

**The state takes advantage of the lack of autonomous workers struggles to revise the terms of capitalist exploitation in France.
Empty gestures by the unions and the spectacle of street confrontations are just weapons of mass distraction.
Only autonomous struggle and organisation in workplaces can stop us being defeated without a fight.**

For many years French companies have complained about a cost of labour which is too high, a lack of flexibility in the labour market (hiring/firing), a workforce which isn't qualified enough and a lack of adaptability of working conditions to the vagaries of the market. So, this is what's holding back profits. Lifting these barriers is the vast work undertaken by Macron.

The five labour executive orders of 2017 are the starting point and aim at changing the relations between workers, unions and companies, in particular for SMEs and very small companies. Elected on this programme, Macron has a significant advantage because the unions which oppose these reforms have only been able to organise a symbolic opposition with protests gathering fewer and fewer participants, for the most part just union officials. The main point which annoys all the state unions, those who march and those who don't, is the attack on their institutional prerogatives of joint management of the economy with the bosses, which claims to be on an equal basis.

For the immense majority of employees in the private sector, on the other hand, these capitalist reforms only correspond to bringing the law into line with their everyday experience of exploitation on the labour market and in workplaces. There is a growing disconnection between the workers and the state unions, with distinct, opposed, interests: the unions want to defend their place in the capitalist organisation of the state and society while the workers have no particular place to preserve other than defending themselves from exploitation and the state which is its expression. To fight effectively against the latest offensive against the workers by the Macron government we need to understand precisely what it contains and what it is trying to do. That's why we're putting forward this analysis of the decrees to combative proletarians.

Capitalism in France has fallen behind the other big industrialised countries in terms of the level of employment

The rate of employment in France - the proportion of people of working age (15 to 64) having a job - is around ten points lower than that of other big industrialised European countries, apart from Italy. Yet, the bosses' economists explain, the rate of employment reflects the capacity of an economy to make use of its manpower resources, thus, we would add, to increase profits from wage labour. The weak level of employment in France is accompanied by a high level of long-term unemployment. Yet the long-term unemployed (more than 44% of the unemployed in France have been that way for more than a year) no longer have any ability to reduce the wages of those who have a job, because in fact they are outside the labour market, they are no longer "employable". And that, the bosses really don't like...

The forced activation of this segment of the industrial reserve army will increase the workforce actually available to companies. This activation will be carried out using greater restrictions on access to unemployment benefits and closer monitoring of the unemployed, who will be obliged to accept, if necessary, a job which is less skilled and worse paid, and to follow "qualifying" training. The reform of professional training apprenticeships which is presently in gestation simply seeks to better adapt the capabilities of workers to the rapidly evolving needs of businesses. Also, the envisaged increase in the SMIC (minimum wage), of between 100 and 150 euros per month, obtained by a lowering of wage deductions, is intended to increase the difference between income from work and unemployment benefits - one more encouragement to look for a job, even a crap one.

To put the unemployed to work, therefore increasing competition between workers to push down wages, governments of numerous other countries have already put in place measures which have largely inspired the Macron decrees: *Back to Work Schemes*

(work for benefits) in the UK, Hartz IV in Germany, *Jobs Act* in Italy etc. These measures have certainly lowered the number of unemployed but have increased the number of working poor.

A labour market which lacks flexibility, according to the bosses

Capital's economists have been moaning for a long time about the lack of flexibility in the French labour market. The disagreeable consequence for capital is that the labour market is more and more segmented into two watertight compartments: on one side are the classic permanent contracts and the public sector employees with their status as civil servants (*"fonctionnaires"*) - 85% of the economically "active" in 2016. On the other are around 15% of the "active" total with very insecure contracts (fixed-term, temp work, fake self-employment, project-length contracts used in construction, etc.). Up until now the main way to make savings on the mass of wages paid out has been to reduce permanent contracts, increase precarious contracts, and freeze everyone's wages.

Today the bosses' state judges that it is time to go further in simplifying redundancies and making them easier, less onerous and quicker for all types of work contract. Compensation for unemployment conceded to the self-employed and to workers resigning after at least five years of work along with the introduction of a negotiated break in the employment contract (a collective contractual break, after the individual one introduced in 2008), also increases the fluidity of the labour market.

