Trade Unions and Work/Family Balance: new developments in France

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1. Introduction

Comparative studies have traditionally ranked France among the countries of low corporate involvement in issues of work-family relations, mainly because of the dominant role of the state. Today this statement should be qualified. French governments have been trying since the beginning of the 2000's to increase corporate work/family balance initiatives through the use of different incentives: tax credits, mandatory collective bargaining, networks to share information and good practices. To what extent have unions taken advantage of this new incentive for companies to act on work/family balance issues, especially through social dialogue?

This article presents the results of a qualitative survey done among CFDT (French Confederation of Labour) union representatives at the federation level and in 16 companies/groups, representing a wide range of activities and geographical locations. This survey does not provide an overview of the positions taken by the various union organizations present in French companies. The aim is rather to analyse how union representatives take up the issue of work-family life reconciliation, in one of the major French trade union confederations, one which is relatively feminized and claims to be reformist, playing a leading role in issues of gender equality.

There are few studies within the abundant literature on companies’ involvement in reconciling work and family responsibilities which have focused on the role played by trade unions, as noted by Budd and K. Mumford (2004), Ravenswood and Markey (2011), or more recently Berg et al. (2013, 2014). Several studies done since the mid-1990s have attempted to statistically isolate internal and external factors favouring companies’ adoption of family-friendly policies. In these studies, union presence, far from being the focal point of research, was often treated as a control variable, as noted by Berg et al. (2013, 2014). In addition, the estimates of the relationship within companies between union presence and the existence of family benefits are mixed. The effect of union presence appears to depend on the devices and on the samples (for a summary see, e.g., Budd and K. Mumford 2004, Ollier-Malaterre 2009, Seeleib-Kaiser and Fleckenstein 2009). The nature of employee representatives’ engagement in the field is even less well known since, as noted by Seeleib-Kaiser and Fleckenstein (2009), quantitative analyses are often based on a rather rough indicator of their action, referring not to their capacity to act but rather to their mere presence in the

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workplace. This capacity to act is however highly dependent on the organizational and institutional context (Ravenswood and Markey 2011).

Qualitative analysis allows for clarification of this context, leading to a better understanding of the determinants of trade union action and its effects. Firstly, according to these studies, the role of unions in the introduction and development of policies to reconcile work and family life tends to be marginal whatever the country studied (Hyman and Summers 2007, Gregory and Milner 2009, Seeleib-Kaiser and Fleckenstein 2009). Union representatives generally take positions in the field in response to proposals from the employer thereby having a more defensive rather than an offensive attitude, especially on issues related to work time flexibility (Gregory and Milner 2009). In addition to unilateral management initiatives linked to a labour management policy, union action depends also on opportunities offered by government incentives (Demetriades et al. 2006, Gregory and Milner 2009, Berg et al. 2013). Moreover, the way in which unions take advantage of these opportunities appears conditional on the presence of women, both as members and as leaders (Gerstel and Clawson 2001, Gregory and Milner 2009, Rigby and O’Brien-Smith 2010, Ravenswood and R. Markey 2011). Finally, the effectiveness of trade union action is described as being dependent on the industrial relations system and in particular on the social dialogue in the company (Gerstel and Clawson 2001, Gregory and Milner 2009, Seeleib-Kaiser and Fleckenstein 2009, Ravenswood and Markey 2011, Berg et al. 2013).

This paper aims to contribute to a deeper understanding of the factors influencing union mobilization in the field of work/life balance (WLB). After presenting the French context for companies’ activities in this field and its evolution, we describe the study’s protocol and the main findings. Determinants of union commitment to WLB are then discussed in reference to the theoretical framework proposed by Herry (2006), according to which “union behaviour, and innovation in such behaviour, is a function of three types of influence: voice, choice and (institutional) opportunity.”

2. French context

The relationship between work life and family responsibilities is a recent field for collective bargaining in France. Companies, however, are an institutional partner of this country’s family policy. But the terms of this involvement have so far been based more on constraints rather than on company initiatives. First, companies have been involved in the financing of the family branch of social protection (CNAF) since the mid-20th century in a program which is today the object of dispute. This has been done via a mandatory contribution based on wages, with companies’ participation in the joint management of this structure along with other interested parties. In addition to those benefits used to offset the expenses of new children in the household, this structure also helps fund public child care services and grants benefits ensuring that parents of young children have a “free choice” concerning childcare. Secondly, companies are subjected by the Labour Code to a set of legal provisions protecting
employees’ family role. In addition to the protective measures related to pregnancy and maternity leave (16 paid weeks), companies are required to respect a number of holidays and working time arrangements related to parenting (Brochard and Letablier 2013).

