Some considerations about the social movement in France (March, April, May and June 2016)

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We have now reached the third month of struggle since the first march against the new Labour Law on March 9th. The power relationships developed during those public protests have forced the government to a few reversals from the original text of the law cooked up with the French bosses (the MEDEF). Nonetheless, the text remains entirely unacceptable. The proposed legislation is part of repeated assaults of the same type: national interbranch agreement MEDEF1- CFDT- CFTC – CGC in 2003, « Macron » law in 2015. But the new text goes further as it is deeply challenging the rights of workers around areas that change the system.

Strikes, public protests, freezing of nation's economy had led to the generalization of a simple principle:

⇒ The Labour Code contained applicable standards in all industries benefitting all employees.
⇒ A collective agreement could not contain provisions below those of the Labour Code.
⇒ A company agreement could not prevail over a collective agreement.

For about thirty years, a few Right and Left governments had dented this principle but what is called « the principle of favour » remained. The new Labour Law abrogates this principle! All which concerns working time would be company-by-company negotiated, but in fact, in countless cases, because the number of union members is not big enough to create a counter-balancing force against the employer, it will be imposed upon the workers through the well known employment blackmail.

The Bill also provides a reduce in overtime compensation and a modification in the calculation of overtime hours so that they would be reduced. Our health would be jeopardized because of the abolition of the frequency of medical check-ups. The role of the occupational health services would be reduced to a hire and fire permit at the expense of preventive health care. The Bill contains measures that would facilitate individual and collective dismissals.

Strikes, public protests and freezing of nation's economy have always been the means to social progress. None have come out of the blue. Bosses have always opposed this progress arguing that « it is not possible; it is going to jeopardize the financial strength of businesses ». Social struggles have made those changes possible as was the case for the banning of child labour, for the eight-hour working day, paid holidays, 40 then 39 and then 35-hour working week, Social Security, Statute of workers and Negotiated agreements, and so on. What was said to be « impossible », « utopian », « outrageous », became the Law! Whereas, in times of weak collective organization of workers, when social struggles are too rare, employers imposed their own rules. It is what is at stake today.

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1 French main employer organisation
The Bill of Labour of the French SP/EELV (socialist party and Europe Ecology) government has the same content that other bills imposed these last years on other european peoples: from Hartz Laws in Germany to the 0 hour employment contracts in Great Britain, to the Italian Job Act or the management/worker commissions/ UGT (the general union of workers) which have weakened the Labour legislation in Spain, they are all inspired by the same logic: the one included in the « memorandums » imposed on the Greek people or in the numerous counter-laws on pension and social protection all over Europe, or even in Peeters Law in Belgium. Here, we are talking about Europe, but social regressions can be found in other parts of the world.

Once again the issue lies on the real internationalism of the labour movement and specifically on the trade union movement. Without doubt is it one of the issues on which we should collectively work with more efficiency, unless we just provide comments on events or analysis on our successive defeats that is what we aim at doing, particularly through the building and the strengthening of the international union network of solidarity and struggles.

Even though it had been organized in just a few days, the first protest action, on March 9th, was successful. Protest marches were held in a very large number of French cities, which proves that the refusal of that law was deeply rooted in the population. We were already half a million demonstrators: this shows the current and widespread discontent in the country. Other demonstrations or strikes (the railroad sector, the pensioners, the health and social sector, etc.) together with the occupations of universities which were starting show a significant social mobilization throughout the country.

Not surprisingly, the government and the employers tried to hoax us into accepting a second draft which they presented as « not quite as bad as the first one ». But... not quite as bad as much worse remains very bad indeed! The employers and government’s con consisted in persuading us to compare the second draft with the first one... whereas the only useful comparison is between this second version on the one hand and, on the other hand, the reality of our current rights. This was explained jointly by the CGT, FO, Solidaires, the FSU (workers’ unions) and the UNEF, UNEL, FIDL (students’ unions).