The bosses have also got more visibility over the resulting costs when they want to fire staff as well as the delays in redundancies, creating a stricter framework for the activity and prerogatives of the industrial tribunals. The Macron orders lower the floor and fix a legal limit to compensation for redundancies considered to be "without a real and serious cause". They also significantly reduce delays in the procedures of the tribunals. Before the Macron decrees, the average delay was nearly 22 months. The state unions, which designate the judges of the industrial tribunals (alongside the employers' organisations), have made opposition to the reform of the tribunals one of their priorities. But for proletarians the industrial tribunals are not a terrain favourable to class struggle. In effect, when you make an appeal to this bourgeois tribunal, you set out on a long and painful individual journey, imposed by defeat or the absence of collective struggle.

A study from 2016 indicated that, out of 1,000 cases of layoffs "without real and serious cause", the average compensation was somewhere around 24,000 euros. Following the closure of the PSA Aulnay

car plant in 2013, after a very minoritarian strike lasting four months, the strikers got a bonus of €19,700 if they left the company immediately. Some workers then went to the industrial tribunals with the aim of contesting their redundancies. The judgement in March 2016 gave €12,000 on average to each worker whose redundancy had been judged "without real and serious cause" and the strikers who'd signed to receive the bonus €19,700 had their request rejected. As for the non-strikers who'd left the company, they got a pay-out of €19,700 in the name of equality of treatment between employees. A good example, which shows that industrial tribunals are no friends of the struggle. They are simply indifferent to it.

As a cherry on the cake, the Macron government has also reduced the restrictions on "economic" redundancies. From now on it's only necessary to take account of the health of the company in France, without taking into account its global balance sheet. A nice present for French companies which are well-established abroad.

Negotiate to bring the conditions of exploitation closer to the needs of the market and the companies

The capitalists want more class collaboration, therefore more negotiations. The bosses need "social partners", strong and responsible, that is to say collaborative, and it doesn't matter much if their posture is "conflictual" or "consensual". But the present state union organisations are not up to the job. Negotiations between companies and unions in France are above all frustrated by the weak representativeness of the latter. While the collective branch of industry agreements signed by the unions cover almost all wage earners, only 11% of workers belong to a union (8% in the private and 20% in the public sector). It is the lowest rate of unionisation in the big industrialised countries.

Companies want to follow the German example by negotiating on the workplace level with credible elected representatives. Yet, today, only 15% of companies which have the means sign workplace agreements. To generalise and extend such agreements is therefore one of the objectives of the Macron orders.

First of all, they want to simplify the representation of workers. The staff delegates, the Enterprise Committee and the Committee of Hygiene, Security and Conditions of Work (CHSCT), will be fused, with their various prerogatives, into one body: the Social and Economic Committee (CSE).

The almost complete absence of the unions in SMEs (no more than 7% of voters in the last workplace elections) will be compensated by the possibility of

being a candidate in the first round of elections to the CSE without being previously mandated by a recognised union.

Secondly, the unions will only be able to sign an agreement if they represent more than 50% of votes cast by workers, while the El Khomri Law set the bar at 30%. The raised threshold pushes the union sections of a workplace to reach agreement with each other. In the absence of an agreement reached via the CSE, a direct consultation with the staff will be organised. Majority agreements signed at the workplace level will also be able to ratify reductions in monthly wages and various bonuses (seniority, night shift, thirteenth month) and increases in hours and flexibility. The increased decentralisation of negotiations at the workplace level is aimed at more quickly and precisely adapting the working conditions and wages in each workplace.

As for the professional branch agreements, they will continue to fix minimum wages, to carry out job classifications, to choose professional training and supplementary healthcare, as well as to rule on professional equality between men and women. The professional fields will have the monopoly of definition of the criteria of short-term contracts (duration, maximum number of renewals and the period of gaps in fixed term contracts). They will also be able to authorise recourse to project-length contracts (“*CDI de chantier*”) until now reserved for sectors of construction and services. All this has the aim of curbing “unfair” competition between firms, claims the government.

The number of professional categories qualified to sign agreements will go from 700 to around 100, in two years, to arrive at the same number as in Germany. A reduction in the number of branches will make the confederations of state unions put a bit more order into the jungle of federations, local unions and other intermediate bodies by fusing them, incorporating them and controlling them better.

The labour laws don't introduce any spectacular break in the real conditions of exploitation. They just generalise our more or less recent defeats

Contrary to what is said by the union amnesiacs and the Mélenchon-style left of capital, the orders are not going to return working conditions to those of the nineteenth century. With the Macron orders, the increase in flexibility of the conditions of exploitation by legislative means is only following the road opened by the Auroux Laws of 1982, the Robien Laws of 1996 and the application of the 35 hours legislation (known as the Aubry Law) in 1998 and

2000¹. Since then, the process has accelerated with the laws of modernisation of the labour market in 2008, employment security in 2013, the Rebsamen measures in 2015 and El Khomri in 2016.

