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**Discretion and (de)centralization in wage bargaining in the
hospitality, urban transport and waste management
sectors: A Study on France**

BARWAGE Report No. 7

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July 2024



Funding

BARWAGE is a project funded by the European Union (SOCPL-2021-IND-REL, ID 101052319). © 2024 Utrecht University, Central European Labour Studies Institute (CELSI), Fondazione Giuseppe di Vittorio, WageIndicator Foundation. All rights reserved.

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Please cite as: Leonardi, S. (2024). Discretion and (de)centralization in wage bargaining in the hospitality, urban transport and waste management sectors: A Study on France. *BARWAGE Project Report No. 7*. Amsterdam: WageIndicator Foundation. DOI: 10.5281/zenodo.13239272.

Abstract

France is a strong example of a close interaction between statutory minimum wage and collective bargaining. This explains why for decades, the minimum wage and collectively bargained wages have evolved in parallel, especially as the revaluation of the statutory minimum wage is automatic and its amount predictable. Despite a strong development towards the decentralisation of collective bargaining at company level, particularly since the 2017 reform, the minimum wage is still an integral part of wage dynamics in France. However, the declining influence of collective agreements on the wage distribution has narrowed the range of negotiated earnings to its lower limit. This downward trend of all low wages toward the SMIC level also squeezes the income dispersion across sectors and undermines the building of a career plan for the employees hired at a low wage rate.

Keywords: France, industrial relations, wage setting, collective bargaining, statutory minimum wage

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BARWAGE

BARWAGE investigates the potential of collective bargaining as a tool for ensuring adequate minimum wages in the European Union. It explores the size of four wage-setting arenas across EU countries and industries: the national or peak level, sector-level collective bargaining, firm-level collective bargaining, and individual (non-collective) negotiations. BARWAGE uses microdata to identify what share of the workers earning under 110% of the statutory minimum wage are covered by sectoral or enterprise collective bargaining. Using coded data of 900 CBAs from 9 EU countries, the presence and nature of pay scales in the sectoral and firm-level collective bargaining agreements (CBAs) are analyzed. To deepen the insight into the impact of collective wage bargaining, national level data will be used to detail the wage arenas in 2 EU countries (Netherlands and Italy). The project lasts 2 years (2022-2024) and includes 6 work packages.

Utrecht University

The Faculty of Social & Behavioural Sciences of Utrecht University is a leader in education and research in the social and behavioural sciences. The Department of Interdisciplinary Social Science deals with issues such as discrimination in the job market, reintegration at work, growing up in a multicultural neighbourhood, developing your individual identity, high-risk behaviour in young people, growing inequality and the accessibility of care. Interdisciplinary Social Science focuses on understanding these complex issues and on finding solutions to the individual and societal problems that play a role in them.

Fondazione Giuseppe Di Vittorio

The Fondazione Di Vittorio (FDV) is national institute both for historical, social, and economic research, and for trade union education and training of trade union confederation CGIL. The FDV centres its activities around the core issues of work and employment, economics and welfare. Its aim is to put people and their rights back on the centre stage, along with their living and working conditions, their interests and the demands they express, linking all this to the values and ideals that make the CGIL one of the most important social and political entities in Italy.

Central European Labour Studies Institute (CELSI)

Central European Labour Studies Institute (CELSI) is a non-profit research institute based in Bratislava, Slovakia. It fosters multidisciplinary research about the functioning of labour markets and institutions, work and organizations, business and society, and ethnicity and migration in the economic, social, and political life of modern societies. CELSI strives to contribute to the cutting-edge international scientific discourse.

WageIndicator Foundation

WageIndicator Foundation collects, compares and shares labour market information through online and offline surveys and research. Its national websites serve as always up-to-date online libraries featuring (living) wage information, labour law and career advice, for employees, employers and social partners. In this way, WageIndicator is a life changer for millions of people around the world.

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1. Introduction

This study provides evidence on the characteristics of the French wage-setting system. It investigates the wage setting process and the composition of wages, as well as the role and weight that various institutions play therein. Evidence has been collected via desk research and interviews. Desk research was used in identifying the main institutional characteristics that rule the functioning of industrial relations. To this end, we have been able to access a broad literature, both in French and English, on the topics of trade unions, collective bargaining and the dynamics that have occurred in recent years. Especially for those aiming to modify structures and practices, by successive governments, in a system in which the law traditionally exercises an extremely incisive role. For this general part, we were able to count on the important collaboration of experts, with whom we have collaborated on various occasions on common research projects on similar themes.

