



After the first wave of Covid-19 in 2020, trade unionists used legal channels to try to protect the health and safety of workers exposed to infection risks at the Renault Sandouville car plant in northern France. More than one year on, *HesaMag* travels to the nearby town of Rouen to meet the activists at the heart of the Renault case and analyse the survival strategies that were put in place. We discover that, beyond the health crisis and the workplace risks, the Group is trying to save the factory by drawing on public funds.

Survival of the nation, businesses and workers

Mehmet Koksal
ETUI

“We are at war. Of course, it’s a public health war: we are not fighting an army or another nation. But the enemy is there, invisible, elusive, advancing. And that calls for our general mobilisation,” solemnly declared Emmanuel Macron, President of the French Republic, on the evening of 16 March 2020, announcing the start of a generalised lockdown. In France, as just about everywhere else in the world at that time, there was general panic about Covid-19, against which no vaccines yet existed. In this context, the Head of State then and there banned everyone from leaving their homes and consequently signalled the suspension of any activity that was not essential to the survival of the nation.

The discussion quickly turned to what was “indispensable” or “essential” to managing this crisis. As early as 18 March, ministers, in consultation with French employers, were falling over themselves to hint at a “top secret”, “non-exhaustive” list of state and privately owned companies in essential sectors (agri-foodstuffs, energy, transport, telecoms, cleaning, administration, etc.), where workers needed to be requisitioned. There had to be a lockdown, that was certain, but there was no sense in going too far – there was absolutely no question of bringing economic activity in France to a halt. Exposure to infection risks had to be avoided, but you could arm yourself with

mandatory certifications to justify travel, “in particular” to go to work, because everything that was not banned was authorised, including travel between home and work. How is it possible to move on so easily from the survival of the nation to that of businesses or the French economy, neglecting in passing the survival of the workers?

In September 2021, to look into this question, and armed with my health pass, I went to Rouen in Haute-Normandie to meet the CGT² trade unionist Gérald Le Corre and the lawyer Karim Berbra. Together, these two friends spearheaded a rather unprecedented legal action for interim measures to protect the health and safety of the workers at the Renault factory in Sandouville – a campaign which was highly controversial but did not receive enough media coverage. They succeeded in obtaining an order against the company at first instance, suspending production until it had fully complied with health requirements (consultation, evaluation, training, making premises and equipment available, changes in prevention plans, etc.), under threat of a daily penalty payment. “The plan for the organisational arrangements for working with a view to a resumption of production during the Covid-19 epidemic is a major plan that changes working conditions, requiring the staff representative bodies to be consulted, not just informed,” wrote the

1. Ebenstein Raphaël, *Coronavirus: c’est quoi, un secteur économique “essentiel”?* (Coronavirus: what is an “essential” economic sector?), Radio France, 18 March 2020.

2. The Confédération Générale du Travail (CGT) is a French trade union and member of the European Trade Union Confederation (ETUC).

3. Gérald Le Corre has agreed to speak to us in this article solely in his capacity as a CGT trade unionist. His views do not represent those of his employer.

4. FFP2, standing for “filtering facepiece”, is a disposable respiratory protection mask filtering against particles, meeting standard EN 149, class 2 (>94 per cent filtration of aerosols).

“The Covid risk comes on top of the other risks already existing at the workplace.”

President of the Tribunal Judiciaire (Court of First Instance) of Le Havre in his judgement of 7 May 2020.

After the lockdown announcement, the Renault factory in Sandouville was forced to close its doors for several weeks, and warnings about “serious, imminent danger” were issued by trade union teams and employees wanting to assert their right to stop work in light of what they regarded as insufficient measures to guarantee their occupational health and safety. When the Renault Group decided to start up its factories again, the trade union strategy on the ground was very divided: on the one hand, there were those who thought it was time to return to work so that temporary agency workers could start earning a living again and, on the other, there were trade unionists who argued that the lockdown was by no means over. “Think about the context. The virus is raging, and you are being asked to manufacture vehicles,” explains Karim Berbra, who worked on the case and took it to court. “There would be some sense in this if it was emergency vehicles that had to be built, but this was not the case here, and there was no vital interest in reopening the factory, apart from the purely economic interest of the Group.”

