

Work Package 4: Industrial Relations during and since the Covid-19 lockdown in France

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Part I: General overview of Industrial Relations in each country under study during and since lockdown resulting from Covid-19

1) Who are the main actors? Have they remained the same? If not, which players have changed?

As far as the general industrial relations system is concerned, the main actors remain unchanged, although some previous tendencies have been reinforced. The *Confédération Française Démocratique du Travail* (CFDT), which embodies a reformist or more consensus-oriented unionism, has become the largest French union since 2017, a spot which had previously been occupied by the *Confédération Générale du Travail* (CGT). This is based on the assessment of representativeness, which considers the aggregate results of the elections for employee representatives in each company over a 3 year period. This shift was prior to the pandemic but has been accentuated in recent years. In 2021, the same assessment has provided several important insights. First, the abstention rate has increased by 5 points, thus reaching 38,24%. Notably, the participation rate among the “very small companies” fell to a record low of 5,4%. Second, the gap between CFDT and CGT has increased. The CFDT has obtained 26,77% while the CGT only 22,96%. This is mainly due to a fall in support for the CGT, which had obtained 27% in 2013.

2) In WP3, you were asked “Is your system highly regulated by the state? Here, it would be good to know something about the character of your IR regime, i.e. regulated or voluntarist in character.” For WP 4, please outline any changes that have arisen. It is understood that during lockdown much was regulated through the state. Has there been a change since that time?

The “state-centric” nature of French industrial relations system (i.e. highly institutionalised and regulated, the Government playing for example a fundamental role in setting the minimum wage (SMIC) and in granting the extension of the binding force of collective agreements) has been reinforced during pandemic, and in particular during the lockdowns. Even among the general trend of State interventions across countries, researchers concluded that “this crisis has undoubtedly enhanced the status of the State, which is no longer seen merely as a regulator but as a planner” .¹

¹ T. Sachs, Covid-19 and labour law in France, *European Labour Law Journal* 2020, Vol. 11(3) 286–291.

The “State of health emergency” (*état d’urgence sanitaire*) was declared on the 23rd of March 2020 (it ended on the 30th of July 2022), and the “Emergency Law to deal with the covid-19 epidemic” authorised the Government to take a number of measures by “ordonnance”. The main features of this emergency legislation adopted in response to Covid-19 crisis were the development of short-time working, the increase in the of working time flexibility, and the reinforcing of the protection of the health and safety of workers.

Then, in order to support the gradual resumption of work and "to meet the dual challenge of continuity of economic activity and protection of workers", the Ministry of Labour published on 3 May a "national post-lockdown protocol" which offered practical advice on preventing the spread of Covid-19.

That having been said, the strengthening of the role of the state in the French system was also accompanied by certain measures promoting collective bargaining (see n° 7).

3) Has the nature of employee representation in your country changed? Consider the following:

- a. Union representation
- b. Works councils
- c. Both? If yes, how do these two levels interact? Do they work together or compete with each other.

Among the emergency legislation that was adopted due to Covid-19 crisis, some measures targeted directly social dialogue at company level, concerning both collective bargaining and consultation. In particular, two “ordonnances” were published on 2 April 2020 concerning election procedures for employees’ representatives as well as the procedures of consultation of employees’ representative bodies.

These ordonnances mainly follow the trend of “digitalisation of social dialogue” (sometimes referred to as “e-social-dialogue”). This trend existed before the pandemic, specifically since the so-called Rebsamen law of 2015,² and had been recognised by the French Supreme Court (*Cour de cassation*) as regular, under certain conditions.³ During the pandemic the possibilities of virtual consultation of the employees’ representative bodies, namely the CSE (Social and Economic Committee) via videoconferencing tools have been increased. Indeed, according to a recent study, 74% of the companies which have taken emergency measures to adapt the production and workflows have consulted employee representatives.⁴ This trend has led to the negotiation and adoption of a large number of collective agreements organising e-social dialogue.

However, the effects of the “promotion” of social dialogue during the pandemic remain ambiguous.