[This bill] gives no acceptable answer to the major longings expressed by the young, the workers and the unemployed regarding access to work and job security. The creation of quality jobs does not justify the destruction of the Labour Code, but it requires a change in economic and social policies. This bill continues to curtail worker’s rights and to increase the lack of job security, especially among the young. The transfer of collective negotiation to negotiation at company level and the subsequent undermining of branch collective agreements, the attacks of existing individual rights, the questioning of higher rates for overtime work, the easier dismissal processes, the attacks against occupational medicine: all these are so many examples of regressions which remain (in the second draft).

The government knew it could rely on the CFDT to support its bill; this is what happened in mid-March, this union having since then stopped all criticism and adopted the opposite attitude: a fervent defence of the bill. But several local CFDT groups have voiced their disagreement on this support of social regressions. As for the MEDEF, it threatened the president of the CGC with retaliatory measures if she should refuse to condone the government's position on the CGC now demands the withdrawal of the bill...

By granting a few minor changes, by yielding to a handful of specific claims, the government has been, and is still, trying to create dissension: first between unions, then between youth movements and trade unions. If this has been enough to satisfy the CFDT, the UNSA or the CFTC, on the whole this strategy has failed: a few local groups of CFDT or UNSA are still taking part in the struggle, together with other unions (CNT-SO, CNT, LAB...), while the joint front of the CGT-FO-Solidaires-FSU and the youth movements is still standing. It continues to demand the withdrawal of the El Khomri bill.

2 We refer on this issue to a contribution entitled « Le syndicalisme, l’Europe, Euro : de quoi parle-t-on ? Et surtout : en parler pour quoi faire ? » (Syndicalism in Europe, Europe, the Euro : what do we talk about and what’s more : for what purpose?) by Stéphane Enjalran and Christian Mahieux, in n° 28 journal « Contretemps », January 2016 which is largely based on a contribution by the Labour Solidarity Union International Commission. Written at the en of 2015, it remains as strong today as it did then.
3 www.laboursolidarity.org
In the Spanish state, in Greece or Germany for example, institutionalized trade union members of the European Confederation of Trade Unions have openly backed up a number of counter-reforms; they have signed several agreements that curtail workers’ rights. The situation is different in France where the CGT among others is still actively involved (its role in the movement is sometimes questionable, but this is another problem which we will not discuss here) and the CGT refuses to sign national interprofessional agreements of social regression. This is a far cry from the attitude of the DGB, the Workers’ Commissions, the UGT, the GSEE or even the CGIL.

For us activists who have chosen to build up and develop a specific style of trade union – Solidaires’s – it is obvious that the choices and strategies of the CGT (not to mention FO or the FSU) are not acceptable in many respects (the place of workers' self-organization, the role of trade-unionism in terms of the transformation of society...); however, we cannot conceal this difference with the situation in other European countries; this standpoint partly explains why our attitude regarding the unity of trade unions differs from that or our comrades from the Spanish CGT or the various Italian « grass-roots unions » for example.

The government bluff did not work out. The attempt to defuse the reject of the Bill has failed, the unions who negotiate and organize the social backward step have not been convincing.

- The government attempted to rally civil servants with an 0,6 % wage increase in 2016 to be extended in 2017 : the last increases date back from 2010, which means that a civil servant with a € 1 300 per month salary would see a wage increase of € 7,80 per month from next March on !!!
- In the private sector, shareholders keep getting richer and the bosses have pocketed 50 billion thanks to the 'Accountability Pact »: it is less than tax frauds and tax evasions!
- The unemployed well know that it is not by destroying the few rights of those who still have a job that they will find one.
- The pensioners took to the streets on March 10 for their specific claims and they actively participate in inter-professional actions against this Bill which attack the hard-won social gains of previous generations
- The promise of a « Youth Guarantee » which is not funded did not deceive schoolboys or girls nor students: they responded with strikes and sit-ins.