Interviews on sectoral characteristics were carried out with support of the Italian sectoral unions in the CGIL due to a long-established cooperation. The interviews with French respondents were, in the end, carried out via email. These interviews helped in gathering additional useful information to be able to draw a synthetic picture of developments in the studied sectors in terms of wages and collective bargaining.

For the general conclusions and the final discussion, we were once again able to benefit from the collaboration of national experts in industrial relations, reporting some of their interesting analytical assessments on what is affecting French industrial relations today in terms of collective bargaining and wages.

2. The French Labour Market and Wages

In July 2023, the euro area seasonally adjusted unemployment rate was 6,4% for France, stable compared with June 2023 and down from 6.7% in July 2022. The EU unemployment rate was 5.9% in July 2023, also stable compared with June 2023 and down from 6.1% in July 2022. Compared to these averages, the French data on unemployment, adjusted seasonally, was 7.4% in July, for a total of unemployed people of 1.9 million. The unemployment of young people with less than 25 years of age of 16.2%, for a total of 541,000 people (Eurostat, 2023).

In 2020, the poverty rate in France reached 14.6%. In recent years, poverty in France has been increasing, affecting both unemployed and working people. In fact, according to Insee, 10.2% of economically active persons had a living standard inferior to the poverty rate in 2019.

If we consider the in-work poverty (IWP), that of employees in the family for seven months with an income of less than 60% of the national median one, France stays under the averages detected at the EU level by Eurostat; about 7,4%, which was 2.2 points below the EU average and 2 points below that in the Eurozone. This ranked France 12th in the EU, but its rate was 3 to 4 points higher than those countries with the lowest rate, i.e. Finland, Czech Republic, Denmark and Belgium. A comparatively flattering position also for what concerns the percentage of low-wages workers, with an individual remuneration of less than 60% of the median one; 9% for full-time workers, i.e. less than half of the average in the EU (OECD, 2020).

The population groups at highest risk of IWP correspond closely to those at risk of poverty in general: they tend to be young, non-nationals and in families with dependent children. Households with dependent children and a low intensity of work, on temporary or part-time contracts, accumulate most or all of the handicaps leading to IWP.

In France, the average household net-adjusted disposable income per capita is USD 34.375 a year, more than the OECD average of USD 30.490 a year. In terms of employment, about 65% of people aged 15 to 64 in France have a paid job, below the OECD employment average of 66% (OECD, 2020).

3. The system of industrial relations

In France, the system of industrial relations can be described in reference to:²

- a) a legislation still the main source of regulation;
- b) a long-standing mutual distrust between employers and unions;
- 3) the “extension procedures” (*erga omnes*) for binding collective agreements and their very high coverage.

Nevertheless, in France, the social partners traditionally hold an important position in the labour regulatory framework, through joint governance of different social protection organisms (so-called “*paritarisme*”) and their very active role in collective bargaining. Collective bargaining in France is two-tier, centrally organised, with traditionally a predominance of the national industry-level, true

² Evidence is based on interviews conducted via email and by video-calls with Catherine Vincent and Marcus Kahlmann, both Senior Researchers at the IRES France; Udo Rehfeldt, Senior Researcher, now in pension, at the IRES France; Nicolas Fleury, Senior Researcher at the Secafi-Groupe Alpha; Romain Laserre, National Officer in Force Ouvrière (FO), Philippe Malaise, National Officer in CFDT.

pillar of the system, with the company-level gaining space and power, after some legal reforms during the last decade.

In France there is an inter-professional statutory minimum wage (SMIC), fixed and indexed yearly, by a tripartite commission. The SMIC is unilaterally set by the government through a strict technical procedure. The adjustments depend upon two indicators:

- a) the annual rise in the consumer price index (CPI). If the inflation spikes exceeding 2% within a year, an exceptional adjustment takes place immediately; at least half the increase in the purchasing power of the gross hourly wage earned by blue-collar workers and employees (SHBOE, '*Salaires horaires de base des ouvriers et des employés*').
- b) the government may grant an additional "boost", the so-called '*coup de pouce*', according to the socio-economic and political context. The last "boost" dates to July 2012 just after the presidential election of François Hollande (+2%).

