaining (Ministère du Travail 2012–2021) and press releases.

► Box 1. Social partners in France

In France in 2021, there are eight representative social partners at the national level: five trade unions (CFDT, CGT, FO, CFE-CGC, CFTC) and three employers' organizations (CPME, MEDEF, U2P).

Crucial reforms of social partners' representativeness have been recently implemented (see Gazier and Petit 2019, for a synthetic presentation) in order to better ground their legitimacy.

Since 2008, trade unions must achieve at least 10 per cent of votes at the company level and 8 per cent of votes at the sectoral or national multi-sectoral level (in elections of worker representatives) to be considered as representative. The electorate concerns private sector workers covered by a collective agreement. At most, elections are organized every four years so that the central labour public administration (*Direction Générale du*

Travail, DGT) can assess representativeness periodically (in 2013, 2017 and 2021).

Until now, the same five organizations were repeatedly confirmed as representatives. Most recent results (2021) are the following: CFDT: 26.8 per cent; CGT: 23 per cent; CGT-FO: 15.2 per cent; CFE-CGC: 11.9 per cent; CFTC: 9.5 per cent.

On the employers' side, an Act of 2014 introduced a rule (which became effective in 2017) for measuring representativeness using membership data: a federation is considered as representative if its membership covers at least 8 per cent of the total memberships (be it in terms of firms or workers).

In 2021 (and since 2017), three organizations are declared representatives by the labour public administration (DGT): MEDEF: 22 per cent of firm memberships (66.3 per cent of workers); CPME: 42.4 per cent of firm memberships (28.6 per cent of workers); U2P: 35.5 per cent of firm memberships (5 per cent of workers).

Managing the crisis through regular meetings

While the first official COVID-19 cases were detected by the end of January 2020 and before the first restrictive measures were put in place (the prohibition of assemblies of more than 5,000 people in closed environments starting on 29 February), the government initiated the first of a long series of "COVID-19 meetings" with social partners on 28 February 2020. These informal meetings appeared to be the cornerstone of PLSD during the crisis, a key structure to face the multiplicity and novelty of problems that emerged through the COVID-19 crisis, notably due to sanitary measures.

These meetings varied in scope and timing. They systematically involved delegates of the eight social partners that are representative at the national level (the five unions and the three employer federations) and representatives from the Ministry of Labour. They occasionally also included the President, the Prime Minister or the Minister for Economic Affairs. These meetings are held on an ongoing basis (they started in February 2020 and are still going on at the time of writing in July 2021) but their frequency varies. They were exceptionally frequent during lockdowns, and especially in the first one during which they were

held on a weekly basis. During periods of (relative) respite from the health crisis, they might be only once a month.

These meetings are not spaces for negotiation but rather for information-consultation. They are a place for the government to present its assessment of France's health status, emergency measures taken and their implications for the world of work. They would also present legal changes made in order to adapt to the crisis context (for instance, a temporary shortening of the consultation period for firm-level social dialogue or a temporary change in the rules defining holidays and working time). Social partners are not encouraged to negotiate such measures but are given a direct and specific access to information with a possibility to react.

While the first, and strictest, lockdown was a shock for every actor, plunging them into the unknown and raising many new questions, these frequent meetings seem to have helped them manage through the crisis. One interviewee underlined the level of shock was such that being able to exchange and combine different perspectives on such a new situation in itself was already useful.

Looking back, several trade union representatives pointed out that these meetings were also a way for the government to share responsibility for the restrictive measures put in place. Some regretted the lack of room for real negotiations. Union and employer representatives interviewed for this analysis pointed out that the very form of these meetings (successive speeches by the eight organizations with little time left over) prevented real discussion from taking place.

Yet, these meetings seem to have been fruitful to some extent. All trade unions representatives who we met did welcome the constant effort to transmit information. The government representatives who we met did acknowledge a "sense of responsibility" among social partners during this period. All actors agree that, in practice, these meetings have been an occasion to raise (and solve) some occasional but not insignificant problems. One union, for instance, noted how mobility restrictions impaired union delegates' actions, preventing them from actually going to workplaces. Another pointed at different specific problematic cases impairing the "normal" application process of access to social security or unemployment benefits and raised the need for exceptions to apply. Adjustments in labour law to adapt to the COVID-19 context were also discussed. The government did react to some of the remarks: for example, creating an exception to lockdown for union delegates.

Such informal social dialogue complemented the introduction of a specific and very flexible legal tool used to operationalize the results of the exchanges: the "National protocol to ensure the health and safety of workers in the workplace in the face of the COVID-19 epidemic" (*Protocole national pour assurer la santé et la sécurité des salariés en entreprise face à l'épidémie de COVID-19*). This protocol is a new, *ad hoc* legal tool in use since the crisis: it describes precisely the way in which the law (and notably the emergency law establishing the state of health emergency) should be interpreted. In practice, it is updated regularly and has been used as a practical and malleable soft law tool to adapt government action, notably in reaction to social partners' remarks.