The movement then continued, protest days went on, some of them ( March 9, March 31, April 28, May 17, Mai 19, May 26) united calls for a national strike March 9, March 12, March 17, March 24, March 31, April 9, April 12, April 24, April 20, April 28, May 12, May 19, May 26,... to the question « Shall we go on ? », as soon as the month of April we said : « the answer is twofold ; Yes, if the question is to continue our social movement until the complete withdrawal of the Bill of Labour and to carry out our claims ; No, it does not make any sense to go on with one-day strikes without any follow-up. We must organize and prepare a unlimited strike, national unions ( Solidaires, CNT-SO, CNT, some CGT federations), numerous inter-professional unions, thousands of trade unionists (in particular the call from « On bloque tout » ( « Block it all » !)), and a great percentage of people who joined the « Nuits debout » movement (« Stand all night »), they all say we must.

Thousands of trade unionists from different organisations back up « Block it all ! » which assert « the only way to win and to force the government to back down is to block the economy. Workers must indeed be running their own affairs in this struggle and should not leave this to politicians who are only focused on the election. And to block the economy, what must be done is to reaffirm the merits of the strike, to prepare the general strike and its reconduction wherever it is possible in the coming days and weeks! Then, we will get the withdrawal of the El Khomri Bill. Then, we will be able to prepare a counter-offensive, OUR counter-offensive by raising a bigger awareness about our demands which will allow to bring everybody together, demands which will allow all organisations to work together with the rank and file members ». 

4 www.onbloquetout.org/
This call is being made by rank and file members who, during the 2010 social movement, had contributed to the two calls for general strikes. The context in March 2016 was different from the one in September 2010, that's why to day the call is not for a general strike, but for its organisation. The need to construct a social movement, pointing out that the freezing of the economy is an essential weapon for workers, that their actions are central to the strategy to win when others play on the field of electoral illusions, to show that this approach has been carried out by activist groups from different union organisations, were the main objectives of that call. Though ignored from the start by some current of thoughts, it was signed by more than 1 500 union organisations, Solidaires, CGT, CNT-So, FSU, CNT, LAB, CFDT, FO, UTG, and by more than hundreds of union structures, (nation, region or local, profession or inter-profession wide). Let us quote an excerpt of one of those news releases to illustrate the approach:

"The social movement which has started March 9 has since accelerated and has remained in people's mind with strikes and protest marches, symbolic actions, numerous blockades on economic targets not to mention the dynamic action of "Nuits debout" in relation with the mobilization. To combat the direct actions of the workers, the government and bosses try to limited the debates to members of parliament; falling into this trap would be an admission of failure while the struggle is going on and must be scaled-up.

This social movement is marked by strong repression, deliberately implemented by the government to try to weaken the mobilization : gassing of union marches, arrests of union activists followed by prison sentences, severe police brutality...Violence remains well and truly the responsibility of the government and of security forces giving full supports to the bosses.

[...] the social movement must gain momentum in May: to achieve this, we will do everything in our power to help the railroad strike from May 18 to become widespread through a great interprofessionnal strike. In the same period a strike is announced in the road transport.

We will never be granted anything from the Elysée, Matignon or the Palais-Bourbon : let us muster our strength through coordination, let us go on strike and let us vote the reconduction, let us develop the freezing of the economy, and let us take to the street on May 18 and get the withdrawal of the Bill of Labour. We invite you all [...] to take on those propositions and to bring them in local intersyndicales debates and in general meetings and let us turn the May 18 strike into a show of force to allow us to reconduct the strike."

"General strike cannot be decreed » too true, this is a goog thing because we do not wish nor need to decree it. What is needed is for union organisations to assert the need for an indefinite strike action, for them to prepare and organize it, giving workers whatever means they need. Shouting « general strike! General strike! » when it does not exist is pointless. To call for e general strike is necessary but not insufficient. It is a long process which has already started. In companies and in communities, lots of union activists are working on it: they are CGT, FO, Solidaires, FSU, CNT-So, CNT, LAB members, even a few from the CFDT and UNSA. Young UNEF, FIDL or UNL members contribute to it. The Student national Coordination, Solidaires-Students, or high school CGT and Sud unions support this position. Show business intermittent workers are part of this process. It is also much discussed in « Nuit Debout » meetings.