² Rebsamen law, 17 august 2015, article L. 2315-4.

³ Soc. 26 oct. 2011, n° 10-20.918, CFTC des salariés chimie de L'Oréal cosmétique (Synd.) c/ Cosmétique Active production (Sté), D. 2011. 273.

⁴ <https://dares.travail-emploi.gouv.fr/publication/les-relations-sociales-en-entreprise-durant-la-crise-sanitaire>

On the one hand the state has promoted, even more than usual, collective bargaining as a way to enact labour law derogations concerning relevant working conditions, such as social dialogue and wages. One of the striking examples is the sharp rise of Collective Performance Agreements (APC, or *accords de performance collective*). These agreements enable the employer to reduce wages and derogate *in-pejus* to applicable working conditions concerning working time and workers' mobility without requiring any guarantee on the employer's side in terms of investments or employment levels. So, while collective bargaining has been "promoted", in quantitative terms, the impact of these agreements on working conditions was markedly negative.

On the other hand, as far as the role of works councils is concerned, that is, consultation, this has also been instrumentalised in order to introduce drastic changes in the organisation of production, or measures on workers' health and safety. This has not been accompanied by an equal level of attention to the concrete functioning of these processes of consultation. For example, in order to promote the rapid resumption of economic activity, certain time limits for the consultation of the CSE (Social and Economic Committee) have been drastically reduced. When topics are related to Covid-19, the consultation periods have been reduced from 1 month to just 8 days and in a number of cases, the measures at stake can be implemented prior to the adoption of the opinion of the CSE.

Some court rulings have tried to set limits to the employers' powers during the Covid-19 crisis, by reinforcing the works councils' (CSE) right to be at least consulted, especially on the evaluation of professional risks to workers health and safety.⁵ One of the cases which attracted an important attention in the media is the ruling of the Nanterre Court of Appeal against Amazon, in which the judges have subjected Amazon to a fine of one million euros for each day in which the company refused to close down a number of warehouses and logistic centres at the height of the pandemic.⁶

4) Has there been a change in any of the following since lockdown:

a. Union density in your country

Trade union density in France, as well as the density of representative bodies established at company level, has declined over the past few years. This trend continued during Covid-19 and anecdotal evidence suggests that it might have become stronger, although further studies are needed to confirm this impression. In 2020, 41.4% of companies with 10 or more employees in the non-agricultural private sector, covering 78.4% of employees this sector, were covered by at least one employees' representative body (-0.5% compared to 2019). The negative trend is accentuated if one looks at representative bodies dedicated to health, safety, and working

⁵ TJ Nanterre, réf., ord., 14 avr. 2020, n° 20/00503, Amazon France ; TJ Paris, réf., ord., 9 avr. 2020, n° 20/52223, La Poste ; TJ Lille, réf., ord., 3 avr. 2020, n° 2020/00380, Association Adar Flandres Métropole ; TJ Lille, réf., ord., 14 avr. 2020, n° 20/00386, Carrefour Market ; TJ Lille, réf., ord., 24 avr. 2020, n° 20/00395, Carrefour hypermarchés ; TJ Saint-Nazaire, réf., ord., 27 avr. 2020, n° 20/00125, Stelia Aerospace Saint-Nazaire ; TJ Lyon, réf., ord., 11 mai 2020, n° 20/00593, SAS Le Coursier de Lyon ; TJ Le Havre, réf., ord., 7 mai 2020, n° 20/0043, Renault Sandouville.

⁶ TJ Nanterre, réf., ord., 14 avr. 2020, n° 20/00503, Amazon France, confirmed in appeal : cour d'appel de Versailles, 24 avril 2020, n° 20/01993.

conditions : in 2020, 47.6% of employees in the survey's scope were covered by a body dedicated to health, safety and working conditions, compared to 60% in 2017⁷.