Overall, the combination of informal dialogue and this flexible means of action appeared to prove some efficiency in managing the extraordinary context of lockdowns.

The COVID-19 crisis as a key to the revival of national-level social dialogue?

Contextual elements

There are two main forms of national-level social dialogue in France. The first is purely consultative and the second revolves around the joint management of social protection institutions. Both give a

crucial role to the state, in such a way that they may be called “tripartite social dialogue” (Freyssinet 2017).

The first type of national-level social dialogue is of a strictly consultative nature. It takes place in “social summits” or “conferences”, bodies that have no legal basis. During the 2008 financial crisis, social summits were organized under Nicolas Sarkozy’s presidency aiming at presenting government’s plans in the area of social policy and inviting social partners to initiate negotiations on topics put forward by the government. After his election in 2012, François Hollande triggered a new phase, announcing the implementation of what would now be called “social dialogue conferences” (*Conférence de dialogue social*). These changed the previous habits in various ways: they were organized on a yearly basis, they involved social partners in their preparatory phase and were the place where the government’s social agenda was to be set. While the system seemed effective in its first two years (in 2012 and 2013), it began to falter in 2014 (when social partners started to conclude that the overall contents of the reforms ran counter to their interests and two of the representative unions walked out), the 2015 conference was of a lesser scope (focusing on three non-contentious issues) and no conference was held in 2016 when important labour law reforms were voted on. (See Freyssinet (2017) and Erhel (2020) for more detailed presentation of these steps and actors’ reaction.) Upon its arrival in 2017, Emmanuel Macron’s government did not decide to relaunch this type of consultation.

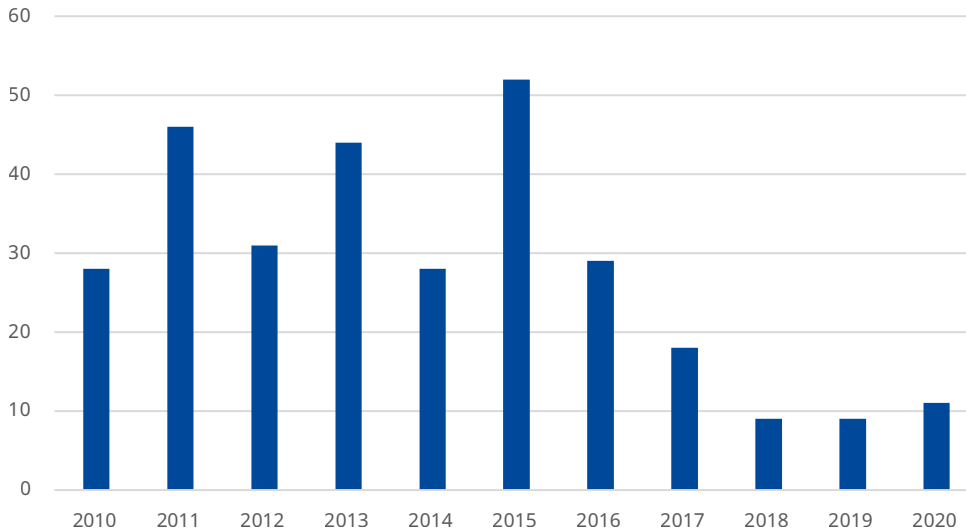
The second type of national-level social dialogue aims at the production of rules governing employment relationships. In practice, the process combines a national cross-sectoral collective agreement and a binding act from the state. The binding act can be either the incorporation of the content of the collective agreement into a new law or the approval or extension of the agreement itself (which actually gives it the force of law). The first option, going through a new law, is the way that potentially departs most from what has been agreed on by social partners. Indeed, the process is such that the government drafts a bill, transposing more or less exactly the agreement into a text that it further submitted to parliament. And the latter remains sovereign so that it is not obliged to respect all the terms of the agreement.

Agreements concern three types of subjects: first, enterprise-level management of employment and labour market functioning; second, the financing and functioning of jointly managed bodies; and third, employment policy instruments (see Freyssinet (2017) for various examples of agreements for the 2008–2015 period).

Although these processes of national-level social dialogue have existed for a long time, their dynamics have fluctuated since the 1970s (Bevort and Jobert 2011). After a low point in the 1980s and 1990s, a positive dynamic took hold from the 2000s. This dynamic was notably fuelled by the 2007 Act on the modernization of social dialogue which codified existing practices. It described a three-stage decision process: first, the government should inform social partners about a planned initiative and provide them with background documents on the issue; second, social partners should inform the government if they wish to negotiate; third, if agreement is reached, the government would draft a bill transposing its content into a revision of the Labour Code and submit it to parliament.