So, why isn't it really starting up? The lack of a leading professional sector is a serious drawback. Many times, the Railroad, the National Education in 2003, Oil refineries in 2010 played that leader part. Today, in France, there are renewable strikes, quite often in private companies, but they remain local. After the CGT federation had invented a sectorial strike just two days before the interprofessional movement of April 28, it could have been possible to bounce back over that surprising decision by building a renewable strike movement from the 26th to prepare the 28th. Neither CGT, nor SUD-Rail or FO wanted it, as they preferred to preserve the trade union unity with UNSA and CFDT in this professional sector. Then, CGT announced a renewable strike from May 18 before they turned it into a new strike with set limitations, of 48 hours this time, on May 18 and 19; and again they did it on May 24 and 25! Confronting the proposals and attempts of renewable strike asked by SUD-Rail and FO, CGT opposed the necessity of not abandoning UNSA and CFDT (who support the New Labour Law project!)
As a result: when, at last, a call for renewable strike was issued in the Railroad sector from the evening of May 31, CFDT stopped the strike the very first day and UNSA as soon as the second day of strike! On June 4, the strike movement was going on in the Railroad but in difficult terms: the most belligerent collectives were exhausted by the too numerous « one -day » strikes preceding the movement. The labour union division didn't help.; The government made concessions about professional matters to prevent the strengthening of the inter-professional movement. Unquestionably, a precious opportunity was missed at the end of April and the middle of May. No doubt should we be more attentive in this assessment about that will of isolating the Railroad workers from the other workers.

At the beginning of this month of June, it would be a mistake to present the situation in too simple a way. The strike in the Railroad sector is real, but, as we have just explained, it is less strong than it could have been during similar movements in the past. Oil refineries are also on strike but the movement is uneven according to the different sectors. The road hauliers, after being on strike at the end of May, stopped their actions when they obtained guarantees essentially about the payment of the overtime for their sector.

Other movements concern waste processing plants, harbors, docks, nuclear plants and also private firms of all kinds but they often take the form of stoppage rather than renewable strike.

We can't be silent about the change of speech from FO then CGT confederations we could have observed during recent days. When, for weeks, the single watchword was « withdrawal of the New Labour Law » now, many speeches put forwards « stumbling blocks » to be dealt with before possible « negotiations » ... Well, all that being said while carefully repeating at the same time the request of withdrawal of New Labour Law .We find the same obvious contradiction in the movement : on the one hand, CGT largely contributes to multiply the blocking actions, so displaying quite a radicalism but on the other hand, at the same time, they obviously don't put all their strength in motion to reinforce and spread the strike. According to this point of view, the example of RATP is edifying: for sure, CGT (and Solidaires too) called for renewable strike from June 2 but apart from a few sites (where you can often find the signatories of On bloque tout ! petition) nothing much happened elsewhere.

Now, it would be a mistake to consider that if the strike does not become widespread that is exclusively the fault of the trade union confederations who sell the pass. Contrary to former movements of this kind, there is no sector where Solidaires gives the evidence that a long, massive strike is possible. The memory of the former social defeats still weighs heavily along with inevitably that of an inadequate consideration of the inter-professional dimension of trade unionism. The movement takes deeper roots when there are inter-professional CGT or Solidaires local unions, already settled in the social reality of this territory.

Fearing that they would not be able to get a majority of votes in favour of the bill itself, the government made use of one of the weapons afforded by the French Constitution, namely article 49.3: to avoid a parliamentary approval of the bill, MPs have to vote a motion of censure, and thereby overthrow the cabinet. With article 49.3 it is still up to the MPs to decide, but without any parliamentary debate on the content of the bill, without any amendment, and with a shift on the object of the vote. The government exploits the republican institution to fulfil its own purposes; they know this can work (as with the votes on the State of Emergency or with previous resorts to article 49.3). It did work: there were not enough MPs from the Left wing to present their own censure motion (which requires the support of 10% of MPs); and most of them refused to vote for the motion presented by the Right wing.

