

Chapter 3

Bargaining and social dialogue in the public sector in France: between transformation and stability

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1. Introduction

1.1 Short presentation of the case study

This chapter deals with the evolution and role of industrial relations in three subsectors of the public sector in France: hospitals, primary education and municipalities. The aim of this study is to answer two closely interrelated questions: How have industrial relations in the public sector evolved? And, what has been the role of industrial relations in shaping the public sector?

When assessing the role of industrial relations in shaping the public sector, our starting point here is that over the past 15 years most governments and international agencies (EU, OECD, and IMF) have promoted profound public sector reforms. These reforms are generally inspired by a combination of New Public Management (NPM) and austerity ideas. NPM theory focuses on privatisation and marketisation of public services, including elements like result-based accountability, quasi-contractual relationships, financial incentives, decentralisation, limits on collective workers' representation, and the replacement of automatic and collective mechanisms of pay increases and career promotion with more discretionary, selective and variable mechanisms. The austerity approach focuses on the goals of restricted public expenditure, reduction of public debt, and limited budget deficits, and is institutionalised in the economic governance of the Economic and Monetary Union (EMU). The government performs several roles in this context. In France, in the case of civil servants, the government has acted both as regulator and employer (Aubry 2014). The employment conditions of public sector workers are laid down by statute rather than contract, which places the government in a sovereign position (Bach and Kessler 2011). Reform plans inspired by New Public Management have sought to alter this model, by introducing more private law contracts, by reorganising administrative departments, and by changing the salary-setting conditions, though without transforming the general economics of the statute (Bezes and Jeannot 2013, Andersen and Madsen 1999).

This chapter deals with how NPM ideas have been translated into reform policies for the public sector in France, and the evolution of industrial relations in that sector. We also examine the austerity policies related to the crisis, its effects and consequences on the number and quality of jobs and services in the public sector. Section 1 provides an overview of the situation of the public sector focussing on public expenditure, employment, share in the total economy, basic organisation of the public sector and its distinctiveness, and main directions of the reforms affecting it. In section 2, a general

overview of public sector industrial relations is provided. In section 3, we explain the evolution of industrial relations and their role in shaping the subsector of primary education. In section 4, our attention turns to industrial relations in hospitals. Section 5 is dedicated to industrial relations in the municipalities, in particular day care services. Finally, in section 6, a comparative analysis is provided, where we summarise the results of our research and the main conclusions regarding the evolution of industrial relations in the public sector in France over the last 15 years.

We take an interdisciplinary approach, incorporating a legal analysis of the developments in labour/administrative law and relevant public policies/reforms and qualitative research based on semi-structured interviews with social partners in France. The research follows a mixed-method approach, using primarily:

- Analyses based on desk research of available literature, legislation, policy documents, reports from national authorities (Ministry of Employment, the Economic, Social and Environmental Council, observatories, etc.), relevant case law, and available texts of collective agreements;
- Analyses based on publicly available labour market data;
- Interviews with representatives from social partners.

2. The public sector - an overview

The State Civil Service (la Fonction publique d'Etat) includes central government departments and their decentralised administration, as well as public administrative institutions. The central government includes:

- The central administration (central ministry departments) and their decentralised departments at a local level (around 2.4 million workers);¹
- National public institutions with a public service mission, teaching and research establishments belong to this category (around 1.12 million civil servants including all teaching personnel);²
- Health service personnel who are under the authority of the Health Service.

Employment in the public service comprises all public sector workers regardless of their types of employment: civil servants, public contract employees on a permanent or a fixed-term contract, employees on subsidised contracts, and temporary workers. From a legal status point of view, the public sector includes two main types of workers:

- Civil servants working for an administrative body in the central government (51% of personnel), local government (30% of personnel) or the health service (19%

1. Source – INSEE and DREES, <<https://www.insee.fr/en/statistiques/1376010?sommaire=1376034C>>

2. Ibid.

of personnel). In 2015, the total civil service workforce was 5.4 million, which corresponds to 22% of the total national labour force;³

- Public employees working for public companies in which the state is a majority shareholder, e.g. the French National Rail Company (SNCF). In 2015, the total number of employees in public companies was around 750 000.⁴

Table 1 Evolution of employment in the public sector (civil service)

Number of workers on 31/12/2016	2016 (in millions)	Annual evolution (%)	Annual evolution (%)
	Number of contracts	Number of contracts	Number of contracts
Civil Service – State level			
Ministries	1 942.3	1.4	1.4
Public administrative establishments	560.7	-0.3	0.5
Civil Service – Regional level			
Regions and Departments	446	-1.0	-0.7
Communal sector	1 531.2	-0.2	0.0
Health Service			
Hospitals	1 040.7	0.0	0.1
Socio-medical establishments	148.6	2.1	2.5

Source: INSEE, SIASP (Le système d'information sur les agents des services publics).

Two of the examined subsectors, primary education and hospitals, include both administrative bodies and private companies. Primary education includes public primary schools and private teaching establishments, while the health sector includes public healthcare establishments and private hospitals.

One peculiarity of the public sector in France is that it is a highly feminised sector. Women account for one of the highest shares in total employment of all OECD countries and represent over 62.3% of public sector employees in France. In ministries, 57% of workers are women; in the national public institutions (public services) more than 60%. Furthermore, there is a higher than average level of part-time employment for women in the public sector (OECD 2015a). Women are underrepresented in managerial positions. However, attempts to counteract this trend have been made through an agreement negotiated by the social partners in 2013, which included measures aimed at women's career advancement in the public services (EUROSTAT 2015).

All public sector employees benefit from a special status. Since the law of 13 July 1983 (Law on the Rights and Obligations of Civil Servants no. 83-634), the general regulations of the different civil services have been unified, even if there are still specific provisions for each sector (Vicent 2008). Alongside the civil servants, there are state manual

3. Sources – INSEE and DREES, <<https://www.insee.fr/en/statistiques/1376010?sommaire=1376034C>> and DGAFP, 'Fonction publique - Tableau de synthèse 2015' <https://www.fonction-publique.gouv.fr/files/files/statistiques/rapports_annuels/2015/tableau-de-synthese-2015.pdf>

4. Ibid.

workers who are public employees and also non-permanent public employees who work for the administration. The general civil service regulations define the rights and obligations of civil servants and state manual workers. Public servants are divided into three categories: A (supervisors and managers), B (middle management and qualified professionals) and C (operational personnel).

Although public employees can be recruited on a contractual basis (16%), they are normally recruited via selection processes. The recruitment processes of public servants always take place through public examinations and the civil servants have the right to career progression. The civil servants' assessment procedure is set out in Decree 682. This assessment is based on performance, as well as professional development prospects. In recent years, the importance of seniority in career advancement has diminished in favour of merit. This performance evaluation procedure is carried out in each ministry, in accordance with the functions of the posts. Moreover, this general assessment and classification system may be adapted by each ministry in agreement with the trade unions (Spanish Ministry of the Presidency 2010).

Remuneration is based on the employee's grade and the rank of their position. The rank is linked to a base remuneration according to the civil servant's position on the salary scale. In addition to grade, rank and position, remuneration consists of compensation for residence, a family supplement and other variable pay components (Allouache 2009; Vigneau and Sobczak 2005). In the last decade, an individualised bonus system, known as the 'function and performance bonus', has been introduced to the public administration pay system, in which remuneration takes account of the civil servant's responsibilities, and another variable component that covers the worker's individual performance, which is evaluated in the periodical individual assessment.

Table 2 Evolution of monthly average salary in the public sector

	Level 2016	Evolution between 2014-2015 (%) In current euro	Evolution between 2015-2016 (%) In current euro
Total for the whole Civil Service			
Gross	2 710	1.0	0.9
Net	2 230	0.6	0.5
State level Civil Service			
Gross	3 060	0.8	0.8
Net	2 510	0.4	0.4
Territorial Civil Service			
Gross	2 300	1.2	0.9
Net	1 900	0.8	0.6
Health Care Service			
Gross	2 740	1.3	1.2
Net	2 260	0.9	0.9

Source: INSEE, SIASP.

2.1 The public sector reforms

In this section, we present the main NPM reforms which were implemented in the public administration over the last 15 years. State modernisation policies aim to improve relations between administrations and employees and to make the latter more efficient. To this end, new human resources management methods borrowed from the private sector have spread to the public sector (Bordogna 2003). In the case of France, some of these policies were approved by a governmental Decree of 29th April 2002 but the main relevant NPM reforms were adopted after 2008. Several reforms were approved by the government to improve the quality of public services and reduce the size of the public sector between 2009 and 2011. Additionally, several reforms aimed at modernising and increasing the efficiency of the French Ministries were adopted. These measures were intended to modernise the state's organisation, internal procedures, and human resource management.

