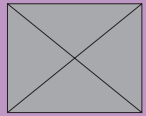


DEVELOPING THE CULTURE OF SOCIAL DIALOGUE IN FRANCE



Social dialogue encompasses all forms of negotiation, consultation, information and dialogue, irrespective of the level, between or among representatives of employees and employers and possibly the public authorities, on issues of common interest relating to economic and social policy.

It typically calls on a whole host of rules and institutions which are designed and analysed by specialists in social law in particular. But it also implies perceptions and practices of industrial relations stakeholders and society itself which are firmly entrenched in our social history. It is this cultural dimension that we focus on in this opinion.

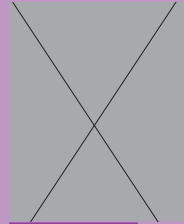
If the culture of social dialogue in our country is to improve, first and foremost the stakeholder organisations and public authorities must be able to communicate clearly about its contribution to the running of a democratic State and about its practical utility for companies and public authorities. On the one hand social dialogue helps to foster balanced, dynamic work collectives (companies and public authorities); on the other, it ensures that workers and employers alike take part in the different forms of public action that are grounded in work and production (social protection, vocational training, industrial policy and so on).

The material scope of social dialogue is tending to increase as the questions raised in the workplace change. By adapting our production model in line with the energy transition in the forms it is taking at national, European and international level, new stakeholders are thus being brought on board, the barriers between spaces for dialogue and brainstorming are coming down and a concentric structure of dialogue is being shaped out of the core industrial and corporate basis which, at each level, is opening up to other topics and other partners.

Moreover, the development of digital technologies is a powerful factor in the transformation of jobs, occupations and labour organisations. These technical changes today form one of the subjects for dialogue and negotiation, but they are also ushering in new possibilities for transforming the very model of social dialogue, in terms of work collectives and by paving the way to new forms of activism and involvement.

These contemporary challenges are such that the basics of social dialogue must be shared more effectively society-wide. To that end, every single stakeholder must bear their fair share of the responsibility. The State, meanwhile, has a twofold role to play. On the one hand, as an employer it must set an example: most of the recommendations therefore also concern social dialogue in the Civil Service. What's more, the State is obliged to guarantee genuine participation on the part of the social partners in drawing up general standards on labour and employment, in line with the legislator's prerogatives.

Some aspects of the cultural heritage associated with social dialogue can today strike as hindrances or shortcomings, while others, on the other hand, come across as strengths. Given the uncertain times that France and the European Union (EU) as a whole are going through, it is crucial that the most positive aspects of this heritage be nurtured to spark fresh efforts as far as dialogue is concerned, with the result of shoring up our social democracy by outlining new ways forward.

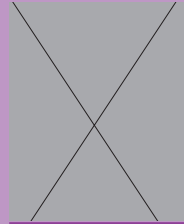


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The ESEC's recommendations:

RAISE SOCIETY'S AWARENESS TO THE USEFULNESS OF SOCIAL DIALOGUE

- **Improve coordination between political and social democracy by changing the wording of Article L. 1 of the Labour Code (clarify the notion of "emergency")**
- **Set a common definition of the purpose of social dialogue to demonstrate its usefulness**
- **Take action in terms of initial training**
 - improve preparation for company placements at the end of the compulsory schooling phase;
 - include modules focusing specifically on social relations in existing management training courses
 - add the topics of labour relations and social dialogue to the programme of the Defence and Citizenship Day, on condition that it be extended;
 - include a module in citizenship and civics training (intended for each civic service volunteer) aimed at educating in the key issues of social dialogue.
- **Take action in terms of the mutual perceptions of social partners and the main opinion leaders**
 - task the High Council for Social Dialogue with the organisation of an annual meeting involving representatives of organisations that represent civil society, the media, public office and Parliament;
 - within the audiovisual public service missions, include the organisation of analytical programmes and debates enabling the social partners to express their views on social current affairs and their issues.

DEVELOP THE METHODS FOR SOCIAL DIALOGUE

- **Highlight the real issues involved in dialogue and negotiations**
 - in the medium term, assess the implementation and use of companies' economic and social database (BDES);
 - develop methodological agreements so as to initially agree on the main guidelines of the negotiation and then to negotiate the specific terms of the collective agreement;
 - develop broader forms of social dialogue on cross-cutting issues.
- **Involve all companies in social dialogue, whatever their size**
 - invite the industrial sectors to organise and conduct trials for micro-businesses and their employees, on working conditions;
 - step up the means for supporting small companies in terms of social dialogue by the National Agency for Improving Working Conditions (ANACT) and its network.
- **Showcase and make the agreements negotiated accessible**
 - encourage the social partners to clearly spell out the contents of their agreements in an information letter to the employees and employers directly concerned as well as the audiences concerned;
 - practise communication about all agreements, including enterprise-level agreements, on a broader scale via a digital platform.
- **Systematically assess the implementation of agreements and put the findings to use for subsequent negotiations**
- **Promote tools for interpreting agreements and conciliation**
 - encourage the social partners to promote, mobilise and run joint interpretation and conciliation bodies;
 - assign a conciliation mission to the employee's advisor during the preliminary redundancy interview.

IMPROVE COLLECTIVE BARGAINING COVERAGE IN OVERSEAS DÉPARTEMENTS

- **Apply national collective agreements in the Overseas *départements* by reviewing the provisions of the Act of 25 July 1994**

LINK CSR IN WITH SOCIAL DIALOGUE:

- **Plan for the CSR report's submission to staff representative bodies for information**
- **Incorporate in the CSR report the findings from the assessment of collective agreements on the company's overall performance**

ENCOURAGE TRADE UNION INVOLVEMENT

- **Train trade union and employers' representatives**
 - invite universities and graduate schools to put together a range of training programmes likely to meet the needs of company managers and public senior officials, as well as staff representatives.
- **Encourage employees and employers to get involved in trade union representation**
 - develop training and certification measures for the benefit of staff representatives so as to recognise the skills acquired when carrying out their representation duties;
 - task the Defender of Rights with documenting the situation regarding trade union discrimination in France through a periodic report.
- **Extend the benefit of the right to organise to the exercise of inter-professional mandates**