Because of the driving role the state has, the dynamic of cross-sectoral collective agreements is highly influenced by the government’s attitude. This is particularly clear if you consider the number of agreements reached per year since 2010 (see figure 1). National-level negotiation was intense from 2010 to 2015, then it became much less frequent from 2016. Over the past three years, approximately ten texts were signed per year and, among those, a little more than half were national-level agreements (others being infra-national-level agreements¹⁷ or amendments to previous texts).

17 Six over 11 texts in 2020, 6 over 9 in 2018 and 2019.

► **Figure 1. Number of cross-sectoral agreements (France, 2010–2020)**

Source: *Ministère du Travail*, 2012–2021.

Note: The total number of texts includes national and infra-national agreements and amendments.

The low point that began with the failure of the social conferences' dynamic was accentuated at the beginning of President Macron's mandate. We may link this to the new government's increased control over the definition of the social agenda and its more frequent intervention on the topics usually covered by collective bargaining, raising critics from social partners (Erhel 2020). In practice, two events crystallized the tensions: first, in 2018 the government called for a vast reform of continuing education and training the day after an agreement was reached by social partners and, second, in 2019 social partners blamed strict targets imposed by the government for the failure of unemployment insurance negotiations. Furthermore, by the start of 2020, pension reform was underway which was criticized for not fully respecting collective bargaining (despite extensive consultation with social partners) and led to multiple strikes from December 2019 to February 2020. Several topics on the social agenda were the subject of tensions by the beginning of 2020.

In parallel to state-led negotiations, social partners have a long-term claim for autonomous negotiation. But in the years preceding the COVID-19 crisis, this type of social dialogue was quite undynamic. Several reasons may explain it: important changes in the legal systems in 2016 and 2017 may have destabilized actors; the government's downplaying of their agreement on further training (in 2018); failure of the negotiation on unemployment insurance (in 2019) or a change in the attitude of MEDEF following the election of a new president in 2018 (given the MEDEF has a driving role in this autonomous social dialogue).

While national-level social dialogue is historically one of the pillars of social dialogue in France, it has been dormant for several years and has been the subject of recent tensions – despite a positive dynamic from the mid-2000s to the mid-2010s – until 2020, when the COVID-19 crisis began.

“Social dialogue conferences”

The COVID-19 crisis marked a turning point in the government's policy towards national social dialogue. First, soon after the start, the government decided to postpone much-debated unemployment insurance and pension reforms. And then, in the aftermath of the first lockdown, the government announced the organization of a “Social dialogue conference” in July 2020. Its objective was to establish the government's

social agenda, to set its priorities, method and calendar. Since then, social dialogue conferences have been organized approximately every six months (October 2020 and March 2021), each focused on reviewing ongoing measures and planning the next steps.

These conferences are preceded by preparatory meetings involving government representatives and social partners (and sometimes also followed by some meetings to finalize the decisions). More often than not, these meetings are collective but some are held bilaterally, grouping an organization and the government.

These conferences, presided over by the Prime Minister, are a quite visible tool for social dialogue and the fact that they started again, six years since the last one, is a clear sign of the government's willingness to put forward its relationship with social partners. Moreover, some union representatives state they may have had an influence on the postponing of certain reforms (branch restructuring, unemployment insurance or pension reform) and government representatives point out that union advice had some influence on putting forward the "second-line workers" work package (see section 3). Yet, all actors interviewed agree these conferences are not an occasion for real negotiations over the agenda's content. They believe that collateral meetings are rather of a consultative nature and "social dialogue conferences" first endorse a mode of communication towards the society as a whole. In the context of the COVID-19 crisis, interviewed government representatives did consider that the conferences have been a space where solidarity between state and social partners was expressed. An optimistic interpretation would describe them as the tip of the iceberg: a sign of a less visible and ongoing social dialogue.

National cross-sectoral collective agreements

In the context of several slow years of cross-sectoral social dialogue (see figure 1), 2020 marks a turning point in the sense that two important national-level agreements (*accord national interprofessionnel*) were signed: one concerns remuneration in the health sector and the other telework. We will briefly review the context and content of these agreements before discussing the robustness of national-level social dialogue in the context of the COVID-19 crisis.

National-level agreement "for reinforced prevention and a renewed offer in terms of occupational health and working conditions"

This agreement was signed on 9 December 2020 by MEDEF, CPME and U2P for the professional employers' organizations and by CFDT, CFE-CGC, CFTC and FO for the trade unions.¹⁸ It was extended in February 2021 and a law (very close to the agreement in its content) was voted on 2 August to include the content of the agreement into the Labour Code.¹⁹

The corresponding negotiation started in spring 2019, long before the COVID-19 crisis, and builds on several reports which raised the need to improve the governance of the system, to strengthen prevention mechanisms for employers and employees and to develop links between occupational health and public health.