Despite the brutal and authoritarian recourse to article 49.3, according to parliamentary procedure, the bill will not be voted until mid-July; moreover, we should bear in mind the example of the bill for First Employment Contract ("CPE: Contrat Première Embauche") exactly 10 years ago: even after it has passed, a law may be dropped and never enforced. This is what the social upheaval of 2006 had made possible with this law passed under a Right-wing government.
One of the novelties of this movement is the apparition of the “Nuit Debout” social gatherings. Three elements seem worth noticing on this subject:

- First of all, these gatherings cannot compare with the movement of the Indignados in the Spanish state, for they attract a much smaller number of people.
- Next, it should be pointed out that the “Nuit Debout” drive is happening in hundreds of towns and cities throughout the country, and so is not confined to the “Place de la République” in Paris.
- Lastly, this movement reveals a genuine need for debates, for democracy, with a real questioning of parliamentary democracy and of the institutions of the bourgeois republic.

Yet all is not clear-cut: one part of the followers of “Nuit Debout” refuses what they call political exploitation, namely a social and political transformation of society; on the contrary, for others this is the heart of the matter. In the “Nuit Debout Paris” there is a Commission for General Strike which works with trade unionists and with Solidaires; in the other cities, trade union activists (from Solidaires or the CGT notably) are very often the driving forces of the “Nuit Debout”.

In the booklet entitled “Solidaires against Fascism”, you can read: “The National Front and the far right never feel very comfortable in times of strong social unrest, and their stands may then vary from one day to another... But on the other hand, they do know that every defeat of the social movement, as well as every battle which is not fought, will earn them their lot of potential new electors. The “Appeal of the 250” and “Ras L’Front” already asserted this 25 years ago: they advance only as much as we retreat.” [...] “The closest presence of trade unionists and their activism among male and female workers (every day in the workplace), the reconstruction of an interprofessional trade union network of proximity, these are concrete antifascist acts. It may sound trite, but let us repeat it: it is by waging winning battles on the field of social and economic rights that we will be able to force the National Front back in the long run.”

The far right has not vanished, to think so would be but wishful thinking. But, once more, it moves out of the picture whenever there is strong social unrest, insofar as its favourite topics are not the focus of the popular debates. That is important.

The State of Emergency is characterized by a restriction of individual and collective freedom and results in a harsh repression of social movements. We had noticed this as early as November, at the time when the COP 21 was being held, with several cases of arbitrary arrests and house arrests. But 900 MPs out of 906 had found it useful not to vote against the imposition of that exceptional regime!

From the onset of the movement, in March, young people had been favourite targets: educational authorities had decided temporary school closures, the police had interfered violently on university campuses, and high-school students had been threatened and punished by school authorities... During the demonstrations of March 24, the repression went one step further: tear gas, truncheons, arrests, etc.; systematically, the cops use provocation, the riot police charge at male and female demonstrators. This is to be linked to the convictions of trade unionists, to the police troops bursting in on people in the workplace, gun in hand... Violence and provocations from the police keep growing. In many cities, we are confronted with an aggressive system of repression with police forces who try to provoke incidents, who attack demonstrators with tear gas and truncheons, while hordes of policemen in civilian clothes take part in the very same “troubles” which will later be hypocritically denounced. In Lille, the police vandalized the premises of a trade union (the CNT), in Rennes it carried out a search in the offices of Solidaires. On April 28, the government moved one step further when they held press conferences with the minister of the interior, then the Paris prefect of police, to denounce “the rioters” and issue warnings against the trade union leaders who organize protest marches! With the demonstrations held in May, the State keeps using the same police tactics.

5 RLF (“Ras L’Front”): a network of activists fighting against fascism and the far right; it numbered dozens of local groups in the late 1990s
The very content of the planned Labour Law justifies our determined opposition but this movement also crystallizes many other refusals. The young people are expressing their rejection of a future made of job insecurity, poverty and exclusion. The unemployed are claiming the respect of their rights and of their dignity. The retired are manifesting an intergenerational solidarity to oppose the propaganda of «the every man for himself» principle. The employees are fed up with always more slogging away to be less paid but they are also fed up with detestable working conditions, pressures and sanctions, employment blackmail and a hierarchy who imposes its decisions often without knowing the actual work, etc. They all denounce the inanity of politicians' promises and the systematic reappointment of those who think they are the elite. Besides, these are the elements which largely contributed to trivialize the extreme right party.