Looking at union density, calculated on the basis of the presence at company level of a union representative (DS, *délégué syndical*) has also decreased. Only 9.3% of companies declared the presence of at least one union representative in 2020, with a reduction of 2.6% compared to 2017. Among companies with 50 or more employees, which are also the ones with the highest number of employee representatives, this decline in the presence of trade union representatives is even more marked (- 5.7 points, between 2018 and 2020)⁸.

b. Employers' organisations rates in your country

The membership rate of companies has increased by more than 150 000 companies. In total, 573 428 companies are now members of an employers' organization in 2021 (+36.8%). In 2021, these companies employed just over 14 million employees (+2 million).

All the employers' organizations are growing, but this is particularly the case for the CPME (*Confédération des petites et moyennes entreprises* – Confederation of Small and Medium Companies) which increased its membership by nearly 100,000 companies. The main employers' association (MEDEF) shows an increase of "only" 2 000 companies over the same period. CPME has become the leading organization in terms of number of companies represented, covering 42.45% of companies in the private sector (an increase of nearly 8 points in 2021), to the detriment of the MEDEF, which is losing ground with 21.96% (-7.5 pts)⁹.

c. Collective bargaining rate in your country

Concerning collective bargaining, in 2020, 16.6% of companies with 10 or more employees in the non-agricultural private sector engaged in collective bargaining at company, establishment, or group level, with a reduction of 0.6% compared to 2019¹⁰.

5) In WP 3, you were asked: "How strong are unions, respectively employers' organisations vis-à-vis the state?"

For WP4, what (if any) change have you been able to see in the strength of unions or employers' organizations? Additionally, how involved have these groups been with government during and since lockdown?

No relevant change in the balance of power compared to our previous report.

⁷ <https://dares.travail-emploi.gouv.fr/publication/les-instances-de-representation-des-salaries-dans-les-entreprises-en-2020>

⁸ <https://dares.travail-emploi.gouv.fr/publication/les-instances-de-representation-des-salaries-dans-les-entreprises-en-2020>

⁹ <https://travail-emploi.gouv.fr/dialogue-social/la-representativite-syndicale-et-patronale/article/mesure-d-audience-de-la-representativite-patronale-2021>

¹⁰ <https://dares.travail-emploi.gouv.fr/publication/la-negociation-collective-dentreprise-en-2020>

6) WP 3 asked: “What is the balance between social partners and the state?” Your response for WP4 may overlap with question 5 above.

No relevant change in the balance of power compared to our previous report.

7) Thinking of collective agreements, collective bargaining as compared to legislation since lockdown, it may be that most actions were undertaken by legislation. What, if any, changes have been noticeable for the following?

a) How important is legislation vs. collective agreements in regulation of labour market?

The strengthening of the role of the state role (see n°1) was accompanied by the promotion of collective bargaining. Far from being a contradiction, this double trend is rather characteristic of French industrial relations under normal circumstances. One can refer to several examples of this trend:

- The new framework for short-time working has simplified the procedure and reduced financial cost for employers to zero, with an indemnity paid to the employee covering around 70% to 85% of his previous gross remuneration. In April 2020, 8.4 million workers were covered by this measure, while today’s levels are back to what they were before the pandemic. This scheme was set up by the “Emergency Law to deal with the Covid-19 epidemic” but relied partly on collective bargaining. Notably, a collective agreement was requested to increase the amount of the indemnity due to the employee above the level established by the law (between 70 and 85%).
- Another example are the measures to safeguard the health of workers. The government has created the figure of “Covid-contact-person” as an attempt to promote the role of employee representatives in dealing with the effects of Covid-19 in the workplace. This has also been described as an attempt to promote their responsibility or at least to deal with the multiplication of withdrawals from workplace because of unsafe conditions (“*droit de retrait*”). The transposition of framework directive 89/391, which requires employers to carry out risk assessment in the workplace, is a further example. If, previously, such risk assessment was the responsibility of the State through the action of the labour inspectorate, the introduction of a general principle of risk assessment places it in the hands of the “prevention actors”. These are the employer and the representative body formerly known as CHSCT (health, safety and working conditions committee), hence, actors of social dialogue.
- Finally, several measures were introduced focusing on collective bargaining and consultation at company level (see n° 3).

b) How is bargaining primarily organized - sector, industry/branch and/or company level and what does that mean for the power balance?