During our reference period, several reforms to the public sector wage-setting mechanisms were undertaken. The main reforms were conducted under the 'General Public Policy Review (RGPP)' during President Sarkozy's mandate. Traditionally, wage negotiations in the public sector have revolved around the crucial criterion of 'the value of the index point' (*point d'indice*). For the unions, with an increase in the point value above inflation, state employees got a pay increase; if not, they were losing purchasing power. In 2007, the Ministry of Finance introduced another assessment principle, linked to trends in the total wage bill, the progress of civil servants in their careers, and the trends in the number of jobs (Bezes 2009). Sarkozy's government adopted a reform of public sector wages inspired by New Public Management ideas. The first measure was to stop the indexing of the point value to the retail price index. The point value grew by 2.8% over the period 2008-2011, at a time when inflation was 4.4%, bringing a real terms salary cut of 1.6%. This measure was partially offset by other initiatives. The government introduced an adjustment for employees who did not advance in their career to counterbalance the reduction of wages: this individual living standards guarantee was awarded in 2010 to 56 000 civil servants, at an average of €800 each. In addition, certain sectoral negotiations improved career prospects within some subsectors, through bonuses increases, or overtime payments (especially in education). Furthermore, the method of determining the flexible components of public servants' pay was adjusted. The various bonuses were grouped into the above-mentioned 'function and performance bonus' (Jeannot 2012).

A second reform adopted during Sarkozy's government was a drastic reduction of the number of civil servants through reorganisations and a decrease of the replacement rate of retiring civil servants (by the non-replacement of one in two retiring civil servants). This reduction of public sector jobs was as follows: 75 000 jobs cut in 2008, 45 000 in 2009 (representing 5% of jobs in the public sector over those two years). This led to a fall in personnel costs as a share of the national budget from 43% in 2008 to 36.5% in 2010.

Other important measures affecting the working conditions of state employees implemented during Sarkozy's government were the pension policy and sickness

pay reforms, which partially brought civil servants into line with the less favourable conditions in the private sector. An austerity measure affecting workers in the public sector has been the increase in the statutory retirement age from 60 to 62 ('Réforme des retraites' in 2010) and the elimination of the phasing out model of retirement (gradual reduction of working hours with a corresponding reduction in wages) through the elimination of the 'dispositif d'accompagnement'. This reform has been strongly criticised by the unions, as it eradicates some flexible retirement options.

Also during Sarkozy's administration, in line with the reorganisations associated with the RGPP, several public sector downsizing measures were introduced. In particular, the policy of 'organisational merger' took the form of multiple unifications of central government administrations, of ministerial divisions at the regional level and of inter-ministerial divisions at the departmental level. This reform of ministerial units at the regional level was characterised by the desire to merge organisations in order to increase co-operation between them, and by the strengthening of the prefects' co-ordinating powers (Bezes and Jeannot 2013).

In 2008, a significant jointly negotiated reform of the social dialogue system in the public sector occurred. For many years, trade unions representing public sector workers did not officially have the legal competence to initiate collective bargaining over issues except for salaries. In reality, the practice of bargaining over several working terms and conditions had expanded over the previous decades. During negotiations, the government is represented by the Ministry for the Civil Service (central government civil service), the Ministry for Health (hospital civil service) and the Ministry for Local Authorities (local government civil service). Employee representatives would come from the eight major trade unions. Subjects discussed included terms and conditions of employment, health and safety, and remuneration, etc. Nevertheless, the government had the prerogative to act unilaterally in the eventuality of any failure to reach agreement. This changed in 2008 with the Bercy agreement, which included a framework for social dialogue reform. This agreement was meant to strengthen collective bargaining and social dialogue between civil service branches and ministries, underpin the legitimacy of technical committees and advisory bodies, and reinforce the rights and means of trade unions (the content of this agreement is discussed in section 2.1).

A change in the orientation of the NPM reforms could be observed after the Hollande socialist government took office in 2012. The term 'General Public Policy Review' was dropped. Most importantly, the target of drastically reducing the number of civil servants was abandoned and even reversed in the sub-sector of education, where new jobs were created. Additionally, following the 2012 Public Service Pact, further reforms were ratified, including measures dealing with individualised remuneration, job mobility, evaluation, training and diversity.

Successive French governments during this period have embraced the NPM reform model cautiously, preserving several features typical of its administrative tradition, starting with the specific legal status of the employment of civil servants; a model sometimes referred to as neo-Weberian (Bordogna and Neri 2010). In spite of the

individualisation of personnel management, specific regulations still govern the foundations of the civil servants' employment relationship.

The majority of the unions have opposed the changes introduced by the New Public Management inspired reforms but have struggled to get civil servants to take action against the reforms. Nevertheless, some relevant public sector collective actions were organised during the period to protest against the effects of NPM reforms (with limited success on achieving their collective demands):

- A major public sector strike was organised by the main trade union confederations in May 2014 to demand better pay for state employees. Tens of thousands of public sector workers joined that strike to demand higher wages and an end to austerity. The strike took place in schools, hospitals, airports, city transport, police stations and government buildings around the country. Despite the high turnout, the government representatives' reaction was to refuse the wage increase until there was clear economic growth;
- A wave of strikes across several subsectors of the public sector went nationwide in January and February 2016. Civil servants, hospital workers, and teachers joined the strike. Public sector workers were protesting against reforms adopted in 2016 affecting pay and career advancement. During that period nursery school and primary school teachers also went on strike demanding higher wages.

2.2 Industrial Relations in the public sector: distinctive features

Traditionally, France is characterised by a rather strong presence of trade unions at the national and sectoral levels, but with little presence on the shop floor (Caroli and Gautié 2008; Ramos and Bennaars 2017). The French trade union model is not one of mass trade union militancy (Brunhes 2008). Bearing in mind the peculiarities of the industrial relations actors, in the public sector in France there is a comparatively high percentage of trade union membership: 15% average (compared with 8% of workers in the private sector). That percentage rises to 25% in the education and healthcare sectors. Nevertheless, as in the private sector, trade unionism in the civil service is characterised by the existence of many different organisations (diversified and fragmented representation).

Collective rights for civil servants have been specifically regulated in France. The right of association and the right to strike have been fully recognised since 1946, except for members of the armed forces and judges. The main original feature of the regulations is that employee representatives participate in individual career management through administrative committees and in the organisation of services through consultative committees.

In public companies, the legal status of the staff is highly variable, ranging from a status very close to that of a civil servant, to that of public employees, which in terms of collective labour rights entitlement is close to that of private sector workers.

In 1983, the law recognised the civil servants' trade unions' competence to carry out wage bargaining at the national level with the government. Since then, annual salary negotiations have taken place between the Civil Service Minister and the civil service trade unions, the French Democratic Confederation of Labour, (CFDT), the French Confederation of Professional and Managerial Staff (CGC), the General Confederation of Labour (CGT), the French Christian Workers' Confederation (CFTC), the General Confederation of Labour – Force Ouvrière (CGT-FO), the Unitary Union Federation (FSU) and the National Federation of Independent Unions (UNSA).

Collective bargaining is centralised at a national level and includes salary increases within the limits set out in the budget by the Ministry for Finance. Until 2010, collective bargaining focused mainly on salary issues and dealt with the specific pay structure for civil servants. As explained before, civil service pay has two components: an indexed salary and individual bonuses which are determined by grade. These bonuses on average represent 17% of civil servants' salaries.

Until recently there was officially no collective bargaining (except for salary issues) in the public sector but only consultations between the ministries and the trade unions. That situation changed with the 2008 Bercy agreement which established the right to collective bargaining for the whole public sector (at all levels and concerning all labour issues). The Bercy agreement was signed by the CFDT, the CGT, the FSU and the UNSA, (whose leading position was reinforced by the new rules on representation), but was rejected by Force Ouvrière.

The 2008 Bercy agreement was implemented by the 5 July 2010 Law on the Renewal of Social Dialogue (no. 2010-751). This legislation clearly expands the scope of collective bargaining in the public sector (Montecler 2010). The detailed rules applying this legislation are set out in the 22 June 2011 circular on civil service negotiation. The main aim of the 2010 reform is to change two of the traditional features of social dialogue in administration: the unilateral character of the decisions of government as an employer, and the focus on the discussion of individual cases (Jeannot 2012). The 2010 Law on the Renewal of Social Dialogue reformed industrial relations in many aspects:

- It reinforced the legitimacy of union representation: by making it possible for any workers' organisation to be represented, which was not previously the case, and by broadening the electoral base to non-tenured civil servants, and creating a single election timetable;
- It established minimum rules of representativeness for a collective agreement to be valid, setting the minimum threshold of votes that the signing unions should have attracted in the last union elections at 50%;
- It drops the administration's obligation to have the same number of representatives as the unions on all social dialogue bodies;
- It modernised and harmonised the social dialogue structures, with the creation of a combined higher council of the civil service in addition to the higher councils

of each national public service, the strengthening of the legitimacy and role of the technical committees responsible for matters of organisation, and the extension of the remit of the health and safety committees to other working conditions. The purpose of these changes is to counterbalance the previously central role of the joint administrative committees, with their focus on individual decisions about job mobility and promotion, in favour of collective discussion bodies like the technical committees. Indeed, since the 2010 law came into effect, the level of representation of the different unions is based on elections to these technical committees;

- It has also changed the rules on the involvement of workers' representatives on joint administrative committees (Commissions Administratives Paritaires, CAP). The CAPs are the basic institution of public sector employment relations. In 2010, the structure and functions of these advisory commissions were reformed. CAPs are consulted on individual elements of employment relations (recruitment, rating, assignment, promotion, and disciplinary action). Since the early 2000s, the CAPs have been decentralised in some services. Trade unions have used these employee representative bodies to provide visibility and legitimacy for their actions. In many state departments, CAPs stick to an advisory and informing role. In other departments, as in the case of the Ministry of Education, CAPs are a real instrument for union involvement in the drafting of statutory rules and internal labour market management. There unions have imposed a genuine co-determination of collective criteria for employees' individual career management (Tallard and Vincent 2009). In the education sector unions have built their strength and ability to protest based on their links to the shop floor through the CAPs (Vincent 2016).