When the workers at SMART had to work 12% more in return for a wage increase of 6%, the Macron orders and the El Khomri measures did not yet exist. It's an exemplary case that should be kept in mind. At the end of 2015, more than 90% of the workers of the SMART factory in Hambach, for the want of any capacity for collective combat, accepted, in a referendum organised by the boss, a progressive rise in their weekly hours from 35 to 39 over four years by individually signing a codicil to their work contract. And this was despite an opposition from the CGT and the CFDT which was as noisy as it was inconsistent, which ended up with the delegates themselves signing one by one. In return for the increase in hours, the SMART workers received a gross monthly increase of €120 and a bonus of €1,000 spread out over two years. This example, which prefigures what's going to happen more often, was unfortunately not isolated because it had already happened in a similar way at Michelin, Renault, PSA et Continental.

The lesson for workers in all these agreements is the same: accepting the diktats of the boss under the threat of being fired is no guarantee because in many cases redundancies still follow.

Union gestures and spectacular street fights are a distraction. Only autonomous struggle and organisation in workplaces can hold off a new defeat without a fight

The growing weakness of the union response to the orders is not due to the supposed treason by their leaders denounced by their opponents on the left of capital like *France insoumise*, the CP or even the NPA (“New Anti-Capitalist Party”). Workers understand very well that the spectacle of useless street demos seasoned with the flavourless spice of confrontations with the forces of repression attempted by a few hundred powerless aggro merchants, have no chance of representing the gnawing anger of the workers. The state unions, all of them, including the so-called fighting unions, are blinded by the desire to preserve their positions within the capitalist state. The workers have also understood very well that the terrain of eventual struggle is above all that of the workplace. The Macron orders, like all the pronouncements of the same sort that have preceded them, originate from

¹ See: Revue MC n°8, “Les 35 heures contre le prolétariat”, June 1998 (only available in French).

within the workplace and the defeat of workers' struggles.

The generalisation of struggles has no sense if struggles are not born and strengthened where exploitation takes place, in the factories, the offices, the warehouses. The fight against the Macron orders is not a matter for outraged citizens, it is a matter for proletarians capable of fighting in an organised way by themselves, without union domination and restraint. The permanent call for “*all together, all together, yeah, yeah!*”, for unity with the political and union organisations which deliver us tied hand and foot to exploitation and political horse-trading is synonymous with preventive defeat, even before the start of any real fight. Workers conscious of this, rank and file trade unionists who are not bogged down in “social dialogue”, proletarians who want a world without the state and without capital must organise themselves in an autonomous manner and prepare themselves for a long and difficult struggle without a guarantee of success against all the organisations and social relations which perpetuate the order of exploitation, which make it “acceptable” for want of anything better.

It's a struggle and an autonomous organisation which must assert itself in the concrete places of reproduction of capital, the workplaces.

“In the present period marked by the recognition and integration of the unions into the state, since at least the end of the Second World War (and well before in France), it has not been possible to have permanent organs for the defence of workers' interests. If numerous autonomous struggles have aimed at the formation of independent organs, these no longer have any chance of survival in this state. They are presented with a simple alternative. Either to be an autonomous organisation which goes beyond its original limits, at the price of becoming in a minority, that is to place itself essentially on the political plain, or to devote itself to enriching the social democratic institutions of capital by confining itself to the defence of the immediate interests of the workers. In reality there is also a third outcome which, in fact, is the one most often produced: the pure and simple disappearance of the autonomous organisation at the end of a proletarian political cycle, accelerated or not by repression. This is the Italian case of 1968-1978.

We can understand very well then that the question of workers' autonomy cannot in any way be reduced to a banal matter of techniques and forms of organisation. It is not enough to proffer magic slogans of committees, coordinations, Cobas or some other revolutionary union to change the game. Throughout the history of the workers' movement, there have been all kinds of combinations: workers' parties with or without unions, unions more or less politicised with or without a party, councils or militias with or without a party and/or a union. No organisational alchemy has been shown to be a sufficient guarantee of victory. During struggle the class engenders such organs ad hoc. The dynamic of the movement, if it is not interrupted, always tends to their unification, to their fusion in the service of the maximal concentration of available forces.”²

² MC Letter no. 11, “Unions and Political Struggle”: <https://mouvement-communiste.com/documents/MC/Letters/LTMC0311EN.pdf>