Strengthening trade union legitimacy through institutional change?

A study into the effects of the 2008 law on trade union representativeness in France
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Trade union representativeness: A peculiar French notion?

- ‘What is the legitimacy of a trade union with regard to the constituency it aspires to represent?’
- French situation prior to the 2008 law: State recognized five union confederations as representative
- Prerogatives of representative unions: set up a workplace union & negotiate collective agreements
Trade union representativeness under pressure

- Steep membership decline (private sector union density about 5 per cent)
- Shift towards compulsory company bargaining since the 1980s
- Spread of concession bargaining made union competition more problematic
- A problem for public policy: What is the legitimacy of the decentralized negotiated order?
- Answer: change of the rules of validity of collective agreements & tying union representativeness to workplace audience
Reforming trade union representativeness: the 2008 law

- Union has to obtain at least 10 per cent of the votes of the works committee elections to be recognized as representative.
- To determine representativeness at superior levels, workplace election scores are added up.
- In order for a collective agreement to become valid, the signing union(s) need to represent at least 30 per cent of the votes.
- Union(s) representing the majority of votes can block an agreement.
Research questions

- Did the 2008 law change the practice of representation at enterprise level?
- How did it impact the relationship between workers and their representatives?
- Which consequences for collective bargaining?
- At the most general level, did the law increase the representativeness of teams?
Methodology

- Establishment as a strategic site of inquiry due to the ascending logic of union legitimacy guiding the law
- Panel of 26 private sector enterprises characterized by multi-union presence
- Diversity as a criterion for case selection (region, size, industry, group/non-group)
- Interviews with workplace representatives, HRM & external stakeholders
Findings

Generally, we find that union delegates

- Have interiorized the functioning of the new rules
- Positively evaluate certain aspects of it, e.g. avoiding ultra-minority agreements
- Relativise the impact of the law on their representational practice
Workplace elections as a sanctioning mechanism

- In one half of the panel union delegates had been eliminated
- Eliminated unions were usually already very weak, i.e. the law accelerates union mortality but does not cause it
- Union delegates are ambiguous about the elimination of ‘competing’ unionists
- It is difficult to recover the place left by eliminated unions
- Elections are more perceived as a threat or a reminder of one’s own fragility than as a means of strengthening union representativeness
The law in everyday practice

- Union delegates have pragmatically adapted to the electoral exigencies which are not new to them
- More structural issues determine their agenda: threat of restructuring, employment losses …
- The impact of the law on union strategies with regard to these issues is marginal
Company collective bargaining: towards centralization

- In the establishments belonging to large groups, there is a strong tendency towards the centralization and professionalization of company bargaining that is nurtured by the increasingly dense agenda of compulsory bargaining. Two consequences:
  - Stake of union representativeness tends to reduce itself to being a partner at the bargaining table
  - Establishment-level union delegates feel deprived of prerogatives and disconnected from top-level proceedings
  - What legitimacy of establishment delegates with nothing to bargain for? What consequences for the legitimacy of the whole architecture of representativeness?
Reforming representativeness through institutional reform?

- The law testifies of the continuing and even increasing role of the state in French IR
- There is no clear-cut evidence for a substantive change in union practice due to the law or a strengthening of their representativeness
- What differentiates teams of workplace representatives from each other is their representative capacity
Thank you for your attention!