Apart from the CAPs in France there are other consultation bodies dealing with departmental organisation. These are called the Technical Committees (Comités Techniques, CT). The CTs are consulted on organisational changes (budgetary rules, staffing trends etc.) and on the collective elements of working conditions. They are set up at all levels of administrative structures with, at the top, a council for every public service. In the past, their members used to play a rather formal role in the administrative hierarchy. In order to revitalise this institution, their functioning was reformed in 2010 to make it more akin to that of works councils (comités d'entreprise) in the private sector (Vincent 2016). Therefore, the influence of the unions can be measured more in terms of the representation of union officials on joint administrative committees than by union membership (Larose 2008).

Within the trade union movement, we can observe differences in representation levels and attitudes to the NPM reforms undertaken by the French government. The CGT, which has recently distinguished itself by its collaborative attitude to these reforms, is the leading union for the civil service in general (23.5%), with an especially strong presence in local government bargaining structures. The CFDT (Confédération Française Démocratique du Travail) and FO (Force Ouvrière) unions have similar levels of representation (respectively 16.8% and 17.6% for the civil service as a whole, uniformly spread across the three areas: central, local and hospital). The FSU is the

largest union in the education sector and it has significant influence in the public service as a whole (11.6%). The new radical union, SUD, is gradually gaining representational density (9.6%) and has been more critical towards NPM reforms (Vicent 2016).

Regarding the other side of the bargaining table, the public sector is unique because the state is the employer and workers' wages are financed by public money. Moreover, employees are providing public services and performing public tasks, which makes the sector highly subjected to public scrutiny and influenced by politics. The government is represented at the bargaining table by the civil service Minister. Technical support is provided by the DGAFP (General Directorate for Administration and Civil Service), which reports to the Prime Minister. Centralised bargaining takes place every year at the national level for all ministries and each ministry has a personnel operations division which consults employee representatives.

In the public sector there is also broad collective agreement coverage due to the extension of collective agreements to the whole sector/s (Ramos Martín and Visser 2011, Hayter and Gammarano 2015). Besides this, there is a high level of industrial conflict (1 million strike days for government ministries in 2010).⁵

2.3 The role of the crisis

During the global financial crisis of 2008 and 2009 and the sovereign debt crisis in 2011, on average, GDP declined slightly more across the rest of the eurozone than in France. In 2009, output suddenly stalled in France as well as in most European countries, but companies reduced employment more slowly than during previous recessions.⁶ While having been hit sooner by the economic crisis than most of the eurozone countries, France was more efficient in limiting the output decline in 2010, and again in 2012 and 2013.

The French labour market weathered the initial impact of the crisis relatively well compared with other EU neighbour countries. However, employment in the French public sector has shrunk (shedding 40 000 jobs between 2000 and 2009.) Until the 1990s, France was among Europe's leading economies in per capita GDP, but has begun to lag behind other European economies. By 2010 the country had dropped to 11th out of the EU-15. The main drivers of that change have been the low participation of seniors and young people in the labour force, as well as relatively high unemployment rates (Coquet 2015).

On the one hand, France faces strong demands for highly skilled workers. On the other hand, workers with low levels of educational attainment (estimated at more than 2 million) might be unable to find jobs by 2020 (Labaye, Roxburgh, Magnin

5. Source: DGAFP, 'L'emploi dans la fonction publique au 31 décembre 2011 (premiers résultats)', <https://www.fonction-publique.gouv.fr/lemploi-dans-la-fonction-publique-au-31-decembre-2016-premiers-resultats>

6. INSEE, January 2016, <http://www.insee.fr/fr/themes/info-rapide.asp?id=14>, accessed on 1.12.2016

and Mischke, 2012). While the unemployment rate of highly skilled employees is very low, the average unemployment rate at the end of 2015 was 10% of the workforce in metropolitan France.⁷

As regards the impact of the economic crisis, France's policy management during the crisis is widely recognised for its efficiency in cushioning the main effects of the crisis, both on output and the labour market. Indeed, France benefited from powerful automatic stabilisers (in particular, the Unemployment Insurance and poverty allowances, RSA). As a consequence, France has experienced only a moderate decline in output despite negative fiscal impulses and tight fiscal austerity during the examined period (Coquet 2015).

According to the OECD report 'Economic Surveys France 2015', France was expected to have a slow economic growth of 1.6% in 2016 (OECD 2015b). Despite the poor economic forecast, levels of well-being in France remain high, with relatively low inequality. The country's major weaknesses, identified by the OECD, are the rigidity of its labour market and the high labour market duality. Following a similar argument to the OECD, several advisory reports also recommended structural reforms refounding social law, including a transformation of the role of social partners (Barthélémy and Cette 2014).

In France, public finances remain under pressure with high government expenditure; government expenditure and revenues in France are the fourth highest among OECD countries (57.3% and 53.3% of GDP respectively - 2014) (OECD 2015c). In the public sector, since the beginning of the economic crisis in 2008, the French administration has taken specific measures to reduce public payrolls, including freezing the replacement scheme, affecting 30 400 civil servants (Bach 2014). Therefore, employment in public administration was lower in 2014 than in 2008. Across the public sector as a whole, a downward trend has been observed since 2007. Between 2006 and 2011, State Civil Service (FPE – Fonction Publique d'État) staffing decreased by 16.5%. Shifts in FPE employment result from two types of adjustment: net job losses per se, owing to non-replacement of departing staff, and staffing cuts from the redeployment of people to other public service branches, mainly local authorities in recent years. Between 2006 and 2011, ministries downsized staffing by 5.3% in total.

It is perceived on the union side that the relation with the employers' organisations in the public sector has deteriorated over the last decade. Union representatives perceived that management negotiators have used the economic crises as an excuse to achieve as much flexibility as possible. According to the unions, negotiation processes have become more conflictual, and they consider the social dialogue to be more difficult and time consuming (Combrexelle 2015).

7. INSEE, January 2016, op. cit.

3. Primary education

3.1 Introduction to the sector

With more than a million workers, the Ministry of Education is the largest public employer. In France, education services are provided by public institutions but also by private ones. The vast majority are partly financed by public funds. Private primary education, mainly religious-based private education, comprises around 30% of pupils and students and many of the schools received public funding through contracts with the Ministry of Education. Public funding to private schools is used to pay teachers who, therefore, can be considered public employees. There are 840 000 teachers in primary and secondary education, of which just over 700 000 teach in state-run schools, representing 35% of the entire state workforce.

Teachers are overwhelmingly members of the union federation FSU - Fédération Syndicale Unitaire Autonome (11.6%). However, the new more radical union, SUD, is gradually gaining ground (9.6%). For the relationship between social partners in the educational sector in France two periods have been identified:

- The Sarkozy administration (2008-2012): During this period, the right-wing political orientation of the administrative restructuring created a climate of unanimity among the main trade unions at the sectoral level against the reforms with a downsizing tendency. Smaller trade unions became less important in terms of political influence and bargaining power;
- In the second period, under the Hollande administration (2012-2016), a trend towards fragmentation in the trade union movement could be observed. There was a division between the major trade unions (FSU and Union Nationale des Syndicats Autonomes - UNSA), which were more aligned with government policies in the educational sector, versus the CGT and Force Ouvrière, which were in clear opposition to the government measures for the sector. Small trade unions have grown in importance again since 2012. Since then, they have been consulted often; their position was more frequently taken into consideration, and they called more often for collective action.

3.2 The social partners' role in transforming industrial relations

In the education sector, a trend towards de-unionisation and changes in power balances can be observed over the last 15 years. The level of unionisation in education over the last few decade(s) has been diminishing. For instance, the major trade union in this area (the FSU) is in decline in terms of membership and political influence. That decline has reinforced the position of other unions: Force Ouvrière, (a trade union which is traditionally more radical/left-wing) and the SNALC (a right-wing oriented education trade union). Other federations present in the sector are: the National Federation of Independent Unions (UNSA), the French Democratic Confederation of Labour (CFDT), the General Confederation of Labour (CGT), and the Independent National Education

Federation (FAEN). Finally, the Confederation of Professional and Managerial Staff (CFE-CGC) and the French Christian Workers' Confederation (CFTC) are extremely marginal unions in this sub-sector.