Government takes a decision after consulting the National Commission for Collective Bargaining (CNCC), which brings together representatives of employers' organizations and trade unions. However, the role of the social partners was marginalized with the creation of a "group of experts" in 2008, charged with recommending the annual minimum wage increase.

The SMIC, after the last re-evaluation in May 2023 – at least, while we're writing these notes (Autumn 2023), is at the level of 1.383,09€ (net), corresponding to an hourly minimum wage of 11,27€.

According to data in late 2023, 80 sectoral agreements have at least one agreed minimum wage below that threshold (October 2023)³. The median wage is 2.150€ (net); the average is 2.587€ (net). The ratio between this statutory minimum and the national median and average is one of the highest of the EU, at the level of 61%, and 49% is referred to the average (ETUI, 2024)⁴. France, from this point of view, is one of the very few Members States to have substantially achieved already the two

³ The SMIC is the minimum legal compensation for all workers over the age of 18. If the agreed minimum wage is lower than the SMIC, the employer must pay a supplement to reach the SMIC amount.

⁴ "In January 2019, more than 2.3 million employees in the private sector benefited from the SMIC uprating, representing 13.4 percent of all employees. Women are over-represented among the beneficiaries of SMIC increases. In 2019, nearly three fifths of employees (58.5 per cent) affected by the increase in the SMIC were women; relatedly, beneficiaries were three times higher among part-time employees (29.8%) than full-time employees (9.3%). The typical minimum wage earner is therefore a woman working part-time in the services sector. There is also segmentation by firm size. The incidence of MW beneficiaries is higher in very small companies (28.3 per cent in companies with less than 10 employees, compared to 10.1 per cent in others), yet larger numbers of beneficiaries work in large firms (65% work in companies with 500 or more employees), reflecting the overall greater share of employment in large firms" (Delahaie and Vincent, 2021).

“decency thresholds” fixed in the EU directive 2022/2041 for adequate minimum wages (60% of the median and 50% of the average). Also, largely for what concerns the collective bargaining coverage, far beyond the target of the 80%, and here at the 98%, as mentioned above (ETUI, 2024).

The French collective bargaining system is an integrated system, based on the hierarchy of norms and the favourability principle until recent Labour Law reforms 2016-17, leading to a decentralized system in favour of collective bargaining at company level, including in SMEs without unions, and at the expense of sectoral bargaining and of the workers’ general level of protection.

In 1982, with the Auroux Laws, a legal obligation was introduced to negotiate annually both at sector and workplace level (if union present) on wages, working time and conditions. Other themes latter added by law.

The national sectoral collective agreement defines the general framework of the employment relationship and supplies the guarantees (minimum levels wages, *etc.*) at this level. At this level – pillar of the system – collective bargaining should be engaged every four years notably on many issues, included the wages.

At the company level, the employer has the obligation to undertake a bargaining (at least) every four years in enterprises with more than 50 employees on:

- (i) compensation, wages, working time and distribution of the added value produced by the firm;
- (ii) professional equality between women and men (including measures aiming at reducing compensation gaps).

Bargaining activity at sectoral level has been broadly stable over the past decade, at around one thousand agreements (1063 in 2021; 1013 in 2020). The main themes are wages (377), occupational and wage equality (231), VET (185), supplementary social protection (96), employment contract (53) and working time (78).

An important role is played by the State intervention, through very frequent administrative extension of collective agreements at sectoral level, regardless of the membership in an employer’s association. This explains the very high coverage. Although one of the lowest levels of union density in the EU –

approx. 10% in general, 18,4% in the public sector and 7,8% in the private sector⁵ - such an auxiliary support gives the collective agreement one of the highest coverages of the world, very close to 100% (96% in the private sector, and 98% including public enterprises).

In companies where one or more trade union sections of representative organizations are established (and where one or more trade union delegates are designated), the employer must, every year, convene the trade union delegates to negotiate actual wages. The mandatory annual negotiation on staff salaries also concerns the definition and planning of measures to eliminate pay gaps and differences in career development between women and men. It is also an opportunity to delve deeper into the evolution of the employment situation in the company.