There is a global shift, ongoing from before the Covid-19 pandemic, of “decentralisation” of collective bargaining. Whereas the sector/branch was the main level of collective bargaining (“the law of the profession” as it is known in the French literature), several laws have enforced the company level over the years (see our WP3 report). During the Covid-19 pandemic this trend

has accelerated since company-level collective agreements were made a condition to enact most labour law derogations. A good example is one of the main measures put in place during the pandemic (namely, short-time working) which also followed this trend. Indeed, the short-time working mechanism that was set up specifically for Covid-19 (*“activité partielle”*) required a sectoral collective agreement that explicitly authorised it, or, in the absence of such an agreement, it was possible to introduce it through a company level collective agreement.

The imbalance of power between the employer and workers’ representatives being historically much more marked at company level, this “decentralisation” trend has had an important impact on French industrial relations. The fact that this trend accelerated during Covid-19 is thus raising concerns over the ability of social dialogue at company level to provide a balanced framework for the introduction of said derogations.

- 8) Depending on your responses to the question above, has there been any change in which (if any) branches are leading in negotiations during? In WP3, the examples of the metal sectors in Germany and Denmark were noted (the metal sectors collective agreements can set the standard for wages and working condition across most sectors, including the public sector).**

No relevant change.

- 9) This question may be difficult to answer without some hesitation. Have you identified any changes since the first Covid-19 lockdown with regards the following?**
- a. centralized vs. decentralized negotiations
 - b. strengthening or weakening of social partners
 - c. strengthening or weakening of one of the parties (unions or employers)

See n° 7 on decentralisation. No relevant change for the rest.

Part II: Industrial Relations in aviation during and since Covid-19 lockdown

1) How has the employment situation in aviation in France changed since March 2020?

Employment levels have been preserved for pilots, thanks to the use of partial activity (see above Section I.7) and collective performance agreements (see above Section I.3). As such, the use of publicly funded partial unemployment schemes and reduction of wages have been the main tools that the French system deployed to handle the Covid-19 crisis (Interview 4). Importantly, the partial activity scheme entails the continuation of the employment contract, resulting in a situation where employment levels in the French aviation industries, at least when it comes to pilots and cabin crews, have globally “held” during the crisis.

However, other categories, such as baggage handling staff and airport services, considered as more easily replaceable, have experienced layoffs. This has led to situations of shortages during Summer 2022, due to the unexpected strong recovery in flight activity. It is worth mentioning that this came at least as a partial surprise due to the fact that experts had foreseen a return to pre-Covid levels only for 2024 or even 2025 (as in the case of IATA). That being said, in one of our interviews it was highlighted how this “surprise” should be taken with a grain of salt as already during Spring 2022 there was a widespread impression among (large) companies that air traffic would take up importantly during the Summer (Interview 4). As an example, Transavia, part of the Air France group, had already started to hire new cabin crew members with temporary contracts at the start of 2022. On the other hand, one of our interviewees pointed out as other companies, like EasyJet, had not prepared sufficiently and were forced to reduce the capacity of certain flights due to absence of a sufficient number of cabin crews (Interview 5).

Our interviews are concordant that the impact of the workforce shortages has been felt more in the context of ground staff and airport services, where employers were not able to replace quickly enough the staff who had been laid off during the peak of the crisis.

The flexibility of the instrument of partial activity of long duration, which allows for an average calculation of the reduction of working time (up to 40%) over a certain period, has helped in managing the return to “normal” levels of air traffic. Indeed, companies were able to switch back to full time during a given period without abandoning the scheme altogether, a situation which helped reduce uncertainty and prepare for the Summer period (Interview 4). In fact, one of our interviewees considered that this flexibility allowed some French companies, like Air France, to be particularly responsive to the increase of activity and to improve their position in the competition for passengers (Interview 5).