Regarding the strategies and aims of the social partners in the primary education sector, the following trends can be observed in the examined period:

- Successive governments were mainly concerned with communicating to the public that the state of educational services was stable despite the 'structural reforms' undertaken to reform the public sector. Furthermore, the management of public administration and public offices has adopted the discourse of New Public Management goals and adaptation strategies, such as: the public sector has to change and modernise, adapting itself to new social needs and aiming to be a service-provider to its clients, optimising services, and sharing best practices;
- In general terms, the trade unions have been quite reluctant to accept the NPM reforms. They have opposed many of those reforms by criticising their negative effects on the quality of public education systems;
- A transformation in the philosophy of the unions can also be observed. Union representatives in the sector considered that formerly, union members joined the union with idealistic ideas, such fighting for collective labour rights, and they often stayed in the union until retiring. Nowadays, workers join mainly for more pragmatic reasons, e.g. seeking expert assistance on legal matters. That evolution has led to the role of the union transforming from a quasi-political vision with a core function of defending 'collective rights and values' to a system of unions focused on supporting members in HR matters and providing legal advice;
- Among the peculiarities of the sector is that recently other important actors have entered the landscape of social dialogue, such as parents' associations, which are increasingly important as they are organising, and the minister increasingly listens to their views and ideas for reforming the educational system. The main parents' and students' organisations playing an increasingly important role in industrial relations in the sector are: the Federation of Students' Parents Councils (Fédération des Conseils de Parents d'Élèves des Écoles Publiques, FCPE), the Independent and Democratic College Federation (Fédération Indépendante et Démocratique Lycéenne, FIDL), the National College Union (Union Nationale Lycéenne, UNL) and the French National Union of Students (Union Nationale des Étudiants de France, UNEF). These associations play an active role in various ministerial consultative bodies, such as the Higher Education Council (Conseil Supérieur de l'Éducation, CSE), and they are also represented on the joint technical committees at various levels across the country.

3.3 Reforms and the role of social partners

In the public sector, there has been transformation in management and HR policies, moving towards the logic of the private sector. In this way the Health and Safety committees (Comité d'hygiène, de sécurité et des conditions de travail), established in the education sector since 2013, are meant to deal with cases such as burnout, or work-related stress but the existing management structures are ill-prepared to cope with these issues.

The shift to a private sector logic (following the New Public Management discourse) entailed handing increased power to the heads of the establishments (directorates etc.). The principals can make decisions about variable pay components (bonuses employees receive). This has increased work pressures for employees, especially unionised employees, by eliminating their expense allowances (*'l'indemnité pour mission particulière'*).

A main change in social dialogue in the last 15 years is that trade union representatives are more frequently invited and consulted than a decade ago. Also, a greater willingness to modernise the social dialogue is noticeable. Since the Bercy agreement, the bigger trade unions have seen an increase in their resources, to the detriment of middle-sized and smaller unions.

In the primary education sector, under the banner of modernisation of the educational system, the Law on School Reform (*'La loi de refondation de l'école'*) was adopted. This new legislation reforms a decree from 1950 on the duties, obligations, and legal status of teachers. New duties/obligations for the teachers were introduced formally, which previously were part of the job but without formal recognition. The new duties were not accompanied by an increase in salary.

The unions were divided on their position on this new legislation; while UNSA members were in favour of the new decree, the FSU was divided (during the national congress on education organised by the FSU with all the trade unions belonging to that federation, the heads of the unions took a neutral position and the rank and file of the unions were opposed to it). The stagnation of teachers' salaries from 2010 to 2017 was accompanied by an increase in teaching hours, due to the extra duties on top of regular teaching. Hence, there were divisions within and between the unions of the federation and the teachers on the ground concerning how to oppose these measures.

Between 2012 and 2015, the new political landscape had noticeable effects on the functioning of public services, particularly national education. The school reform was introduced: while school teachers' salaries improved slightly, the reform was ideologically imposed against the advice of the majority of trade unions in primary education. The despair of the workforce was manifest and resulted in a 'crisis of trust'. According to union representatives, the teachers were confronted with a 'pseudo social dialogue' intended to give the appearance that the measures were jointly adopted, when in fact they were unilaterally imposed.

During this period, there were several educational reforms which affected the working conditions of teachers and job quality in the sector. The position of unions towards these reforms can be described in general terms as collaborative but they have criticised some of the reforms' effects, in particular when dealing with increasing unpaid overtime and additional administrative tasks. In August of 2012, the main unions in the education sector were consulted on the educational reform. Trade unions were able to put forward their demands and suggestions in a large-scale consultation process. The unions' demands focused on continuous training of teachers and the reform of the staff evaluation process to be geared more towards improving teaching quality. The teachers' unions also identified a need for teachers, management, support staff, and parents to work together better. When the education reform was finally adopted in November 2012, it received a mixed response from the unions. Following the reform, in the 2013 school year, there was a return to four and a half days of classes in primary schools, the introduction of new teacher training, and the launch of a digitalisation project called e-Education, among other measures. While most of the reform's measures were welcomed by teachers' representatives, the unions were determined that the negotiating round due to begin after the first assessment by the National Education Minister would ensure there would be no unilateral measures taken by the administration against the interests of school teachers.

The following reform of compulsory education in 2015 called 'Refonder l'éducation prioritaire' aimed at combating youth unemployment. The focus of the reform was on combining vocational training with the educational curriculum to make it easier for young people to enter the labour market and for employers to recruit skilled students. This reform came into effect on 1 September 2016. It comprised 14 measures and included new subjects such as 'sustainable development' or 'citizenship' within the compulsory educational modules. This reform of the education system sparked strikes of teachers throughout 2015. Teachers claimed that additional subjects in the new programme would mean extra working time and, also, that they had not received training to teach them. Therefore, extracurricular teaching has been the focus of disputes between the Ministry of Education and the main trade unions in the sector. The Ministry's argument for the reform is that autonomy of the schools will be increased to the benefit of pupils. The unions have complained that the effect of reforming the educational system has involved unpaid working hours not calculated as additional teaching.

In terms of the collective actions which have taken place during the period under study, several actions were organised by the main trade union federations in the public sector. For instance, in January 2008, widespread strikes and demonstrations took place in the public sector. In a joint action, public sector federations (CGT - FO - FSU - CFDT - CFTC - UNSA - Solidaires) organised nationwide strikes and demonstrations expressing their dissatisfaction over wages and conditions in the public sector. The actions continued in May 2008, when the main unions joined in demonstrations and strikes against the government's proposals to reform public services, the so-called RGPP - Révision Générale des Politiques Publiques (General Revision of Public Sector Policies). The unions were protesting against the job cuts of around 35 000 public positions per year planned by the government, and the widespread privatisation and deterioration of the quality of education. Unions reported that at least 60% of all French teachers went on

strike. The protest against the reform of the education sector continued in November 2009 when teachers went on strike to protest the Sarkozy government's reforms of public sector institutions. According to the SNES-FSU union, 40% of secondary school teachers took part in the strike over job reductions and school reforms. Teachers' unions also rejected the measures which included new training standards and steadily reducing the number of teachers (by replacing only half the public servants who retire in the sector). After a total of 65 000 education posts had been cut from 2007 to 2011, in September 2011 public and private education unions organised a new nationwide strike to protest against the budget cuts in the sector. According to the Ministry for the Interior, 110 000 teachers went on strike, while the estimate of the FSU and UNSA-Education unions was 165 000 participants. This strike was also supported by 'new actors' in industrial relations, such as associations of students and parents, which also joined the strike.

3.4 The effect of reforms on public employees' working conditions and quality of services

The low salaries paid in the sector have led to problems with the recruitment of teachers, especially in the outskirts (*banlieues*) of Paris. According to the unions, massive job cuts and freezing of salaries have instigated a severe crisis of recruitment. Also, the deterioration of employment conditions has raised the number of employees suffering from burnout in the public sector. This opinion is confirmed by the results of the UNSA Barometer, a survey with 21 200 respondents among professionals working in education. 82% of the respondents complain that their remuneration does not reflect their qualifications and 59% cite dwindling purchasing power as problematic. Other points highlighted by the survey's respondents were the lack of career development opportunities (45%) and the high workload (40%).⁸

A concrete example of the effect of the crisis was that, during the Sarkozy government from 2007 to 2013, 100 000 jobs in the national education system were eliminated by not hiring new teachers to replace those retiring. Even when the Hollande government partially reversed this measure by creating 60 000 new jobs in national education, this sector still faces staff shortages. According to the trade unions, this has an adverse effect on the quality of the public educational system. The elimination of jobs has produced the following adverse consequences: increase of class sizes from 27 to 30/32 students per class along with school closures and relocation of students to other schools. Despite the negative perception of these trends by the trade unions, the last available comparative data (OECD PISA indicator 2015) does not seem to reflect a relevant decrease in the overall quality of primary education in France. France with a score of 495 points is, along with Austria, the United States and Sweden, around the average of OECD countries (493 points), behind Germany and ahead of Italy. This performance from French students has been stable since 2006. In addition, the proportion of successful students (level 4 of proficiency) represents more than 21%

8. UNSA Barometer at <http://extranet.unsa-education.com/Docs>

of students, which is higher than the OECD average of 19%. The only negative trend, compared to the 2006 results, is the proportion of students in difficulty which has been slightly increasing: 21% in 2006 against 22% in 2015 (OECD 2015c).

Therefore, we cannot infer that there has been a clear deterioration of the quality of services in this sector. The only clear conclusion based on the available data is that, between 2008 and 2013, public spending on education increased at a slower rate than total state spending. However, at the end of that period the proportion of GDP allocated to public expenditure on educational institutions was still slightly above the average for OECD countries (OECD 2016).