The agreement intends to focus on preventive health and to help small firms in developing such prevention. Its content covers four themes: the prevention of occupational risks in companies; the promotion of the quality of life at work in connection with occupational health; the prevention of risk of employment exclusion and promotion of an offer of services for inter-company occupational health services in the context of a renewed governance of occupational health services.

¹⁸ The text of the agreement can be found on signatories' organizations websites, for instance, here https://www.cfdt.fr/portail/outils/accord-national-interprofessionnel-sur-la-sante-au-travail-des-avancees-significatives-pour-la-prevention-et-le-suivi-des-travailleurs-exposes-srv1_1158166.

¹⁹ See: <https://www.vie-publique.fr/loi/278583-loi-2-aout-2021-transposition-de-lani-sante-au-travail>

National-level agreement “for a successful implementation of telework”

This agreement was signed on 26 November 2020 by MEDEF, CPME and U2P for the professional employers’ organizations and by CFDT, CFE-CGC, CFTC and FO for the trade unions. Since April 2021, this national-interprofessional agreement is applicable to all private sector enterprises and workers by virtue of the extension mechanism as described in the introduction of this report.

The legal basis for telework already existed (notably through the ordinances of 2017 that presented it as a possible health measure in case of an epidemic), and a cross-sectoral agreement on telework was already signed in 2005. European-level social dialogue also set the basis for telework through several related agreements since 2002 and up to June 2020. Yet, there was still a need for further negotiations on digitalization in France (Erhel 2020), and the specific need for negotiations on telework was fuelled by an exceptional increase in the share of teleworkers during the COVID-19 crisis. Negotiations on telework were opened soon after the first lockdown in June 2020. They clearly were triggered by the COVID-19 crisis, and agreement was reached in a very short time.

The text aims to clarify the legal environment applicable to telework and to offer social actors (in a company and in professional branches) a tool to assist social dialogue and support negotiations.

It specifies in particular:

- a definition of telework and the scope of telework jobs
- the principle of double voluntary participation (from employees and employers)
- reasons for the employer’s refusal of a telework request
- reimbursement of professional expenses
- equipment and use of digital tools.

Trade unions have a mixed view on the content of the agreements at stake. CFDT and FO acknowledge these agreements renew and stabilize the legal framework for telework and health at the workplace. They both also grant the role given by social dialogue to the firm or branch level.²⁰ Yet, following the conditions of the employers’ federation, both agreements are not binding. This is a disappointment for all trade unions and even explains (along with their judgment of insufficient provisions on the right to disconnect and data protection) why CGT did not sign either of the two agreements. On the employer side, two organizations (CPME and MEDEF) strongly welcome the fact that no new constraints were imposed on employers. Regarding the agreement on occupational health, the three nationally representative employers’ organization welcome the reform of the governance of occupational health services.

All social partners welcome the resumption of far-reaching negotiations at the national level. With the agreement on occupational health, the crisis context allowed the conclusion of negotiations that had been pending for months. This is also the case for a sectoral agreement on working conditions and pay for health workers signed in July 2020.

A rebirth of national-level social dialogue in the wake of the COVID-19 crisis?

The resumption of broad national-level agreements and “social dialogue conferences” are clear signs of a vivid national-level social dialogue. If we add the frequent informal “COVID-19 meetings” introduced from

²⁰ No branch actually signed any agreement on telework in 2020 (but firm-level agreements dominate on this subject since the 2017 ordinances and it may seem logical that work organization rather concerns the firm level), but 1,900 firm-level agreements were concluded (to be compared to 1,175 firm-level agreements on telework in 2019), and they should be even more frequent in 2021.

the start of the crisis, the year 2020 somehow appears as a “golden age” of national-level social dialogue (according to the words of one union representative interviewed). Analysing European-level sectoral negotiations during the crisis, Degryse (2021) similarly expresses the impression of a “holy union” of social partners.

We may make the hypothesis that such a dynamic is the consequence of the COVID-19 crisis. Such an exceptional context may have nurtured a momentum of mutual support among social partners.

Yet defining a causal relation with the crisis is very tentative. Other driving forces are at play. First, there was a ministerial reshuffle in the beginning of July 2021, and the new prime minister (Jean Castex) does put forward social dialogue as a marker of his politics, while his predecessor (Edouard Philippe) rather advocated for the on-off consultations of social partners.²¹ Second, the Yellow Vests movement and the difficulty of solving it (notably due to the difficulty of finding a representative to engage in dialogue) may have pointed at the crucial role of the social partners as intermediary bodies between state and society.