For what concerns the company level, the number of workplace-level agreements increased substantially from the almost 4.000 of the mid-1980s to the more than 50-60.000 of the last years. Even despite the Covid-19, the situation has been vivid, with 76.820 agreements signed, including 28.940 in SMEs, with the theme of participation/savings/profit sharing the most considered (44%). It's esteemed that the 15% of workplaces with more than 10 employees, but the 62% of the workforce, are covered by decentralised collective bargaining. Like everywhere, it's proved that in SMEs, lacking unions and workers' reps, there's often no collective bargaining, and all the norms and pay levels descend quite exclusively from the sectoral collective agreements.

A complex articulation exists between the law, collective industry-wide and firm-level collective agreements. Since the early years 2000, successive legislation has extended the possibilities for non-union representatives to negotiate at workplace level if there is no union delegate. Today, only 51% of collective agreements are concluded by unions' reps, against 26% by workers directly, through 2/3 majority in referenda and 12% by employees' representatives or employees mandated by trade unions⁶.

Reforms of bargaining systems have continued under pressure from the employers' organizations, against a trade union movement, which after 2008, was more and more weakened by economic stagnation and the employment situation. Such a push was confirmed and pushed further by the *EI Khomri* Law (August 2016), which allows more precedence for certain fields of collective bargaining

⁵ At the national and cross-sector level, five trade union organizations are currently representative because it meets the criteria for workplace elections (more than 8%), *i.e.* CFDT (26.77%), CGT (22.96%), FO (15.24%), CFE-CGC (11.92%), and CFTC (9.50%) – (*source*: Ministry of Labour, 2022).

⁶ *Source*: Force Ouvrière, 2023

at the company-level, even if in practice this scope stays for now relatively contained. Since that law, company-level agreements have precedence on sector-level agreements, with notable exceptions. Which include minimum wages and grading jobs classification.

As we were told by Marcus Kahmann, expert in industrial relations at the IRES: *“There is no legal obligation in France to renew collective agreements, but the parties may agree to do so. In this case, the period must not be any longer than 5 years. Due to this fact and general immobility of the bargaining parties, many agreements are indeed rather old. I expect most of the agreements in the folder to contain a clause that says that they were concluded for an unrestricted period”*. Because of all that: *“Outdated job descriptions and wage tables are a major impetus for social partners to initiate tedious overhaul processes of existing bargaining agreements, such as currently in the metalworking industry. Agreements should nevertheless be updated, notably to integrate new pieces of legislation. Such updates may be found in annexes or be integrated into the existing structure of the agreement by referencing more recent amendments (the “avenants”)*.

Individual agreements depend a lot on the level of the employees’ qualification and professionalism. HR managers search for new forms of direct involvement and staff motivation, to increase flexibility and productivity, facilitated by the relaxation of labour market regulations. *“Combined with the trend towards decentralization employers seek to erode past union achievements by introducing more flexibility (especially on working time), more mobility and more productivity, and also by dampening wage dynamics”* (Rehfeldt and Vincent, 2023). Despite these attempts, for the time being, *“these changes have not altered social actors’ practices much”* (Delahaie and Vincent, 2021)

4. Wage setting and components in three sectors

4.1 Hospitality

In France, the hospitality sector⁷ (HORECA – hotels, restaurants, catering, covering the NACE Codes 55.10 Z, 56.10 A, 56.10 B, 56.30 Z, 56.21 Z et 93.11 Z/ IDCC code 1979) employs around one million people, of which 740,000 employees and 220,000 self-employed. Among employees, 360,000 are hired in traditional catering, 173,000 in hotels and restaurants and 110,300 in collective restaurants⁸. Most of them are employees with open-end contracts, in a percentage equal to 82%.

⁷ Evidence in this section is based on a written email interview conducted with Amel Ketfi, Federal Secretary of the CGT *commerce et service*, responsable branche HCR.