A relevant effect of the budget cuts on the quality of jobs in the sector (from the point of view of job security and stability of employment) is the increase of contractual work in primary education. In this sector, there has been an explosion of contract workers (with no teaching diploma and earning a lower salary) from less than 5% to 10-15% of all teachers. Salaries have also been adversely affected by budgetary reductions in the sector. The workers in the sector receive a relatively low level of pay. Even though France is one of the wealthier OECD countries, teachers' pay is below the 'EU22' average. Another recurring pay-related controversy is the dissatisfaction with pay inequalities – not only between different groups of employees within the education sector, but also compared with other areas of the public sector. OECD data shows that pay gaps are generally more pronounced over the course of a teacher's career than across education levels. The statutory pay of a teacher at the top of their scale is, on average, 60% higher than the salary of a new teacher. At the same time, statutory pay is only 10% higher for teachers in the upper secondary level, than for those working at the primary school level. Pay inequalities over the career path are of particular concern in France, whereas inequalities between the levels are below the European average. However, in France, the salaries of primary teachers remain unattractive compared to the salaries of other working adults with a similar higher education degrees (OECD 2016).

Another detrimental effect of the austerity measures for workers in the primary school sector has been the increase in the statutory retirement age from 60 to 62 ('Réforme des retraites' in 2010). This elimination of the flexible retirement model (gradual reduction of working hours with a corresponding reduction in wages) is quite negatively perceived by the unions in the education sector.

Finally, the negative effects of the decentralising measures have also been pointed out during the research. In particular, the effects of the Decentralisation Law (Loi de la Décentralization) which has moved technical personnel (cleaning, services etc.) from the national public sector to the territorial/regional level, have created problems in the hierarchies and management structures that were not fully prepared for that process.

4. Hospitals

4.1 Introduction

In France, the hospital sector is a hybrid sector. There is a blurred border between the private and public part of the health sector due to several government reforms, in particular the reform on the outsourcing of care services to private clinics that contribute to public health and services provision (*'participant au service public hospitalier'*, PSPH) and to the reform of hospital funding which brought the public sector closer to the private sector, establishing remuneration levels according to activity (T2A).

The public hospital service (*Fonction publique hospitalière*) includes public health and medical-social institutions and employs around 1.1 million employees (EUROFOUND 2011). Healthcare is provided in establishments of three types: state-owned, non-profit private, and for-profit private. The public sector encompasses nearly 65% of hospital capacity. Healthcare workers account for two-thirds of the workforce of public hospital services: doctors, nurses, and rehabilitation services staff.

4.2 Industrial relations in the health care sector

Concerning the characteristics of the social partners, there are various trade unions operating in the healthcare sector, namely:

- The Health and Social Workers Federation (FSS CFDT), affiliated to the French Democratic Federation of Labour (CFDT). It takes part in collective bargaining both in the public and private sectors;
- The Health and Social Services Federation (FSAS-CGT), affiliated to the General Confederation of Labour (CGT). It is a main union in both public and private health and social service sectors;
- The Public Services and Health Services Workers' Federation (FO Santé), affiliated to the General Confederation of Labour – Force Ouvrière (CGT – Force Ouvrière). It is a main trade union in the health sector and has members in local authorities, as well as in public and private health sectors;
- The Health and Social Services Workers' Federation (Fédération CFTC Santé et Sociaux) is affiliated to the French Christian Workers Confederation (CFTC). It has members from both public and private health sectors and participates in collective bargaining at both levels;
- The National Health and Social Service Workers' Federation (Fédération Nationale SUD Santé Sociaux), affiliated to the Independent Union – Solidarity, Unity, Democracy (SUD). It is the smallest union in the sector and takes part only in collective bargaining in the public sector (EUROFOUND 2011).

In the private hospital sector the main unions are:

- The Union of Federations and National Associations of Non-Profit Employers in the Health, Socio-Medical and Social Sector (UNIFED);

- The Federation of Private Hospitals and Assistance in the Non-Profit Sector (FEHAP); and
- The Federation of Private Hospitalisation (FHP).

Regarding the structure of employers' organisations in the healthcare sector, there are different employers' organisations for the private sector and the public sector:

In the public sector, the Hospital Federation of France (FHF) covers all public health establishments in the sector. It represents employers (hospitals) in several tripartite bodies such as the Hospital Civil Service Higher Council (CSFPH) and the National Committee on Health and Social Services Organisation (CNOSS). It also participates in the National Association for Permanent Hospital Staff (ANFH), an equal representation body in charge of occupational training in the public health sector.

In the last decade, new industrial relations actors such as associations of some particular groups of healthcare workers and other stakeholders have been becoming more active. In 2010, a law established a professional association for nurses in France. Not all constituents are satisfied with this development. In fact, some nurses' unions have criticised the fact that they must pay fees to this association and they call into question the representativeness of this newly created organisation.

One interesting new governmental initiative with an impact on the evolution of industrial relations in the sector was the establishment of the National Health Conference (Conférence Nationale de Santé, CNS) in 2006. This body was established as a forum for health matters and it is consulted by the government about public health objectives and improvements to the healthcare system. The conference is composed of representatives of the social partners, and organisations representing healthcare users are also involved in the consultations.

Concerning the specific regulation of collective workers' rights in the sector, healthcare workers in France have in principle the right to strike. However, there are specific rules framing this right due to the fact that they operate in a sensitive public service and minimum services need to be respected during collective action. These specific rules differ according to the legal status of the care establishments. If the workers operate in a public establishment or a private one providing public health services (PSPH), only a representative union can call for a strike and a five-day advance notice is necessary. In order to maintain a minimum service, the employer can designate specific workers who must stay at work. These restrictions to the right to strike must follow a 'minimum service rationale' which means that the right to strike is counteracted by an extensive abusive use of that rule by the administrative authorities (DGAFP 2016). There are disciplinary sanctions if the assigned workers do not go to work. In private establishments not operating as PSPH, all workers' representatives can call for a strike, no advance notice is required, and the employer has no right to assign workers to cover the minimum services.

With regards to the right of collective bargaining, until recently there was only collective bargaining at a national level on wages between the Minister of Health and Sport

and the trade unions in the public sector. However, the abovementioned 2008 Bercy agreement extended the scope for collective bargaining to other working conditions and labour related matters. Since then, several agreements between the social partners have been reached about training, working conditions and health and security in the workplace.

In 2010, new legislation extending collective bargaining in the public health sector (developing the Bercy agreement) was passed. This 2010 law on the development of social dialogue in the public health service aims at modernising social dialogue in this sector. During the period under study the main collective agreements in the public health sector were:

- The 2006 agreement on social dialogue development, training, working conditions improvement, and care workers' status, signed by the government and CFDT, UNSA, FO, CFE-CGC, CFTC. This agreement aims to improve social dialogue through the modernisation of social dialogue bodies, increasing health workers' training opportunities, the implementation of local contracts for the improvement of working conditions (*contrats locaux d'amélioration des conditions de travail*, CLACT) and prevention of health risks, and modernising health workers' status;
- The 2009 agreement related to health and safety in the workplace in the public services, including public health services (signatory parties: government and CFTC, FHF, FO, CGC, CFDT, CSFPT, and UNSA). This agreement deals with occupational risk prevention tools, specific attention as regards psychosocial risks, and work health damages;
- The 2010 agreement, changing the recognition of the nurses' diploma is part of a wider project modernising public care workers' status (signatory parties: government and FO, UNSA, SNCH, CFTC, FFASS CFE-CGC.) This agreement has upgraded the nurses' diploma and that has had a positive effect on wage increases. Nurses have been asking for an enhancement of their diploma and status for years. Nevertheless, this agreement has been criticised by several unions (which did not sign it) due to the consequences of this reform for nurses' pension rights because it extends the legal number of working years before retirement.

4.3 Reforms and the role of social partners

In the reference period of our study, there have been several national strikes in the health sector, as a reaction to the reorganisations of working time and standardisation of nursing procedures, the reform of the retirement system for public servants, the creation of a nurses' occupational organisation, the change in the recognition of the nursing diploma and changes affecting their pension rights. Some problems with exercising this collective right have been reported due to the minimum service rules, especially in the case of nurses. Due to the persistent shortage of care workers, often most of the workers in a health unit are designated as minimum service providers during collective action.

As a reaction to the negative impact of the austerity plans implemented during the economic crisis, the unions organised several collective actions. In 2015, trade unions called all employees in the hospital sector out on strike several times. Many trade unions in the healthcare sector converged in their criticism of the plans to reorganise working hours (*réduction du temps de travail*). The reorganisations (*à la lean management*) were aimed at transforming public hospitals into an enterprise through the rationalisation of patient flows and through the standardisation of nursing procedures (through the so-called 'Plan Hirsch' - named after the director of the AP-HP). This plan involved budget cuts of a range of €20-30 million. Finally, this new organisation of work came into effect in September 2016 and introduced greater flexibility in the planning of the workers' shifts in an attempt to adjust working hours to the peak hours of activity in the hospitals.

In November 2016, CFE-CGC once again called workers out on strike to protest again. The targets were still the reforms envisaged by the directorate such as lean management style and a change in the organisation of working hours. Hospital staff joined forces to protest against the worsening of their working conditions. These include a lack of investment in the sector, staff shortages, and being overworked. Also, the unions were clearly opposing the new 2016 law for the modernisation of the French health system. The new plan was intended to set up a new mode of co-operation between public health institutions on a territorial scale, the GHT, 'Groupements Hospitaliers de Territoire' (hospital grouping per territory). The employers defended the plan, claiming that its aim was to provide better care by increasing co-operation between public hospitals around medical projects. However, the CGT criticised the decree for being a second wave of rationalisation of the healthcare system along the lines of an economic and budgetary logic.