The processes described show the state has a crucial role in French national-level social dialogue. Even concerning national-level cross-sectoral agreements, the government precedes negotiations by a framework letter setting its goals and provides most of the material on which analyses are based. During the negotiations themselves, the government may intervene to help overcome some point of contention. Doing so, the government clearly supports the process and helps it to succeed. Yet, it also may interfere in a domain that is supposed to be outside its scope. This illustrates a long-lasting ambiguity making national social dialogue more tripartite than bipartite. The role taken by the state here is repeatedly criticized by social partners (and two of our interviewees again pointed it out as a problem). This stresses the importance of another crucial change that emerged during the COVID-19 crisis: the progressive construction of an autonomous negotiation dynamic.

As soon as the first lockdown, social partners started to negotiate on defining common principles for “return to work plans”. This negotiation failed and ended up as a joint statement in April 2020 signed by one business organization (MEDEF) and two “reformist” unions (CFDT and CFTC). But social partners also, quite soon, launched a joint reflection to devise solutions to the crisis. This led to a common statement in June 2020 signed by four business organizations (MEDEF, CPME, U2P, FNSEA) and four unions (CFDT, CFTC, CFE-CGC, UNSA). More significantly, social partners’ autonomous reflection allowed them to come and negotiate with the Ministry of Labour on collective labour market transitions by proposing a joint project (in October 2020) which was then adopted. This capacity to be a force of proposal and to be heard by the government was welcomed by interviewees even if the limited scope of the scheme was also underlined.

By the start of 2021, the MEDEF initiated a move that led social partners (except CGT which declined the invitation) to set an autonomous social agenda, separate from the government’s. The goal of the signatories, even if they are still far from it, is to conduct an autonomous reflection enabling them to become the driving force in national-level social dialogue.

Peak-level social dialogue helping the world of work to recover from the crisis

This section presents measures aiming to devise long-term responses and structural interventions to recover from the crisis. Two type of actions will be reviewed: the first is a global recovery plan and engages national-level social dialogue; the second takes the form of various work packages and gives a crucial role to decentralized social dialogue. The two give a role to social dialogue but to various degrees and at different levels (national, branch or firm).

²¹ There was a concomitant change in labour ministers from Muriel Penicaud to Elisabeth Borne.

Content and context of the global recovery plan

To sustain the French economy that was seriously hit by the lockdown measures, the government announced the launch of a recovery plan in September 2020. The recovery plan is more comprehensive than previous emergency measures, although it includes specific measures that were already announced before September (support to employment maintenance through short-time work, youth employment support, training and so forth).

It adds up to €100 billion (including €40 billion stemming from European funds) over a two-year period. The macro-economic objective is to restore the 2019 level of GDP by 2022.

The targets of the recovery plan are more comprehensive than previous measures: the objective is to speed up the pace of an ecological transition; it aims to green the French economy and support job creation. It aims also to sustain growth potential and support French companies and industries' competitiveness, while investing in technologies to foster innovation (see box 2). All these measures have been reinforced in the context of the further lockdowns.

► Box 2. Main lines of the global recovery plan

The plan is composed of three pillars.²⁸

The first pillar is “the green transition”. It includes investments for energy efficiency renovation for private and social housing and public buildings (€6.7 billion). It also includes: investment and operating expenditures dedicated to industry de-carbonization (€1.2 billion), investment to develop everyday green mobility (cycling and public transportation) (€1.2 billion), some support to develop railway transportation – people and freight (€4.7 billion), spending to develop green hydrogen (€7 billion over 10 years).

The second pillar is “the reinforcement of competitiveness and resilience of the French economy”. It plans for a reduction of €20 billion in business taxes over the period. Moreover, €1 billion will be dedicated to favour the relocation of industrial production to France. This point could be seen as a response to the critics addressed to the government following the lack of masks and tests that were produced abroad and were essentially unavailable in France at the beginning of the COVID-19 crisis. In addition, €11 billion will be dedicated to investments in key technologies through the Investment Programme for the Future (PIA – *Programme*

d'investissements d'avenir). This tool is not new: since 2010 several PIAs were launched in response to the economic consequences of the 2008 crisis. For instance, PIA1, PIA2 and PIA 3 have supported investment in tertiary education and research infrastructure, innovation and high-tech industries or sustainable growth. Moreover, €3 billion are planned to strengthen the equity capital of SMEs/MSMEs and mid-size companies.

The third pillar is “skills, social and territorial cohesion”. It aims at investing in skills in order to safeguard jobs and improve employability and productivity, especially for youth and more vulnerable workers. It includes: investment in healthcare infrastructure (€6 billion), the training of young people in strategic and dynamic sectors (€1.8 billion), a decrease in the labour cost for young and disabled people through wage subsidies and reduced social contributions (€3.2 billion), life-long learning and transformation (modernization) of the life-long training via digitalization (€1 billion), some measures to preserve employment through long-term, short-time work schemes and dedicated training (€7.6 billion), some support for local authorities that account for the majority of public investment – including investment in the green transition and measures to support the most vulnerable and families (€5 billion).