Judicial proceedings for an interim measure were brought by the CGT trade union on the basis of absence of consultation of staff representatives, absence of a risk assessment, and lack of information and training before the production site was reopened, leading to an order being issued at first instance. Before the court of appeal, Renault managed to have the judgement set aside, considering that only the company’s Social and Economic Committee (SEC) had the prerogative to institute legal proceedings for this kind of procedure. But beyond the questions of form, the matters of substance set out in the first instance judgment are of obvious interest and deserve to be examined in greater detail.

Risk assessment

I ask G erald Le Corre, who, as a trade unionist and labour inspector,³ is used to going on-site to check on procedures set up by companies: how is a risk assessment carried out in a big company like Renault? “Just like all the big corporations,” he grumbles. “The employers think that, by setting out some masks, displaying a few posters and putting hand-sanitising gel at the entrance to a building, the risks have been assessed. In actual fact, Covid is an additional risk that affects a person at his or her workplace. Covid needs to be analysed alongside the preventive measures already in place for other risks.

“Let me give you a specific example: at the Renault factory, particularly in the assembly shop, some of the staff are less than two metres apart, and even less than one metre from each other, as the assembly line moves forward. First, Renault decided to provide non-surgical masks that were the easiest to get hold of on the market. Remember, at that time, there was still a shortage of FFP2 masks.⁴ They were told that this was a problem, given the workers’ close proximity. Renault then decided to bring FFP2 masks out of storage, while telling employees that

they could change masks only during the lunchbreak. In terms of biological risks, the Institut National de Recherche et de S curit  (French National Research and Safety Institute, INRS) tells us that a person wearing a mask without assisted ventilation needs to take a break every hour to avoid cardiac risks. One break an hour does not fit in with Renault’s business plan.

“Another example is the changing-room issue. To save a few euros by avoiding hiring mobile cabins, the management decided to stagger the teams’ working hours. The problem was that no one had thought about car-sharing or workers arriving by bus, which resulted in crazy situations with hundreds of people in the changing rooms at the same time. The same thing happened with meals during lunchbreaks: the premises were too small, and so some of the staff were redirected to workshops, where there are lots of chemicals that are hazardous to health. The employer’s real mistake was to think only of Covid, whereas the virus actually comes on top of the other respiratory, chemical, and various other risks already existing at the workplace.”

It is worth noting that, according to Le Corre, employers tend to separate risks out rather than considering how they interact.

↓ CGT trade unionist G erald Le Corre went to court to defend the health and safety of workers at the Renault Sandouville plant.
Photo:   Belga



5. Béziat E. (2020) Jean-Dominique Senard: «Il s'agit de la survie de Renault» («This is about Renault's survival»), *Le Monde*, 29 May 2020.
6. Delépine J. (2020) Renault : le premier de la casse sociale (Renault: at the forefront in dismantling workers' rights), *Alternatives Économiques*, 12 June 2020.
7. Despite their hosting most of the relocated jobs, the countries of eastern Europe and Spain are those where jobs are most at risk from the digital transformation in the automotive industry, because they have the highest rate of routine tasks. In this connection, see: Drahokoupil J. (ed.) (2020) *The challenge of digital transformation in the automotive industry: Jobs, upgrading and the prospects for development*, Brussels, ETUI.

But it is important to look at the organisation of work as a whole, as the new preventive measures (such as social distancing during meals) can themselves give rise to other risks (for example, exposure to hazardous chemicals).

I ask Le Corre: doesn't failing to resume business mean a risk that the company's productivity will be compromised? "Yes, but the best preventive measure during a pandemic is still not to restart production, and, what's more, the government had given them carte blanche to remain shut down. Reducing the number of people on the production lines necessarily reduces the risk of infection," replies the lawyer. He goes on to say that "Employers are taking advantage of a political environment that is favourable to them. It's clear that they're no longer afraid of anything. The 2017 Macron orders gave them full reassurance that they could do what they liked with employees. After 2017, there was a real trend in which the fear of traditional social justice, namely the Conseil

Since the 2017 Macron orders, employers are no longer afraid of traditional social justice.

de Prud'hommes (employment tribunal with equal representation of employers and employees), was no longer an issue. As a lawyer, you have to reinvent the legal strategies. In this occupational health issue, interim measures are a very important channel."