4.4 The effect of reforms on public employees' working conditions and quality of services

The main challenges reported by the social partners in the sector are the growing demand for care services stemming from the ageing population, the budgetary constraints affecting the sector in the last decade, and the shortage of a skilled workforce. Unions representatives report a deterioration of working conditions in the studied period due to higher workloads, growing stress, and overtime. All these factors are claimed to have a negative impact on the quality of healthcare services. All this occurred in the context of the government's plan which reduced its budget by some €3.5 billion.

The main negative effects of the crisis are that employees in the hospital sector have seen an 8% loss of their purchasing power since 2010 due to the stagnation of wages. This downward trend has been only partially counteracted by a general wage raise of 1.2% agreed in 2016. This raise complemented the PPCR reform (professional career and remuneration), which became effective on January 2016. The PPCR reform made possible the integration of part of the bonuses into the basic salary, thereby allowing it to count toward pensions. Moreover, it included a wage rise for nurses until 2019.

However, according to the latest official figures, the average net monthly salary in the public hospital sector is slightly lower than that of the private sector.⁹

According to the unions in the sector, the French healthcare system is facing a serious shortage of workers and an increase in demand due to an ageing population. This problem is particularly worrying for nurses due to the ageing of the staff. The CGT has expressed this concern in several letters to the ministry regarding wages, working hours, training, quality of working conditions and work-life balance, and demands improved training and recruitment policies in order to create jobs in the public sector. According to the union, job creation is the only solution to improve job quality and care quality in the sector and to solve the problem of overtime and increasing workloads. Improvement in working conditions and wage increases are considered both by unions and policy-makers as the only solution to solve the current recruitment and staff retention problems. According to both social partners, another crucial tool to overcome the shortage of qualified care workers is training. Therefore, agreements have been reached in this period about training both in the private and public branches of the health sector (EUROFOUND 2011).

One main conclusion to draw is that work intensity has clearly increased in the hospital sector during this period. Employees in the sector report that work pressures and work intensity increased dramatically over the last decade and linked that development to administrative reforms and organisational changes. For instance, more than three-quarters of hospital workers reported fragmented working patterns in 2013, frequently having to interrupt one task in order to switch to another. Nurses in particular report a clear intensification of work and having to treat almost twice as many patients in comparison to a decade ago. This increase in work pace and switching tasks indicates a growing trend to intensification of work. According to a national survey conducted by trade unions in 2011, 73% of employees in the sector have experienced a negative impact on their health as a result of the deterioration of their professional activities. The number of overtime working hours rose steeply, while 53% of the respondents also reported that acknowledgement and recognition at the workplace deteriorated. The reported extra stress affected one out of two people.¹⁰ However, a positive improvement in flexibilisation of working time (possibility of adjusting of schedules) has also been noticed (DARES 2014).

Regarding quantity of employment, the total number of employees has decreased during the crisis, especially during the Sarkozy government periods. Regarding quality of employment, healthcare sector workers do not often face low wages and work precariousness but there is evidence of an increase in work-related stress due to the intensification of labour and staff shortages, especially for some of the hospital sector workers such as nurses. The largest problem with regard to the quality of employment seems to be work intensification, but the employer's organisations and the trade unions do not seem to agree on the extent of this problem.

9. <http://cfecgc-santesocial.fr/revalorisation-des-salaires-hopital-public/>

10. https://lorraine.cfdt.fr/portail/lorraine/salle-de-presse-88/fonction-publique-hospitaliere-recette_28736

Moreover, it is a matter of controversy whether the changes in quantity and quality of employment has a ‘spill-over’ effect onto problems with the quantity and quality of the services. Most outspoken is the trade union for nurses, which already sees a connection between work intensification and declining quality of services, including the safety of patients. Those who do not see such a connection point out that nearly all main service indicators point in the right direction. As for the French population, according to the OECD data/report: the satisfaction and confidence across public services is high for the healthcare sector, at 71% (OECD 2014).

5. Municipality case: pre-school and after-school care services

5.1 Introduction to the sector

In France, the regional and local authorities (*la Fonction publique territoriale*) comprise three geographical levels of competences in the provision of public services: a) the regions are in charge of economic development, transport, vocational training and maintenance of secondary school buildings; b) the *départements* (counties) are in charge of road maintenance and maintaining schools as well as welfare services, and finally c) municipalities are in charge of urban planning, environment, maintenance of primary schools and many local services (nursery schools/out of school day care, libraries, and sports facilities). In total there are around 1.5 million public employees working for local authorities. Local government services are very largely made up of operational staff (category C, 76.1%) and only 8.4% of the workers are managers (category A).¹¹

In the municipalities sector, research has focused on the provision of pre-school and out-of-school-hours childcare services. France has a generous supply of pre-school and day care centres subsidised by the regional and local authorities (town halls, ‘*mairies*’). French public nurseries and day care centres are funded by local and regional authorities and by means-tested parental fees.

A group of workers in the pre-school system have been specifically adversely affected by the government reforms and budgetary reduction in the sector introduced since 2009. These are the so-called ATSEM (local specialists for nursery schools). There are around 60 000 ATSEM civil servants. 99% of them are women and they are responsible for assisting nursery school teachers. Initially focused on maintenance and hospitality, with the latest reforms their duties have become more educational and extracurricular. The main problems that they have been denouncing in the last years are that their job description is too vague, working conditions are sometimes extremely difficult, and they have a lack of opportunities and career prospects.

11. DGAFP, ‘Fonction publique - Tableau de synthèse 2015’, <https://www.fonction-publique.gouv.fr/statistiques-calendrier-et-publications-par-theme>

5.2 The social partners in the sector and collective agreements

For workers in the municipality public sector wages are negotiated at the central level. Also decided centrally are general questions on pensions and sickness benefits. At the local level, social dialogue takes place in several committees, in the technical committees dealing with the organisation of work and in the health and safety committees. Local authorities have significant flexibility on certain aspects of pay (bonuses, promotion levels) and informal negotiation procedures for the reorganisation of departments, working conditions and working hours. In the local sector direct and indirect participation, social dialogue and participatory democracy are intertwined. Even if not leading to official collective agreements, this boosts the role of formal committees (Jeannot 2014).

The CGT is the main trade union in the public regional-local administration sector. Another significant union in the sector is the Interno federation (affiliated to the CFDT union confederation). Also representing the workers in this subsector and growing in importance, is the FO. These unions have organised several collective actions between 2010 and 2016 to protest against the changes to regulations governing pre- and out-of-school care and shrinking employment levels in the sector.

An important stakeholder/actor in this particular sector is the ATSEM collective, which has around 5 000 members among the group of local specialists for nursery schools. They have been quite active campaigning against the public funding budget cuts that have led to a reduction of jobs, to a stagnation of their wages, and an increase of their assigned tasks and work-related pressures. These protests have been co-ordinated with the main trade unions present in the sector.

Another new relevant actor playing an important role in industrial relations in this sub-sector is the FCPE: Association de Parents d'élèves adhérents. This association of students' parents is a network of parents whose aim is to defend the interests of children in the childcare institutions.

5.3 Reforms and the role of the social partners

The French Government responded to the crisis by opting for a policy of decentralisation of public services to the local level and also cutting the budget for these services. (Jeannot 2013) In the context of this financial constraint, the local authorities implemented several budget cuts, along with the re-definition/accumulation of employees' duties or staff redundancies in the preschool facilities. In the regional/municipalities sector, several reforms are considered by the unions as having detrimental effects on the quality of employment and services. In particular, the 2010 Refoundation Law, 'Loi de la refondation', and the Law on Decentralisation of Nursery Schools (managed by the municipalities). With the Refoundation Law, afternoon day care has to be funded by the regions (which lack the financial resources), instead of the government. This has led to a wave of elimination of the extra afternoon hours or a search for alternative financing options from the private sector. According to union representatives, this

introduces private interests in the public education system and threatens its egalitarian and neutral character.

In 2010, the reform of the regulations covering nursery schools (preschool childcare provisions reform) by the government triggered criticism within the union movement. In March 2010, the Interno federation (affiliated to the CFDT union confederation) organised a nationwide strike protesting the changes to regulations governing preschool care. The union argued that the reform would lead to lower staffing levels and the employment of less qualified staff, and that the reforms were detrimental for both the working conditions of nursery workers and the quality of childcare services.

Following strike action in April 2010, another union represented in sector, the CGT local and regional government federation, also initiated a campaign against the new regulations on childcare. The union argued that the changes would reduce the level of trained staff required at a crèche, a matter of concern not just for the workers in the sector but also for parents. This union also organised a further strike action and demonstrations at the national level in May 2010 and urged local councils to protest against the new regulations and to refuse to implement them.

To protest against the increase of their duties, the deterioration of their working conditions, and the stagnation of their career prospects, the ATSEM (local specialists for nursery schools) association and several unions representing workers in the sector organised a strike in December 2016. The ATSEM collective, supported by the CGT, the CFDT and FO, launched the strike demanding a reduction of their duties, a decrease in work pressure, and an improvement of their wages.