The existence of this legal and institutional prescriptive framework in the reconciliation of work-family life explains why the contributing measures from companies have been considered, until recently, as marginal by both the actors in the workplace as well as by the public authorities. From this perspective, it is symptomatic that—unlike its British counterpart—the “Industrial Relations and Negotiations Study” (*Relations professionnelles et négociations d'entreprise*—REPONSE), the French equivalent of the Workplace Employment Relations Study (WERS), does not include questions about business practices in relation to work/family life balance. Nevertheless, many mechanisms have been developed at the corporate level. Thus, some branches and large companies marked by a “social” or “paternalistic” tradition have established contractual devices providing for an extension of existing social rights in maternity leave or leave for family events (in terms of duration or compensation) or for financial support to families (in the form of bonuses or occasional aid). More generally, all firms with with at least 50 employees have a works council for managing social and cultural activities. In order to fulfil their responsibilities, they are allotted a sum proportional to total wages which may vary greatly depending on the company. The more richly endowed works councils have developed a range of services for families, mostly but not uniquely concerning leisure and holidays. However, the presence of such company measures is very uneven and they are mainly oriented towards temporary assistance for working parents (Lefèvre et al. 2007). In addition, these measures, adopted in a period in which the financial leeway of firms was less constrained by competitive pressure, are now under pressure from the waves of restructuring affecting both capital and the companies’ workforce.

Since the early 2000s, the state has used new methods in mobilizing companies, by encouraging businesses to take up the question of reconciling work-family life through the development of programmes beyond their legal obligations, as part of their negotiations and strategy. This shift in companies’ mode of involvement is linked to the scarcity of public funds and to the pressure of the European Union which has made work/family life balance a corollary to gender equality and a component of its employment strategy. Various mechanisms have been launched so as to generate business initiatives around the issue: tax incentives, incentives to share good practices, and incentives in favour of collective bargaining. Since 2004 companies are entitled to a “family tax credit” (capped at 500 000€ per year) as financial compensation for various reconciliation measures. Meanwhile the government has supported the creation of labels, charters and agencies aimed at promoting business involvement through counselling, sharing experiences, and enhancing the value of these practices. Finally, government incentives have encouraged negotiations on this issue since 2006 in the framework of mandatory negotiations on gender equality.
Collective bargaining on gender equality at work was made compulsory by law in 2001. According to the so called “loi Génisson”, negotiations should be organised every 3 years at the sectoral level, and every year at company level for companies with at least 50 employees (every three years in companies having previously signed a collective agreement on the issue). Negotiations are engaged on the basis of a report comparing the relative work situation of men and women within companies, notably on issues related to gender equality vis-à-vis recruitment, training, career opportunities and pay. A new law in 2006 (23 March) stipulates that the work and family life reconciliation should be included among the issues under consideration in the report and also be included in the collective bargaining on gender equality at work. The 2006 Law followed an agreement between the main French employers and trade unions representatives on gender equality at work (Accord National interprofessionnel sur la mixité et l’égalité professionnelle entre les hommes et les femmes) signed in 2004. With this law, for the first time, difficulties to reconcile work and family life are explicitly mentioned as being an obstacle to gender equality at work.

While the use of tax credits has so far had only limited success and has often resulted in a windfall for pre-existing measures, the number of collective agreements on the subject (usually negotiated under the heading of gender equality) has shown real dynamic (Ministère du travail 2013). From this point of view, work/family life balance has indeed become a new topic in collective bargaining. France thus offers an interesting field for studying the role of unions and collective bargaining in company adoption of “family-friendly” measures, for understanding how the union players have taken up this issue, and especially for the new incentives for companies to act on their own in reconciliation issues, including through social dialogue.

3. Research design

The analysis presented here is based on a wider study of corporate devices concerning families, funded by the Agence d’objectifs de l’IRES [Objectives Agency of the IRES], at the request of the CFDT. The issue at stake for confederation union leaders was a better understanding of corporate measures in support of parenthood, their origin (whether or not the results of collective bargaining), and their effects on employees. This also involved collecting the views of CFDT participants in union federations and companies concerning these devices and the related collective bargaining and to compare this point of view with that of company management representatives. Sixteen companies and groups from ten sectors in industry (water, cosmetics, aeronautics, electronics, and electricity) or services (airline, banking, insurance, business services and counselling) with contrasting socio-economic and regional characteristics were surveyed.