The use of the scheme for partial activity of long duration requires a collective agreement at company or branch level. The lack of a branch level agreement for the sector (see our WP3 report), meant that negotiations took place at company level. These were globally smooth, given the shared interest for accessing the partial activity scheme. However, in certain cases these negotiations were made more complicated by the simultaneous negotiation (or renegotiation) of collective performance agreements, entailing wage reductions (see below Section II.9).

This picture of relative stability somewhat hides the early impact of the Covid-19 crisis, notably on the freeze in new hires which arrived at a time where two French companies had declared bankruptcy (see our WP3 Report). Some of the pilots and air crews of these companies were

supposed to be rehired by other French companies, such as Air France, but this fell through the cracks in the early period of the pandemic. As such these workers found themselves between two jobs at a time where hires were frozen, leading to an important impact, magnified for those who had resigned from a given company in order to start in a different one.

Looking at the (possible) exit from the crisis, one of our interviewees pointed out that the sector remains attractive for workers, particularly in its “middle-cost” and legacy carriers, and has no difficulty in finding new recruits when positions are open, so that labour shortages should not represent an obstacle to the scaling-up of the activity in the future (Interview 5).

2) Have there been any changes in the main players in the sector? Have there been any major restructuring processes of airlines or commercial groups?

While the visible changes in the actors were limited, some of them were strongly impacted by the crisis while important changes took place in less visible parts of the sector, such as cargo.

The main actor in the French aviation sector, namely Air France, was strongly impacted by the conditions linked to the €7 billion loan from the French State. In particular, Air France had to commit to making available 18 slots per day at Paris Orly airport to competing carriers,¹¹ as well as to stop operating domestic routes that can be travelled by direct train in less than two and a half hours. Furthermore, the load was also linked to a restructuring plan which entailed a total reduction of 8 500 jobs by the end of 2022 (for Air France and HOP!), although this was to be achieved to a very large extent by voluntary departures and non-replacement of retiring employees.

Although it remains unclear whether this is directly linked to the Covid-19 crisis, Norwegian Airlines also closed its operational base at the Paris Charles de Gaulle airport.

The Covid-19 period also saw the creation of a new cargo airline, CMA-CGM,¹² which has been saluted as a new employment opportunity for the sector’s employees. For instance, this led to the hiring of around 130 pilots (Interview 4). Also in the cargo sector, two companies opened operational bases at Charles de Gaulle airport (SwiftAir and ASL-Belgium). It is also worth mentioning that during the Covid-19 crisis, the cargo division of Qatar Airways had acquired a prominent position in France, following the open skies agreement between the EU and Qatar.¹³ This foreshadows a renewed competitive pressure for the post-Covid-19 period in this sector, which has so far been kept under the lid by the measures concerning partial activity.

¹¹ These were subsequently allocated to Vueling.

¹² La nouvelle compagnie CMA CGM Air Cargo va démarrer avec quatre airbus A330-200F, *Journal Aviation*, 21 February 2021, <https://www.journal-aviation.com/actualites/45796-la-nouvelle-compagnie-cma-cgm-air-cargo-va-demarrer-avec-quat-aires-airbus-a330-200f>.

¹³ EU Commission, Aviation: EU and Qatar sign landmark aviation agreement, 18 October 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_5344.

3) Has there been a change to the kind of employee representation which is prevalent in the aviation industry in your country since lockdown?

- a. Union representation
- b. Works councils
- c. Both? If yes, how do these two levels interact? Do they work together or compete with each other.

No relevant changes.

4) Have there been changes to the figures in the following categories?

- a. Union density in aviation
- b. Employers' organizations rates in aviation
- c. Collective bargaining coverage in aviation

The unionisation rate among cabin crews and pilots, already very high before the crisis, remained stable during the crisis. In one of our interviews the lack of change in attitudes was linked to the swift introduction of measures, such as partial activity, as well as to the state support to important companies (i.e. the loan to Air France), had reassured the workers about the employment perspectives in the sector (Interview 5).

In one of our interviews, we were told of a renewed sense of solidarity in certain professional categories, where workers raised money to support those colleagues who found themselves stuck in between a transition from the job they had voluntarily left, and the new one, which was frozen because of the impact of Covid-19. Therefore, these workers were not eligible for unemployment benefits and other support measures (Interview 4).