After the first wave of Covid-19 in 2020, French political life was marked by two major legal actions: Renault Sandouville was one; the other was Amazon France. In the latter case, the US giant was ordered by the Court of Nanterre to close all of its depots in France under threat of penalty payments of one million euros, because the Group had not carried out a risk assessment at national level. "We followed the political comments from the right and the left, from the people you hear on the radio every morning," recalls Le Corre. "In short, everyone agreed that the order was welcome, because this was an attack against the US giant that was taking advantage of Covid to do its business. You often find the same comments, that it was a 'simple, wise decision' on the part of French justice, etc. Then we found ourselves in the news with our Renault Sandouville judgment. On the very day of the decision, we publicised it all over the place, explaining that it was a good decision by the Rouen court, which upheld and, in various aspects, even went further than the Amazon case. Straight afterwards, the ministers of the French Government, without taking the trouble to read the case file, said that no risk existed at Renault and came to the defence of the French company that had been convicted by the court."

During this time, the bodywork and assembly plant in Sandouville (Haute-Normandie, France) continued to announce proudly in a video on its website that it made "safety our everyday priority" with "working conditions at the heart of the organisation". This Renault factory claimed to have "produced most of Renault's high-end vehicles since 1964, for 50 years. Now specialising in the manufacture of light commercial vehicles, the factory has produced nearly 800 000 Trafic vans, across the full range of versions, from flatbed to Trafic SpaceClass. It is the first factory in the Group to manufacture for the three brands of the Renault-Nissan-Mitsubishi Alliance."

This communication gave the impression that everything was going swimmingly, but in reality that was not the case at all. The situation of the Renault Group, as for the whole of the automotive industry in France, was already alarming, and the pandemic simply aggravated the state of affairs by turning the public health crisis into an economic and social one.

On 29 April 2020, the European Commission announced that it had given special authorisation for state aid schemes to support companies affected by the Covid-19 pandemic, including the French Renault Group, which was to be granted a loan guarantee of five billion euros. One month later, on 29 May 2020, the same car manufacturer announced a plan to cut 15 000 jobs worldwide, 4 600 of them in France. This announcement had the potential to shock public opinion and, in trade union circles, there was criticism of the billions of euros offered to the company without any real conditions being imposed to safeguard employment. "The loan is not a state loan: these are bank loans guaranteed by the state. These loans, if we use them at some point, will be repaid," responded Jean-Dominique Senard, Chairman of Renault's Board of Directors, in an interview granted to the newspaper *Le Monde*,⁵ in which he confirmed the workforce reduction plan, also referring to "Renault's survival" to justify dismantling workers' rights. The Group's industrial strategy was called into question. This strategy⁶ seems to favour the relocation of production of small, low-cost vehicles, popular among European consumers. The French factories, meanwhile, are left to specialise in electric vehicles, which, as digitalisation and automation of the production line are introduced, need an ever smaller workforce.⁷ All this, of course, jeopardises the survival of the French factories and places a question mark over the usefulness of a state guarantee facilitating access to bank loans.

Although Renault is still a long way from guaranteeing its economic survival, it already seems to have lost something of its shine and prestige as far as attractiveness and wage stability are concerned. "Just 10 years ago, being taken on by Renault was like working in the public service, at EDF or SNCF (two partially state-owned companies). The working conditions were very good, and you were guaranteed stable employment throughout your working life," explains Gérald Le Corre. "These days, fellow workers say that they are seeing young people resigning. We never used to see that in the past. Why? Because the working conditions are lousy. We fight to get them a good-quality contract, but, these days, some young workers aim not to be taken on permanently. They just want an 18- or 24-month contract to make a bit of cash, and then they'd rather go and look elsewhere."

Obligations on employers under the 1989 Framework Directive

- Evaluating risks
- Combating the risks at source
- Adapting the work to the individual
- Replacing dangerous agents with non-dangerous (or less dangerous) ones
- Giving collective protective measures priority over individual protective measures
- Informing and consulting workers
- Training workers

Obligations on workers

- Making correct use of the means of production and protective equipment
- Informing and cooperating with their employers

Objective: to guarantee minimum health and safety conditions across Europe, while allowing Member States to maintain or introduce more stringent measures.