⁸https://services.cfdt.fr/portail/services/nos-secteurs/hebergement-restauration-tourisme/hotels-cafes-restaurants/hotels-cafes-restaurants-srv2_1109671

The seasonal work and the part-time contracts play an important role, corresponding to the 40% of the total employment in the sector. In the sector the unionized employees can be estimated in 9%, very close to the national average. The last national sector agreement was signed in May 2023. This amendment agreement is for an indefinite period. After the latest agreement, the median wage for the HORECA jobs is the following: 22,774€ per year, which corresponds to 12.52€ per hour.

In France, the gross hourly minimum wage (SMIC), since May 2023, is 11.52 euros, equal to 1,742.2 per month. Approximately 65% of HORECA workers are framed at such a low salary level. The most typical workers and jobs affected by such a low pay are the young, female, migrant and atypical contracts.

The ratio between the sectoral minimum wage and the national median wage – the so called “Kaitz Index” – is esteemed to be around 62%. The legal minimum wage covers a very large majority of the employee's remuneration. For the remaining 10%, employees can be covered by different levels of simultaneous negotiation on wages, over 13 months, by a branch or a company agreement. The two levels – national industry-wide and company – are coordinated according to a principle of co-ordination.

According to the HCR classification grid, there are five levels and three steps per level. Each of the 15 levels of the hotel, restaurant and bar jobs classification grid is articulated according to four criteria:

- skills (diploma level, training or professional experience);
- tasks related to the activity;
- degree of autonomy;
- level of responsibilities.

4.2 Urban Public Transportation

The collective bargaining system in the French urban transport (NACE Code I60) is two-tier, centrally coordinated, and the prevailing level is the national industry wide⁹. In France, there's an inter-branch system that covers all urban transport employees (CARCEPT). The driving staff is covered by the driving agreement (IPRIAC).

The latest collective agreements and currently in force was signed the 25, May 2023, by the CFTD, FO, UNSA and CFE-CGC. It is an annual wage increase agreement. Since this is not derogatory, the

⁹ Based on a written interview, conducted via email, with Nelson Monfort, National Officer of the transport sectoral federation of CGT (FNST).

collective bargaining coverage, also in this sector, is 100% of employees are covered. 1st perimeter member of the UTP.

Each company sets own its wage by company agreement. 100% of workers are covered simultaneously by agreements at different bargaining levels, branch agreement and company agreement. Any worker can be paid below the collective agreement, according to the principle of favour.

According to the last national agreement, the minimum wage in the sector is 1.734€; the median 1.934€, the weighted average wage is 2.552, and the maximum 3.248€. The ratio between minimum and median, the so-called "Kaitz index" is 67.5%.

More in details: the lowest collectively agreed wage in the sector is 1.530 €, but just for a common new entry worker. The highest is 5.960 €, for a Quadre.

The pay-scale ratio is 100/390. The sectoral workforce estimated to be at the lowest levels of the pay-scale is approximately 8% of employees. Talking about the drivers, here the lowest wage, when hired, is 1,734 € gross and 1,317 € net. The pay-scale ratio is 100/187. According to the 2022 social report on 2021 data, the weighted average wage of receiving drivers on hiring 2,552 € gross; approximately 1,952 € net on a weighted average. In the collective agreement, apart from seniority, no other wages are ruled.

The 90% of companies pay the 13th monthly wage. Retirement compensation is provided for by national legislation (Labour Code). A wage supplement is provided for stoppages of up to 180 days. There is no automatic mechanism of indexation, however the legislation requires that no salary be at minimum wage.

According to trade unions official we interviewed, a member of the federal management a National Federation of Transport Unions (FNST) of the CGT. "Since the last laws, the El Khomry and Macron's reforms, there is an inversion of the standards, on this point there were debates: nationally and internally. An essential guarantee for employees, however in our professional sector, there is a gap between conventional levels and reality in the company is too great".

4.3 Waste Collection

The number of employees in the waste collection sector (NACE Codes E.38.1 and E38.2), at a national level, is estimated at around 40,000 employees.¹⁰ The average salary in the sector is € 2,415 gross.

¹⁰ This short and concise sectoral report is the result of a written interview, via email, with a National Secretary of the INTERCO-CFDT; Philippe Malaise.