An important evolution which took place during the period of the Covid-19 crisis, which is in itself not linked to the crisis, is the publication of the decree establishing the representativeness of trade unions in the broader aviation industry. This is relevant as the decree excludes the representativeness of the main pilots' trade union (SNPL), leading to a lack of representation for the professional category. An action for annulment has been introduced by the trade union in front of the administrative courts but has been rejected.¹⁴

5) Since lockdown, has the role of the state in aviation in your country changed? If so, please elaborate on how this has changed.

The French state played a very relevant role in the context of the loan to Air France mentioned above (Section II.2). While this is a major event, the French state was already very much present in the sector before the Covid-19 crisis, so that this evolution is best seen as a continuation of previous traditions than as a path-breaking moment.

The role of the state was also particularly visible, just as in other national contexts, in the establishment of measures related to the fight against the spread of Covid-19, to which we will come back later (Section II.10). The functioning of airlines and airports was, of course, heavily impacted by the obligations to put in place rules, procedures, and protective equipment.

¹⁴ Conseil d'Etat, 6 april 2022, N° 439658.

While before Covid-19 some social partners were concerned with the future impact on employment levels of the efforts related to the fight against climate change in the context of aviation, the arrival of the crisis seems, if anything, to have frozen these efforts (Interview 4).

6) Since lockdown, what (if any) legislation has been passed that specifically affects IR in the aviation industry in your country?

No. The sector was heavily impacted by legislation, such as the one related to partial activity, however this was not adopted specifically for the aviation industry and was applicable to the whole economy. That being said, the aviation industry was identified by legislation as a sector particularly impacted by the Covid-19 crisis,¹⁵ which means that these schemes have been phased out later than in the rest of the economy.

7) These two questions may overlap with question 7 in Part I above (regarding general industrial relations since lockdown).

- a. Has the manner in which bargaining is primarily organized in the aviation industry changed since March 2020 (that is, sector, industry/branch and/or company level).
- b. Has Ryanair complied with the traditional mode of bargaining since March 2020?

No relevant change. Contrary to the French tradition of collective bargaining, the sector remains characterised by the absence of a sectoral collective agreement. While this has not changed, we were told that the crisis had renewed the attention on the lack of a floor of rights as a means to fight against practices of “social dumping”. This could potentially lead to a new interest for the negotiation of a branch level agreement (Interview 4). However, the same difficulties highlighted in our WP3 Report remain. In particular, the issue of the role of the pilots’ trade union, which is highly representative in an important category which, in its turn, is numerically “small” in the overall workforce, remains unsolved (see also above Section II.4).

While the practices of negotiations have not changed during the crisis, the impact was felt strongly on existing agreements. Indeed, several companies rescinded their collective agreements during this period, profiting from the impossibility to organise collective actions at a time when the activity was essentially stopped. Air France, which in our WP3 Report we identified as having a functioning social dialogue, tried to renegotiate its fixed-term company-level collective agreement one year before its natural end (30 October 2022), but could not find enough support among trade unions to do so.¹⁶ This was seen by some trade unions as an attempt by Air France to profit from the crisis situation to put pressure on working conditions, for instance by increasing the ratio of passengers to cabin crew members. The proposal split the four representative trade unions in Air France, with two in favour of the reopening of the collective agreement and two opposed (Interview 5).

In the specific case of Ryanair, the need of a collective agreement to put in place a system of partial activity of long duration has led to successful negotiations in this specific instance. This does not seem to have led to a noticeable deviation from Ryanair’s standard approach towards

¹⁵ Together with tourism, hotels, restaurants, sports, culture, and event organisation.

¹⁶ Air France : salaires préservés et solidarité, Air Journal, 21 May 2021, <https://www.air-journal.fr/2021-05-21-air-france-salaires-preserves-et-solidarite-5227966.html> .

social dialogue (Interview 4). In fact, one of our interviewees points out that even when Ryanair seemed interested in social dialogue, this was done only as an attempt to find a legal cover for practices which seem to run counter the French standards, for instance in the matter of the non-payment of overtime, or to delay a collective action to pass the “peak” of activity (Interview 5). Our interviewees tend to assimilate the situation of Ryanair to the one of Volotea when it comes to (the lack of) social dialogue, grouping them under the label of *ultra-low-cost*.