Scope: all sectors of activity (both public and private) with the exception of the army, the police and domestic workers.

Source: Tony Musu, ETUI

“When are we going to be laid off?”

We head for the Renault plant in Cléon to meet a company-level trade union team. During the meeting, the trade unionist William Audoux tells us the same thing: “Our young colleagues ask us: when are we going to be laid off? In fact, there is a special agreement between the government and the Renault Group called the ‘long-term short-time work scheme’ (APLD from its initials in French), which allows Renault to have people working flat out for three days, and the rest of the days of the week they will be paid unemployment benefits, in other words out of our taxes. The fact of keeping up very high rates of work is not justified by any demand but by Renault’s desire to maximise the use of state-provided unemployment benefits. The situation is even more serious for temporary agency workers, because they are often living on two to three weeks’ wages a month, as a result of multiple breaks between contracts.”

With 3 327 employees in July 2021 (compared with 5 000 in 2006), and 818 temporary agency workers in May 2021 to cover a “temporary increase in workload” (which has been going on for years), it is clear that the Group has established a human resources policy which aims essentially to benefit from the temporary unemployment scheme funded by the authorities and avoid hiring new employees.

Gérald Le Corre adds another level, about the general deterioration of working conditions: “We have clearly made progress on the traditional risks in the industry, in particular heavy load-handling. During these past 20 years, we have seen the arrival of suction pad systems and lifting trucks, for example. On the other hand, on the question of working hours, night work, weekend

working, work collectives that have been blown apart, constant reorganisations, the increase in outsourcing with large-scale use of temporary agency workers (which complicates the issue of solidarity), exposure to chemicals, ineffective protective measures, rates of work for workers on the production line – this all becomes unmanageable! The intensification of work that used to apply only to production-line work has spread into areas that used to be better protected, like maintenance, support services, and logistics. So occupational health is very clearly deteriorating.”

More than 100 per cent commitment expected

The Renault plant in Cléon manufactures gearboxes, combustion engines and electric motors. At the end of 2021, production of two of the three combustion engines (diesel and petrol) will cease, leaving one third of the plant empty of its machinery and its workers. Many people are hoping that the sales of electric motors will make up for the loss of the internal combustion engines, but the worries emerge clearly during our conversation. “There are far fewer components in an electric motor, and the workforce ratio is one to five, so there really are concerns about employment, particularly as there is a lot of competition across the electric vehicle range. At more than 50 000 euros, I don’t know who we will be able to sell our high-end electric vehicles to,” muses William Audoux. “At the moment, it’s the increase in rates of work and the deterioration in working conditions that are giving us the greatest problems. Between us – the CGT and the CFDT⁸ – we exercised our right to issue a warning with an expert

opinion, mentioning the serious risks affecting the plant in all the engine assembly shops. Specifically, we are facing job cuts, and the guy who’s left has to do the work that used to be done by two people. In some jobs, the employee is expected to be more than 100 per cent committed, so even if he is working flat out, it won’t be enough to satisfy his employer.”

Managers try to justify these conditions with an obligation to increase productivity and a desire to keep production based in France. “Except that, behind these measures, employees are suffering,” adds Audoux. “And sometimes there are even attempted suicides. The workers are monitored, timed. It is with the aim of avoiding all this that we request an expert opinion, we issue warnings, we bring legal proceedings, but in the end you don’t really see any tangible action by the management. Frankly, the only thing that could change the situation is mass mobilisation of employees in the automotive sector.”

On-site, the future for the Renault workers is looking rather fraught, with difficult discussions linked to a future competitiveness agreement, a consolidation or reorganisation of sites, increasingly compulsory flexibility, mandatory evening and Saturday working, and forced mobility of workers across the various factories. It is a question of survival for Renault and indirectly for the nation, but at what price to the workers? ●

⁸ The Confédération Française Démocratique du Travail (CFDT) is a French trade union and member of the European Trade Union Confederation (ETUC).