Some elements of social dialogue were introduced in the definition of the recovery plan itself. Before it was launched on 3 September 2020, the plan was presented to social partners on the occasion of the July 2020 social dialogue conference. There were also a set of preparatory (collective and bilateral) meetings in July 2020. In the end, the main line and overall content of the plan was not subject to negotiation, but social partners did have the opportunity to raise their concerns.

Trade unions, including the reformists, criticize the massive unconditional transfers included in the plan (due to large tax cuts and targeted subsidies, notably in favour of youth employment), and emphasize the necessity of controlling the use of tax cuts and funds. Although it appears quite difficult to condition tax reductions and/or subsidies to job creation (or employment maintenance), they notably asked for social and economic committees (employee representation bodies) to be at least informed and exert some control on the use of public funds and on employment management in the companies. In contrast, employer organizations are strictly against this idea of imposing additional controls on employers' decision-making. The CPME representative interviewed considers that these measures should actually be considered as support to enterprises in compensation for the toll of the crisis. In the end, the government did not impose any obligation on firms.

Setting the ground for a new economy: a role for decentralized social dialogue

Among the various themes to be addressed according to the government's social agenda, social partners are constantly given a role. For some themes it only amounts to being informed about the government's future decision (regarding unemployment insurance or pension reform); for others, social partners are welcomed to contributing to the collective thinking (regarding collective mobility or the sharing of added value); and, for a third group of themes, the government proposes a process giving a crucial role to firm or branch-level negotiations.

We will first present the process we define as decentralized, negotiated public action and further present two examples taken from the current government's social agenda.

Decentralized social dialogue as a public policy tool

In a given country, the relative importance of different negotiation levels varies in time. A shift in the level of negotiations often implies a changing balance between the parties concerned or in their internal power balance. Therefore, changing the level of collective bargaining is in itself likely to be a matter of negotiation between parties. In French employment relations, the state takes a major role here by fixing regulations and standards. Accordingly, public action has had a central role in shifting the centre of gravity of the industrial relations system from the branch to the company over the past decades.²³

The Lois Auroux in 1982 (implementing a firm-level obligation to negotiate on a list of themes) marked the starting point of decentralization dynamics in France. Since then, this dynamic has been fuelled by different changes in the legal system, but we will focus here on another driving force: the implementation of policies giving a pivotal role to branch or firm-level negotiations. These policies include decentralized social dialogue as a condition for their effectiveness. It was, for instance, the case for the reduction of working time which would be subsidized by the state if and only if it was accompanied by firm-level negotiations. This conditioning of state financial support on the signature of a firm-level agreement has clearly been a driving force behind the increase in company negotiations at the turn of the century.

In practice, concluding an agreement (at branch or firm level) has also been used as a precondition for implementing a new policy tool. For example, it is the case for a new type of fixed-term contracts,

²² See: <https://www.economie.gouv.fr/presentation-plan-relance> for details.

²³ See: Freyssinet (2017) and Erhel (2020) for more detailed presentation of these steps and actors' reaction.

“fixed-term contracts with a definite purpose” (“*CDD à objet défini*”), created in 2008, and which could only be used once a branch-level agreement would be signed.

Overall, this type of conditionality has been used at different occasions over the past decades, either concerning firm or branch-level social dialogue. It is clearly one of the reasons for the long-term dynamic of an increasing number of firm-level agreements and the maintenance of high levels of branch activity.

In terms of public policy mechanisms, the rules are clearly stated at the government level, but the actual implementation of the policy is devolved to social dialogue at a “lower level”, creating some sort of “decentralized negotiated public action”. Groux (2005) even argues that such a method institutes decentralized social dialogue as an actor of public policy.

Considering the context of the COVID-19 crisis, the “long-term partial activity” scheme is typical of such a logic. In a longer-term perspective, considering the French government’s social agenda set during the COVID-19 crisis, a similar method of decentralized negotiated public action is at stake for three work packages: “jobs in demand”, “second-line workers” and “posted workers” for whom branch-level negotiation is given a crucial role.

In the following sections we will present the “long-term partial activity” scheme (“*Activité Partielle de Longue Durée*”, *APLD*) and “second-line workers” work packages as illustrative examples.

“Long-term partial activity”: a first example of decentralized negotiated public action

The “long-term partial activity” device has been sought as a relaying device to the exceptional use of short-time work during the crisis (see box 3). It allows firms exposed to a reduction in their activity to decrease working time and benefit from a higher compensation by the state: the employee is guaranteed a compensation of at least 70 per cent of his gross remuneration (in the limit of 4.5 times the gross minimum wage) and the state allowance is set to 60 per cent of this compensation. This is much more advantageous (for firms and employees) than the common law short-time work scheme (see box 3) but is only accessible if a common agreement is reached at the company or industry level. Such an agreement must define the employer’s commitment in terms of employment maintenance and employee training, and it can specify supplementary compensation paid by an employer.