8) Has the the balance of power between employee representatives and employers changed since Covid-19 lockdown? Here you should focus on agreements, specifically whether they involve employees having to agree to concessions. Have there been any changes to the contents of collective agreements?

During the peak of the Covid-19 crisis, activity in the sector had largely stopped. As such, trade unions had virtually no possibility of threatening or organising (effective) collective actions. This tilted the balance of power in favour of employers in the context of the negotiations concerning agreements of collective performance (i.e. wage reductions) or partial activity of long duration.

However, the, to some extent, surprising increase of air traffic during Summer 2022 brought about new opportunities for trade unions to effectively use collective action or the threat thereof. This is in line with “standard” tactics when it comes to collective actions in the sector, which tend to be placed at moments of peak activity, such as Summer or Christmas holidays.

Overall, and if the Covid-19 crisis will be confirmed as being behind us, our interviewees seem to indicate that the balance of power will emerge as globally unchanged, due to the relative stability of the industry landscape in France.

9) What tensions and conflicts (e.g. strikes, lock-outs or other labour conflicts) can you identify since March 2020? It would be useful, if you can, to characterise the relationship between labour and management since lockdown (focusing on pilots, cabin crew and ground staff).

The main tensions are presently originating around the return to pre-crisis working conditions in light of the return to normal levels of activity of Summer 2022. Companies have negotiated agreements of collective performance leading to wage cuts during the crisis, which trade unions are now trying to renegotiate in light of the earlier-than-expected recovery. In general, our interviewees pointed out that the threat of collective action was sufficient to bring the employers to the negotiation table. This can be understood in light of credibility of said threats, due to the very high unionisation rate of both pilots and cabin crews, as well as of the need to avoid disruption at a time of peak activity.

A collective conflict against Transavia (part of the Air France group) took place during Summer 2022. This was initiated by one of the trade unions in the company (SNPNC-FO). The strike was called in response to a collective agreement signed by the company with the three other organisations representative in the group, which included the increase of certain bonuses, whereas the SNPNC-FO demanded an increase of the base remuneration to bring it in line with the French minimum wage (SMIC). The strike was generally regarded as successful, with 30% of

flights been cancelled,¹⁷ leading to new negotiations and to an agreement including an increase of the lowest remuneration brackets (Interview 5).

In the case of Ryanair, for the first time a threat of collective action, during Summer 2022 and at the moment where the activity was markedly picking up, led to negotiations concerning the return to pre-crisis working conditions, and to the action itself to be called off. This broke a 4-month period of silence from the management vis-à-vis the employees' representatives requests for starting negotiations (Interview 4).

With the increase of activity during Summer 2022, some pre-existing tensions we had identified in our WP3 Report also came back to the fore. One of our interviewees mentioned in particular the use of wet lease practices, which were deployed both as a form of reduction of labour costs and as a way to cope with the sudden increase of demand (Interview 4).

10) How did working conditions in the aviation sector change during/after the confinements?

- a. What type of occupational health and safety measures have been taken to address the impact of the pandemic on workers in the sector?

The sector applied measures to stop the spread of Covid-19 in the same way as other sectors of the economy concerned with public gatherings. This included, among other measures, mask obligations, social distancing, and reduced capacity. These were extended to the workforce. A vaccine mandate was not enacted in the sector, so that workers could also decide to show a negative Covid test not older than 24/48 hours to access their workplace. The only exception to this were helicopter pilots in the national health service. Aircraft captains were generally in charge of verifying the respect of the vaccination/test mandate, although this was not the case for Air France's captains (Interview 4).

Pilots were given an exception to the mask mandate, in order to ensure the smooth communication in the cockpit, as well as their ability of using their sense of smell to detect potential technical problems. This was limited to their time in the cockpit, as the mask mandate was otherwise applicable during the rest of their working time.