To hinge these two dimensions, the rejection of that project and larger claims is one of the trade union movement's responsibilities, at least of the (strong) trade union trend that can't be satisfied with merely organizing actions to display disagreements but that implies to build winning struggles and by this way, fosters the breach with the current economical and political systems.

Moreover, an example taken from today's Labour Bill could synthesize that situation. As it answered the employers' demands, the government wants to establish referendums to get around the trade union majority's refusals of accepting anti social agreements. We must fight against that position but how can we? Should we brandish – as surely we are entitled to – the respect of trade unionism and take the risk of not being understood by numerous employees who fail to see the reason why it could be dangerous to take their advice? No way. Let's be offensive and creative! We could organize a huge unitary union campaign to demand the generalization of those referendums in companies and services: Are you for or against economic layoffs? For pay rises in even sums or in percentage? For raising salaries or shareholders' benefits? For or against hiring? In this way, we could, at the same time, fight against the pro-employers' aspect of the planned Labour Law and we could point out that trade unionism is not afraid of the workers' point of view, we could create terms of debates at the workplaces that would question how democracy is exercised in the firms. As trade unionists, that is our role to point out that democracy can't be questioned without questioning how property right settles the matter of the exercise of power in the firm and how the role of the State weighs upon the democratic sphere in the public sector...After that, such an approach can fit in all sorts of matters: work organization and working hours, training, etc.

To start from concrete demands, to link them with more general matters and to bring out general prospects would allow numerous people to question a societal change more efficiently than by reading programs developed in closed circuits by political organizations. Yet we have to give ourselves the means of debating with the mass of workers. The renewable strike allows that through debates in the strikers general meetings but also through the endless casual discussions at the then reappropriated workplace or through the exchanges with other struggling sectors, with the young people who occupy their universities or high schools, with the unemployed, etc. We can't disconnect our democratic hopes with the way we build and run the general meetings. These meetings must match with the colleagues' usual work collectives in such a way that they could express themselves in a natural way; there should be no will to turn these general meetings into trade union meetings – which could fit in other times during the movement –.
What now?

Since May 26 and despite repeated requests from Solidaires, the national union coalition has not called for another national day of strike and demonstrations before June 14, that very date when a national demonstration is on schedule in Paris. And yet, locally, initiatives are being held by interprofessional local unions, often in a unitary way, sometimes with the people of « Nuit debout », roadblocks and blockades are set up...Strikes in diverse professional sectors follow one another without succeeding in generalizing the strike.

Three months after its beginning, the movement doesn't flinch, despite the violence of the cops, despite the authoritarianism of the government (even touching parliamentarians), despite the employers' propaganda secreted by the media or the CFDT ...But the movement remains below what would be necessary to win the battle. More than ever, the question of the strike is essential: the best way to help the strikers is to reinforce and spread the strike!

On June 14, there were other demonstrations in several French cities, and the demo in Paris was huge with the presence of many international delegations, including organizations of the International Trade Union Network of Solidarity and Struggle – the Network also held rallies in front of embassies and consulates in various countries.

The movement is still strong with national demonstrations on June 23rd and 28th. The French government increases provocation, repression and threats to the unions: the government even tried to ban the Paris demonstration on June 23rd, provoking condemnation not only from the trade unions which have been organizing the struggle since March but also from organizations like the Human Rights League which announced that they would call for the event even if it was banned (many other organizations would have done likewise). After negotiations -which were not really necessary because the demo would have taken place anyway, the police department finally accepted the demo but with a much shorter route than planned initially.

We'll end this text here... because we must do so at some point, but the struggle goes on! We hope that this contribution will help promote the social movement that has been going on in France for over three months now and we hope that it will contribute to strengthen our analyses and joint actions.... we send you our unionist and internationalist greetings!

Text updated June 22rd

Appendix :
- An example of the bulletin « the Strike » made by The Union Syndicale Solidaires
- A flyer that takes up the main measures of the Labour Bill
- A flyer by « Nuit Debout » (Paris) written with some unions among which Solidaires.