The scheme has been quite successful and by mid-2021, while the exceptionally generous version of short-time work scheme has not yet been fully withdrawn, 53 branches have signed agreements²⁴ (out of about 200) and according to the Ministry of Labour. annual report on collective bargaining (*Ministère du Travail* 2021), by the end of 2020, more than 10,000 company-level agreements were already signed.

In the end, the way this APLD scheme was built, giving a crucial role to social dialogue at the firm and industry level in facing the crisis, clearly fuelled a dynamic social dialogue at a decentralized level. And the social partners interviewed did support such a process.

The dynamic was also supported by diverse measures implemented by the Ministry of Labour, adapting the conditions for negotiations in order to facilitate their continuation during lockdowns (reduced time limits for employee consultation after the signing of an agreement or shorter extension delay for industry-level agreements relative to the crisis; see *Ministère du Travail* 2021 for more details).

Overall, while we could have feared that the health crisis would lead to a lockdown of social dialogue, the opposite was observed: despite the context, both firm-level and branch-level negotiations stayed quite active (the number of agreements signed at both levels is comparable to 2019).

²⁴ See: <https://travail-emploi.gouv.fr/le-ministere-en-action/relance-activite/preserver-les-emplois-et-former-les-salaries/apld> for a complete list of agreements and access to the corresponding texts.

► **Box 3. Short-time work: an urgency scheme and its transformation**

The short-time work scheme enables a firm facing temporary difficulties to reduce working time or suspend employment.²⁵ Employees receive a compensation for unworked hours and this compensation is partly financed by a partial activity allowance paid by the state to the company – co-financed by the state and the unemployment insurance system. The mechanism has existed for some time and previously was used during the 2008 global financial crisis. Yet, during the COVID-19 crisis, it has been used at a level unknown till then.

In March 2020, among “emergency measures”, several changes were made to introduce an exceptionally generous version of the short-time work scheme.

First, the allowance was no longer a lump sum, but became more generous and proportional to the remuneration of employees concerned by partial activity. The compensation due to an employee covers at least 70 per cent of his previous gross remuneration, i.e. approximately 84 per cent of net salary (a minimum of €8.03 per hour applies) in the limit of 4.5 times the gross minimum wage. And this compensation is fully financed by the state. The employer can offer higher compensation (in excess of 70 per cent of gross salary) if it can/wishes to do so or following a collective or company level agreement.

Second, the “emergency measures” opened up the measure to groups that are normally

excluded (public companies, individuals who work from home, employees of private employers, childcare assistants), and from May 2020 the scheme also covered employees who could not work because of the pandemic like those who had to care for their children because of school closures.

From July 2020, the French government sought to anticipate the modalities of exit from this mechanism. This exit from this exceptional version of the device is planned to be gradual (and slower for sectors most hit by the crisis) and has been postponed several times in face of the enduring crisis and repeated lockdowns: it will be fully completed by 1 September 2021. The main point is the reduction of the compensation paid to employees to 60 per cent of their previous gross remuneration and the reduction of the state allowance down to 36 per cent of the compensation.

In parallel, in case of persistent difficulties, a new scheme was introduced: “long-term partial activity”²⁶ (*Activité Partielle de Longue Durée, APLD*). It was voted as a decree in July 2020 and was further integrated to the recovery plan announced in September with a budget of €7.6 billion devoted to APLD and training of partial activity beneficiaries. It can be used for a maximum of 24 months, not more than 3 years after the first use of the scheme and the reduction in working time must be lower or equal to 60 per cent.

Like the adjustment of the short-time working scheme at the heart of the crisis, this scheme is also to be temporary and is planned to be available until June 2022.

“Second-line workers”: a second example of decentralized negotiated public action

The “second-line workers” work package is another good illustration of decentralized public action. The approach and objective are very different from the APLD device. This work package is one of the half-dozen work packages included in the government’s social agenda. They are managed in various ways (some of them only including social partners’ consultation at the national level) and “second-line workers”

²⁵ See: <https://www.economie.gouv.fr/COVID19-soutien-entreprises/dispositif-de-chomage-partiel> for more details.

²⁶ See: <https://travail-emploi.gouv.fr/le-ministere-en-action/relance-activite/preserver-les-emplois-et-former-les-salaries/apld> for more details.

are among those giving a crucial role to branch-level negotiations. We will present its functioning and discuss its contributions and limits, keeping in mind that the process is still ongoing.

Beyond the medical professions mobilized on the “front line” against COVID-19, millions of private sector employees were at risk of infection during the health crisis as they continued to provide the population with services essential to daily life.²⁷ As early as the social dialogue conference of July 2020, the recognition of these second-line workers was included in the government’s social agenda. This objective was defined as a work package to be jointly conducted by government and social partners.