- b. Have measures been taken to suspend employment contracts or reduce working hours?

These were mainly handled through the general scheme of partial activity / partial activity of long duration.

- c. Have measures been taken to contain or reduce the wages of workers in the sector? Have any public support mechanisms been put in place to compensate for this reduction in wages?

The reduction in wages has been achieved both through the abovementioned partial activity, in which case the compensation was in the form of unemployment benefits, and through the conclusion of agreements of collective performance, which allowed the employer to cut wages.

¹⁷ Air Journal, Grève PNC Transavia : retour à la normale lundi, mais après ?, 18 July 2022, <https://www.air-journal.fr/2022-07-18-greve-pnc-transavia-retour-a-la-normale-lundi-mais-apres-5237321.html> .

Again, these measures were applied to the aviation industry in the same way as in the broader economy.

Calculation of wages based on flight time meant that the reduced activity often had a double impact on wages in the sector, such as those of pilots. One of our interviewees mentioned reductions between 20 and 40% of the take home remuneration (Interview 4).

- d. Since the return to normal air traffic, has there been a full return to previous working conditions or have any of the measures adopted during the pandemic been maintained?

As mentioned above (Section II.9) the agreements of collective performance, which entailed wage cuts, have not been automatically terminated with the return to “normal” activity levels in Summer 2022. This is presently the object of company level negotiations across the sector, generally leading to the compromise of agreeing on a timeframe for a gradual return to previous working conditions. These negotiations are, however, further complicated by the present economic climate and the impact of inflation on purchasing power.

Conclusion

Two main elements seem important to highlight specifically when considering the situation of employment and social dialogue in France during the Covid-19 crisis. While we focus on the “crisis period” in this report, it is also worth point out how our interviewees pointed out that the feeling in the sector at the moment (September 2022) is that the crisis is, at least presently, over (Interview 4, Interview 5). This is reinforced by the impact of the new crisis looming on the horizon, notably inflation and the increased cost of fuel. The latter is, at least presently, not yet visible due to commercial practices which entail the buying in bulk of fuel and keep the price fixed for a period of time.

Coming back to industrial relations, the first element emerging from our interviews is the confirmation of the central role of the State in the French system. The massive recourse to partial activity and to partial activity of long duration has largely blunted the impact of the crisis on employment levels in the sector, at least when it comes to pilots and cabin crews. It also allowed for a relatively smooth ramping up of the activity once Summer 2022 arrived with its, to some extent, surprising return to peak level activity. Even after years of governments advancing a more pro-market agenda and narrative, the ideological fit of such a public intervention with the French system allowed for its deployment without particular political difficulties. However, even if employment levels were maintained, the reduction of activity, at times closer to a complete shutdown, was not without impact on industrial relations. Our interviewees highlighted an imbalance of power during these periods, due to the essential lack of means of collective action on the trade union’s side.

The second element we wish to highlight is in a way connected with the role of the State, in this case through legislation, in promoting social dialogue. Indeed, two of the main tools used to manage the effects of the crisis on employment, partial activity of long duration and agreements of collective performance, were only accessible through the conclusion of collective agreements. The specific situation of the aviation industry, that is the lack of a sectoral collective agreement covering cabin crews and pilots, meant that these agreements had to be concluded at company level. This led to companies normally opposed to all forms of social dialogue, such as Ryanair, to sit at the table with trade union, at least for this specific objective. On the other hand, this doesn’t seem to have changed the overall approach of these companies, as our interviewees remarked the persisting difficulties in starting new negotiations with Ryanair in more recent times. Outside of ultra-low-cost companies, the main issue emerging in the context of social dialogue during these (potentially) post-crisis months has been and still is the renegotiation of agreements of collective performance. In these agreements, trade unions accepted cuts to wages in order to reduce the wage bill of companies during the crisis period. With the crisis being (again, potentially) over sooner than most forecasts expected, trade union are increasing their demands of a swift return to pre-crisis working conditions.