According to their job description, ATSEM are responsible for ‘assistance to teaching staff for the reception, entertainment activities and hygiene of very young children or preparation and cleaning of premises and equipment’. ATSEM are also required to ‘participate in the educational community’. But beyond these general guidelines, the contours of their duties are unclear. Since the reform of the school schedules in 2010, they are in charge of the extracurricular workshops (pottery, cutting-out, colouring, etc.) and frequently the teachers rely on them for assistance during school time. To protest against the multiplication of their assigned tasks and to denounce the undervaluation of their profession, the ATSEM decided to organise themselves into an association. They demand a clarification of their duties and a reduction of work pressure. They also demand a redefinition of their status as ‘category C’ civil servants, which it has not changed since 1992. They complained of having no career plan, no possibility of career advancement, being prohibited from taking part in state competitions for managerial roles and being stuck on a low salary scale.

A report from February 2017 prepared by the Conseil Supérieur de la Fonction Publique Territoriale CNFPT, based on interviews, surveys and statistics, describes the evolution of this professional category and highlights the main issues affecting the ATSEM group. The report also presents several proposals of the council (CNFPT) to positively develop the ATSEM employment framework. Their main wish is for a career development path and for an upgrading of the status of their teaching support roles. The report concluded

that the continuous changing of ATSEMs' tasks and obligations raises many concerns (De Carlos, 2017). Previously, another UNESCO report had already criticised the wide gap between nursery school teachers and other childcare/education professionals in professional training and working terms and conditions. Furthermore, there is a clear gap in terms of status and salary: nursery teachers enjoy much more favourable conditions than day care staff. Thus, the UNESCO report highlighted the need to rethink the training and working conditions for ATSEM (Kaga 2007).

Some of the ATSEMs' demands were accepted by the government at the beginning of 2017. The Minister for Public Service, Ms. Girardin, agreed to improve their working conditions and career development opportunities. The first demand to be met was the clarification of their duties, following the recommendations of the CNFPT report. The Minister had also announced the launch of a negotiating process between the French Association of Mayors (AMF) and ATSEM representatives and their unions to improve their working conditions by strengthening the 'risk prevention' test and granting them 'the right to reclassification/promotion'. The Ministry has agreed to study the issue of professional development for the group. The transition of ATSEM who wish to work in other sectors (entertainment, administration) and to category B of the public service (better paid) should also be facilitated. The CFDT union representatives emphasised that transition was possible but subject to the 'good will of local employers'.

Concerning salaries, ATSEM, like other category C public agents, have received raises since 2014. The ATSEM went on strike in December 2016 and February 2017 to demand a re-evaluation of their employment framework but the government has not fully implemented that re-evaluation yet.

5.4 The effect of reforms on public employees' working conditions and quality of services

Out-of-school-hours childcare staff have suffered deteriorating working conditions over the last decade. The staff concerned are required to work in different shifts, in the morning for preschool care, in the evening for after-school care, and at midday as canteen monitors. These multiple duties create jobs that are full-time, but stretched over extended hours with periods of inactivity. These split shift systems are particularly problematic for workers who do not live near the workplace and cannot rest in between shifts.

The ATSEM in particular claim to have been the main victims of municipal budget cuts. Since 2010 many municipalities have been abolishing or reducing the posts of these agents who help teachers in nursery schools. They are paid directly by the municipalities and have seen their working hours reduced, or even their positions removed, for budgetary reasons. This is particularly the case in the regions Rhône, Saumur, Maine-et-Loire and Ile-de-France.

The deterioration of the terms of employment and working conditions of the group has taken different forms, for example with the reduction of jobs: some municipalities did

not fill all vacant posts of agents who retired; others asked the ATSEM to share their time between the classroom and extracurricular afternoon activities, thus avoiding hiring extra staff. These have resulted in an increase in the tasks assigned to the ATSEM and in the number of children per class in pre- and out-of-school facilities, up to 30 children per class.

The representatives of the association of students' parents (FCPE) are quite critical of the government's cuts to the funding of childcare services. The FCPE is opposed to the reduction of ATSEM posts and working hours. They consider that the ATSEM posts are necessary in nursery schools and important for children's early learning processes. The FCPE considers that the teachers of young children need the help of assistants and complains that the cuts have led to concentrating the ATSEM in the younger children's classes, leaving the teachers of the higher levels (children aged 3 to 5 years) without assistance.

Both school teachers and parents recognised the importance of ATSEM for the well-functioning of nursery schools, the need to upgrade their status and reduce the arduousness of their profession. The CIPF, a main parents' association, has highlighted the important role of the ATSEM in the nursery school system: 'The ATSEM have an eminently important role, they constitute a real pedagogical support for the teachers.' The SNUIPP (primary school teachers' union), ATSEM representatives, and parents' associations agree that this professional group is an indispensable element in the education system and yet they have a very precarious status. Teachers as well as parents' associations agree, however, to limit the educational role of ATSEM and they advise the local administration to clearly define their duties and refocus their mission, as they should not replace the teacher.

Measuring the quality of childcare services is a complicated task and it is difficult to formulate accurate and fair definitions of quality care. However, from a subjective point of view, both workers in the sector and parents' associations agree that the increasing tasks assigned to nursery school assistants, the reduction of this type of post by many municipalities in the pre- and out-of-school facilities, and the increase of the number of children per class have led to a deterioration of the quality of care and learning in the sector during the period in question.

Up to 2009 public expenditure paid by the CNAF (La Caisse nationale des allocations familiales – the National Family Allowance Fund) and directed towards public childcare facilities had risen steadily and, despite the overall background of costs in other public services the system of public nursery schools did not suffer funding cutbacks (Fagnani and Math 2010). However, the situation changed dramatically from 2010 with the reform of the regulations covering nursery schools. Nowadays, while the level of state funding of nursery schools is still above the average for OECD countries, the teaching staff to students ratio is lower and that might potentially have an adverse impact on the quality of day care (OECD 2016).

The sector has been subject to several policy reforms since 2010; it has been affected by a number of reforms targeting childcare, in particular, the Law on the Decentralisation

of Nursery Schools and the Refoundation Law ‘Loi de la refondation’. These reforms have often been of the NPM type and in this sector especially have led to increasing stress, standardisation of services, and increased use of private providers. The economic crisis has been the main driver of the adopted reforms.

In 2016, the childcare sector was involved in a large-scale industrial conflict. Moreover, the crisis has also affected the power relations in the day care sector in favour of employers. The relationships between the social partners have been increasingly conflictual and have led to moderate success regarding employees’ campaigns/collective actions demanding better training and professionalisation, promotion possibilities, and employment security.

The policy reforms in the public sector have also affected the quality, as well as the quantity of jobs in the municipal childcare sector. The reduction in the number of jobs and the extension of working hours and professional duties for workers in the sector clearly stem from austerity measures and decentralisation policies. Regarding job quality, the NPM reforms have changed the job content of childcare workers and hindered their chances of professional career advancement. Moreover, the reforms have resulted in an increased workload and accumulation of multiple tasks.

The social partners and parents’ associations have supported the ATSEM association in their labour demands and have succeeded in influencing policy-makers by increasingly focussing their protests not only on the professional demands of improving job quality (in particular greater professionalisation and facilitation of career advancement for ATSEM) but also on the impact of better job quality on the quality of day care services provided by municipalities.

The effect of the changes on job quantity and quality as well as the quality of the services provided is difficult to measure and there is no clear evidence for the direction of change. The few available sources point to stability rather than change, whereas the trade unions, as well other stakeholders, find that the municipalities do not have sufficient economic resources to provide quality services and that the budget cuts have led to a more stressful/demanding work performance for nursery school staff and reduced the quality of childcare and learning.

6. Conclusions

6.1 Main findings

Massive downsizing of jobs and freezing of salaries have instigated a severe crisis of recruitment in the public sector in France (especially in primary education and among certain groups in the healthcare sector, such as nurses). Furthermore, the deterioration of working conditions and the increase in the pace of work have contributed to increased numbers of burnouts in the public sector.

One main conclusion we can draw is that work intensity has clearly increased during this period. Workers in the public sector in France are facing increasing pressure at work in the form of stress-related complaints derived from having to work more quickly, work in a pressurised way, and take on additional duties, as staff numbers have been declining. Work pressure and work intensity have increased dramatically over the last decade, linked to NPM reforms, organisational changes, and crisis/austerity policy related reforms.

In short, a growth in the intensification and fragmentation of work has been identified in the public sector. This is a problem especially in the hospital sector and in the nursery care provided by municipalities, where the majority of workers reported fragmented work, and switching tasks, as well as problems with career advancement possibilities.

Focusing on the impact of the crisis on industrial relations, the research conducted shows that industrial relations in the public sector have not been strongly affected. The role of the public administration in social dialogue and collective bargaining after the reforms remains similar, despite the changes to the social dialogue structures introduced by the Bercy agreement. The unions' position remains relatively strong and the collective bargaining processes leading to agreements by the social partners are stable. In fact, one of the positive effects of the Bercy agreements and their follow-up legislation has been the extension of the material scope of collective bargaining.

The analysis of the impact of the 2008-2015 economic crisis on industrial relations leads to different conclusions:

- Stability of the social dialogue processes at the subsector level despite the crisis constraints;
- The collective agreements concluded during the crisis show the successful efforts of social partners to maintain a stable functioning of collective bargaining structures;
- On the union side there is a perception that collective bargaining became more burdensome during the crisis: the increased difficulties for employees' representatives to resist employers' threats of job losses due to economic difficulties have forced them to accept unfavourable agreements with inferior working conditions (in particular wages).