Two experts were nominated to coordinate this work package: Christine Erhel (labour economist, professor at the *Conservatoire National des Arts et Métiers*) and Sophie Moreau-Follenfant (deputy director general in charge of Human Resources at “*Réseau de Transport d’Electricité*”). Their mission was to entail three stages: first, in concert with social partners, they should make proposals to determine the criteria for identifying these second-line workers and draw up a list of occupations and branches; second, on the basis of this list, they will analyse the quality of these jobs; and third, they will build on this work to propose different levers of recognition for second-line workers at the branch level, potentially through negotiations.

The experts were nominated in October. After a round of meetings with social partners and the counsellors from the Ministry of Labour, a list of criteria was established and a document analysing the quality of jobs concerned was published (Amossé et al. 2021). These results were presented to social partners in March.

Social partners were in support of this project. But by the end of 2020 there were some negative reactions to the term “second-line” as potentially pejorative, but it appeared already too prevalent to be changed. The choice of criteria also gave rise to some remarks (notably by the branch concerned), but the main point of debate was the choice of the appropriate way to better recognize “second-line” jobs.

Trade unions argued for rapid negotiations of wage increases at the branch level, or even wage increases defined collectively at the state level. For their part, the employers’ organizations emphasize the need to examine several factors, including training of career paths. The government first promoted a wage premium specific to “second-line” workers, but – at risk of unconstitutionality concerning differential treatment of workers and the tough opposition of employers’ organizations – it finally decided to open the possibility to all employers to pay a tax-free bonus up to €1,000 and raised the maximum to €2,000 for “second-line” workers, provided that a branch agreement had been signed.

Social partners have a mixed view on this decision: employers’ organizations have underlined that it leaves a lot to be paid by each firm and will lead to fraud, while workers’ organizations tend to consider that the lack of a clear collective change will be a missed opportunity. In the end, both seem to consider that the process will not lead to a radical change for “second-line” workers in terms of pay.

Yet, the next step is still to come with branch-level negotiations. A list of 15 professional branches has been established since March, and the government is actively trying to motivate these to negotiate over the recognition of their second-line workers, notably helping them to establish base documentation on their branch. The degree of progress by the different branches is varied: some were quite proactive and are already quite advanced (like security or cleaning industries) while others are lagging behind (construction industry).

At this stage, no overall dynamic is emerging, and we fear that no comprehensive recognition movement for second-line workers will take shape. The same opposition from social partners

²⁷ They were 4.6 million according to Amossé et al. (2021).

view that appeared at the national level is likely to be repeated at the local level. And it can be hypothesized that the incentive offered by the government (to raise the possibility of a tax-free bonus from €1,000 to €2,000) is not enough to overcome this difficulty and motivate branch-level negotiation in a still fragile economic context.

Concluding observations: challenges, opportunities and the day after

In France, the COVID-19 crisis emerged in the context of a sluggish and tense social dialogue at the national level. Yet, it has been the occasion of a new dynamic in various ways:

- ▶ Lockdown periods were managed through very frequent informal meetings of the government with social partners. Since then, the government made a habit of regularly informing and consulting social partners about their decisions and the development of the work packages constituting its social agenda.
- ▶ Although these meetings were not a place to negotiate the policy response to the crisis, they may have been a place for building common knowledge and trust among actors.
- ▶ Early in 2020, the momentum for national cross-industry (state-supported) agreements has resumed with the signing of agreements that had been pending for months and the rapid conclusion of an important agreement on telework.
- ▶ From July 2020, the government started a cycle of half-yearly “social dialogue conferences” that were able to make visible the place given to national-level social dialogue.
- ▶ The crisis period was also an opportunity to relaunch autonomous (from the state) social dialogue at the national level. This was reflected, for example, in the ability of social partners to jointly propose a system for managing collective mobility and their ability to construct an autonomous social agenda.

The actors interviewed all welcome this renewed dynamic of national social dialogue. But it is not clear yet if this constitutes an “enchanted parenthesis” or the start of a long-term trend. Indeed, the ability of this dynamic to continue beyond the crisis period remains an open question. Several trade union representatives interviewed consider that the government’s attitude towards national social dialogue has resumed its pre-crisis position. This may give a crucial role to social partners’ capacity to drive autonomous social dialogue while the French tradition is clearly one of tripartite national-level social dialogue.

During the crisis, the resumption of a dynamic social dialogue at national level was accompanied by a steadily active decentralized social dialogue (at branch and company level), notably motivated by a public intervention scheme that we have described as “decentralized negotiated public action”. From this point of view, the crisis has also been an opportunity to demonstrate the complementarity of the three bargaining levels. While the 2017 ordinances and the failure of the 2018 and 2019 national agreements tended to downplay the role for national-level social dialogue, the latter has regained a central role during the crisis putting forward the usefulness of an articulation of negotiation topics among the three levels.

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