The trade union density is around 15%. Various national industry-wide agreements apply to the sector, e.g., for recovery, for transports, for climate control, for the energy and gas storage, and the Code of local administrations. At the time of writing this report, these agreements were in force, and therefore it can be said that the sector is entirely covered by national collective bargaining. This is, as is known in the case of France, equipped with the administrative support provided by the mechanism for extending the effectiveness of sectoral collective agreements.

The minimum wage is € 1,958 gross and concerns approximately 20% - mainly selectors in sorting booths - contractually employed as entrance job or through temporary employment agencies. The sectoral minimum wage covers 90% of the received pay; the company-level agreement another amount plus 5%; unilateral decision of the employer by another plus 5%.

In the private sector, today, wages negotiated through company contracts have been surpassed by wages negotiated in branches, thus losing the advantages of company bargaining. Over the last five years, there has not been pressure or debate to change the role of these five levels.

In the opinion of the interviewed trade unionist, the system the sector doesn't create sufficient institutional stability, because there are too many collective agreements and also a public part.

As shared in one of the interviews, *"...today, within the same private group, different collective agreements are used for the same positions and professions, resulting in different minimum and average wages for employees. So if the European Union wants to standardize collective bargaining, it must first standardize the choice of collective agreement for the same position/profession and also cover the "public" part for management agencies"*.

5. Conclusions and discussion

Despite a good yearly collective bargaining activity, industrial relations in France are often judged deficient or unequal. This comes from different factors:

- (i) a quite ancient conflict culture, with a resort to strikes seen as normal way to balance the power relationship to the benefit of trade unions, and a difficulty for employer to consider collective bargaining beyond a legal obligation
- (ii) a persistent weakness of a low unionization rate, which amounts around 10% in the early 2020s and may undermine trade union legitimacy and influence

Although collective bargaining in France can legally take place at three levels – the multi-sectoral level, sectoral level and company level – from the 1950s to the 2000s, industry-wide bargaining was the most common level at which collective agreements were negotiated; firm-level bargaining took place only in large companies. Regarding wage-setting mechanism, the legal minimum wage represented the gravitational pull for wage bargaining at sectoral level and sets the pace for annual wage increases.

Despite a strong development towards the decentralisation of collective bargaining at company level, particularly since the 2017 reform, the minimum wage is still an integral part of wage dynamics in France.

France is a strong exemplar of a close interaction between minimum wage and collective bargaining. This explains why for decades, the minimum wage and collectively bargained wages have evolved in parallel, especially as the revaluation of the statutory minimum wage is automatic and its amount predictable.

However, in the last years of intensive wage moderation, the narrowing of the wage range has become more pronounced, for lower wages. For most of low-qualified workers, the base pays straight from the salary grids of collective agreements lie just above the SMIC floor, employers bridging the gap with tax-exempt primes and other allowances to keep it legal.

The declining influence of collective agreements on the wage distribution has narrowed the range of negotiated earnings to its lower limit. This downward trend of all low wages toward the SMIC level also squeezes the income dispersion across sectors and undermines the building of a career plan for the employees hired at a low wage rate.

At the same time, and particularly in a period of less trade union power, the SMIC remains the main means of keeping the bottom of the sectoral grids above the poverty line. It is worth noting that a comparison of wage bargaining among sectors suggests that the SMIC has a variable weight depending on the sector and that its importance mainly correlates with their structural and economic characteristics.

Udo Rehfeldt, an expert in comparative industrial relations at the IRES, explained that

“Wages in France are not a key issue of collective bargaining as in Germany. That’s because of two reasons. 1) The first is the existence since 1950 of a compulsory national minimum wage, the “Salaire minimum de croissance” (SMIC), determined by the government with an annual legal minimum increase, and between 10% and 17% of the labour force is concerned (mostly women). 2) Secondly, because of the lack of coordination of bargaining on wages: no multi-industry annual agreement on the trend of bargained wages”. Still according to Rehfeldt, “A decentralized bargaining system exists where the outcome of sector-level bargaining is minimum agreed wages. With a large room to manoeuvre for company-level wage determination, with the ongoing trend toward individualisation and non-wage remuneration (participation, profit-sharing...)”. At such a decentralised level of collective bargaining, is the assumption: “Genuine negotiations take place only in companies in which unions are strong enough, meaning the large ones.”

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