These are the general trends for industrial relations during the crisis period. Nevertheless, only for the last conclusion can we assume that the economic crisis is the direct casual factor. Even though the first and the third findings could be seen as being in conflict with each other, the fact that the unions perceived more difficulties concluding collective agreements is not incompatible with an overall stability of the system of collective bargaining and social dialogue process.

6.2 Main changes in the industrial relations system

Several NPM reforms have been passed, mostly during Sarkozy's government. In general, these reforms have been opposed by the public sector trade unions and they have not profoundly transformed the role of collective bargaining. However, they have also reached several relevant agreements with the administration, most importantly the Bercy agreement reforming social dialogue and collective bargaining in the public sector.

On the general evolution of industrial relations, stability in collective bargaining is combined with an escalation in the conflictual character of the relationship between the social partners. Since 2008, the number of agreements in the public sector has decreased due to the fact that the ministries have little budgetary room for manoeuvre. At the same time the number of conflicts (strikes) have increased, due to the protests of public sector workers against the deterioration of their working conditions (wage freezes, the negative effect of lower replacement rates on the accumulation of tasks and the intensification of labour).

One of the main effects of the 2008 Bercy agreement is that many unions present in the public sector have survived the aftermath of the crisis with diminished resources. Smaller trade unions became less important in terms of political influence and bargaining power. The new rules stimulated the trend of small unions joining larger federations in order to survive.

An evolution in the core tasks of unions and their socio-political role has been observed. An evolution in the philosophy of unions has led to the role of the unions transforming from semi-political activism to a more pragmatic role of advisory/legal support providers (unions have been dedicating more resources to supporting members in HR matters and providing legal advice).

An interesting factor in this evolution is that 'new actors' reinforced their role in the social dialogue system, such as associations of patients/care service users which are part of the National Health Conference and of parents of students/children within the Higher Education Council and other technical committees. These 'new actors' were often consulted by the government on healthcare services and educational reforms. They have also been increasingly joining the demands of the trade unions to improve the quality of services and participated actively in protests and demonstrations against some of the government-imposed reforms. Some studies and surveys, specifically targeting the public sector, have observed that increasing citizen participation is also considered a significant trend in this sector (Bezes and Jeannot 2013).

A new relevant actor playing an important role in industrial relations in this subsector is the FCPE: 'Association de Parents d'Élèves Adhérents'. This association of students' parents is a network of parents whose aim is to defend the interests of children in childcare institutions. It is particularly interesting to highlight the above-mentioned example of municipalities' preschool and after-school childcare, where there was a successful synergy between different types of new stakeholders and traditional actors (representative unions in that sector). In this case, the ATSEM association

(representing nursery school specialists), the FCPE association of students' parents and the traditional unions interacted through their participation in and support for the ATSEM association's protest campaign. This collaboration of different types of IR actors resulted in a new governmental policy improving workers' working conditions and their career development opportunities.

6.3 Comparing the sectors and perspectives

Table 3 below compares the findings from the three sectors. There are several commonalities to the three subsectors examined:

1. The study shows no major changes with regard to the social partner organisation, their organisational densities or the coverage of the relevant collective agreements on wages;
2. The relations between the social partners have become more conflictual during the period in all the three sectors, with frequent collective actions being organised by the various trade unions as a reaction to NPM reforms;
3. Growing influence of 'new actors': associations of patients/care service users are part of the National Health Conference, and students' parents' associations within the Higher Education Council and other technical committees along with more active involvement in trade union campaigns against public sector reforms;
4. Development towards 'tougher' employers/administration and less room for manoeuvre for trade unions to negotiate better terms and conditions of employment;
5. Stronger social partners' influence through collective bargaining since 2008/2010 due to the Bercy agreement and a new legal framework for social dialogue (more areas open to bargaining/clearer representativeness rules);
6. Workers have often experienced work intensification;
7. Quality (especially in terms of job security and freezing of wages) and quantity of jobs (particularly during the first part of the examined period until 2011) has been diminishing;
8. Intense discussion about the quality of services, without leading to any clear picture of this quality. However, a clear link between the quality of these services and the development in quality and quantity of jobs cannot be established.

Variation is seen with regard to:

1. The scope of NPM reforms (less extensive in the municipalities/childcare services and education sectors; quite intensive in the hospital sector);
2. The shape of NPM reforms (most widespread use of outsourcing and new semi-private administration in the hospital sector and less relevant for the municipalities/childcare services);
3. The overall number of jobs (changed the least in the hospital sector and the most in the primary education sector);
4. The use of atypical employment (least widespread in the hospital sector and growing particularly in the primary school sector).

Table 3 Comparing findings from the three sectors

	Hospital sector	School sector	Local sector/nurseries
1. Changes to SP organisations and relations	No major change, after Bercy agreement & Hirsch reform effect on composition and financial resources of unions Stronger position of employers in bargaining	No major changes: trend to more conflictual relations and tougher employers, but no big org. changes Some positive effect on the scope of collective bargaining (Bercy agreement)	No major change, although employers have become 'tougher'. Extensive organisational changes
2. Reasons for changes	NPM ideologies Economic crisis > budget cuts/austerity policies + changing power relations Structural Reform; demographic development; technological development		
3. Scope and shape of reforms	Extensive NPM reforms, limited outsourcing Overall reduction of budget, reduced per user Reduction of staff	Extensive NPM reforms, limited outsourcing Overall reduced budget, reduced per user Reduction of staff	Extensive NPM reforms, extensive outsourcing Overall reduced budget, reduced per user Reduction of staff
4. Role of SP in reforms through	Policy arena: Uneven for sector specific NPM reforms Important for general legal framework (Bercy agreement) CB area: Important	Policy arena: TU important role Important for general legal framework (Bercy agreement) CB area: Important	Policy arena: Limited for TU Important for general legal framework (Bercy agreement) CB area: Important
5. Quantity and quality of jobs	Fewer jobs, fewer support staff, problems with recruitment (especially for nurses) Atypical widespread, but mostly longer working time and increasing work intensification	Reduced number of jobs Reduced civil servant positions/increasing private law contracts Increasing work intensification	Reduced number of jobs Increase in type and number of tasks assigned Increasing work-intensification
6. Effect on quality of service	No conclusive evidence of a decrease in the quality of services TUs & patients' associations say work intensification leads to negative effects on quality due to accumulation of tasks	No conclusive evidence of a decrease in the quality of services Reduction in number of teachers and increase in number of students per class Stability in primary education quality standards according to available statistics	Negative overall perception of the development in nursery care according to opinion of workers' and parents' associations Quality of service reduced and increased number of children per class in nursery schools Staff performing teaching tasks above their category level

Note: SP = social partners. CB = collective bargaining. TU = trade unions. Org = organisation or organisational.

6.4 Final conclusions: evolution of public sector reforms and changes to industrial relations

In France, the crisis has resulted in reduced funds for the public sector, in more unilateral action by governments in industrial relations and in changing ideas concerning the role and functions of social partners. Social dialogue has been important in reshaping public sector industrial relations during the crisis although industrial relations have remained conflictual and unions claim that collective bargaining has become more burdensome. In general terms the attempts to modernise the French

public administration and management structures has not implied a frontal attack on the role of the trade unions, and social dialogue processes and employee representation institutions have remained stable, even after the Bercy reforms.

In France, public sector reforms have intensified during the crisis with clear effects on public budgets and the number of jobs available in the public sector. During the studied period, public finances have remained under pressure with high government expenditure in France. Consequently, since the beginning of the economic crisis in 2008, the French administration has taken specific measures to reduce public payrolls and adopt reorganisation strategies in order to reduce public employment within the NPM policy called 'Révision Générale des Politiques Publiques' (General revision of public sector policies).

Before 2007, France was often portrayed as being one of the countries most resistant to administrative reforms inspired by New Public Management ideas (Rouban 2007). However, policies of administrative reforms have developed intensively in the French context as elsewhere, with specificities (Bezes 2009). The political will to modernise the public sector has been accelerating since 2008, partly due to the pressures deriving from the debt crisis in the euro zone and the subsequent economic crisis. While the objective of modernisation policies has been two-fold: on the one hand improving the quality and efficiency of public services and, on the other hand, curbing public spending, the latter objective has been a priority since 2010 (Vicent 2016). New Public Management ideas have been implemented and disseminated in the French context but with specific institutional constraints (Rouban 2008 and Bezes 2012). In particular, in the health and education sectors, ministries have developed their own specific managerial tools and dynamics of administrative changes.

France is characterised by highly adversarial industrial relations and by a trade union movement that is rather strong at the national level but has very little presence on the shop floor. The French trade union model is not one of mass trade union militancy, with union members concentrated in the public sector. However, as in the private sector, unionism in the public sector is characterised by the existence of many different organisations (quite diversified and fragmented representation). Attending to the peculiarities of the sector, collective rights for civil servants and public employees have been specifically regulated in France and this peculiar status has remained relatively unchanged during the period under examination.

The three subsectors analysed show similarities for several of the above-mentioned dimensions, particularly regarding the increase of work intensification, stagnation of wages, and the decline of public employment. However, differences are also found, for instance when it comes to the relations between the social partners, the scope and shape of NPM reforms, changes in the number of jobs, and the use of non-standard employment.

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