This study is based on forty interviews with CFDT union officials (federation officials, union representatives, and representatives elected to the works council) and management representatives, as well as on an analysis of documents (collective agreements, social audits,
and comparative situation reports). Federation officials at the sectoral level were questioned concerning the mobilization of industry actors around reconciliation of professional and family life as well as on the results in terms of collective bargaining. At the company/group level, representatives of unions and management (in charge of human resources and social relations) were interviewed on the measures in aid of company employees who were parents, their origin, how they were managed and financed, their award criteria, their utilisation by and impact on employees, and finally concerning the barriers to their implementation. Questions were also asked concerning their general appreciation of the role of the company and of the social dialogue in supporting families, on the level of commitment, action principles, and evolution of employer and employee representatives on the topic.

Since this study was mandated by the CFDT, it is only based on the views of these union representatives who agreed to participate in the survey. The CFDT’s interest in this issue and, more broadly, in the gender equality issue, is not new. This union has been a pioneer in commitment to gender equality and mixing of men and women, both in companies as well as in its own internal management (Silvera 2006, Guillaume 2007, Le Brouster 2009b, Cristofalo 2013). In the 1980s a quota policy of one-third was established in leading confederation bodies (National Office and Executive Committee), complemented by measures aimed at fostering women’s involvement (financial assistance, training, charter and guidelines, commissions and liaison representatives). This proactive policy in addition to the dominant presence in the tertiary sector, have raised the feminization of its membership and activists, whose symbol was Nicole Notat, the first woman to hold the office of General Secretary of a French trade union confederation (1992–2002). Another specificity of the CFDT’s positioning on the French labour relations scene is its openly displayed reformism. In a union field historically marked by a culture of conflict, the CFDT defends the exercise of business unionism, focusing on the search for pragmatic compromises through social dialogue and the signature of collective agreements (Barthélemy et al. 2012).

Therefore, while the protocol of this study does not provide for the comparison of the views of the various trade union organizations, it does make it possible to see how, within a single, relatively feminized union, positioning itself as reformist and appearing at the leading edge of issues of equal opportunities, union representatives do or do not take up the topic of reconciliation of work-family life, under what conditions, and with what success. Similarly, while the terms of this study do not assess the possible influence of union presence on the existence of any particular type of company programme, they shed more general light on the underlying logic of representative institutions’ actions in favour of working parents in the companies surveyed. Several common features emerge beyond the specificities of each company.

4. Main findings
The first results of this survey indicate that the CFDT representatives were in general rather severe in their assessment of the employer’s commitment in work-family life balance support. For most of them, this issue is far from being a management priority, even though working conditions are getting worse due to the intensification of labour. Several union representatives stressed that while management is open to dialogue on the subject, the cost of support schemes is often an obstacle to a concrete commitment. In addition, middle management tends to hinder the implementation of flexible work schemes.

For those companies which publicize their activity and good practices in this field through their institutional communications, interviews suggest that union representatives see this as a strategy of image building rather than as seriously taking into consideration the difficulties encountered by employees. Union representatives particularly emphasize that these companies have not acted on the employees’ workload, including in the form of objectives assigned and which determine their remuneration. Companies implement ways—generally unilaterally—of making it possible to fulfill this workload (services, teleworking, and flexible working schemes). This diagnosis has emerged as a recurrent theme in large internationalized firms employing mostly high skilled workers. As a union representative of a large consulting firm stressed, the WLB policy of the company was neither intended to decrease the workload nor to increase well-being at work. It aimed only at expanding the flexibility available to employees by according them the arrangements and services necessary in carrying out their work. This means that freeing up time for family life implied using vacation time or a reduction in work time. However, union representative of a large IT firm mentioned that performance evaluation methods may discourage employees to use such working time arrangements that could affect their careers.

For those companies which are seen as being more passive and less innovative in the field, union representatives’ criticism has mainly been directed at the lack of flexibility vis-à-vis family constraints. In a configuration of greater skills heterogeneity, working time arrangements are often granted on a discretionary basis and may be revised according to changes in management or in economic situation. This is particularly the case in part-time work which management have put forward as the main mechanism of reconciling work-family life in these companies, but where, for those union actors interviewed, neither access nor reversibility are guaranteed. Such devices tend to be employed to modulate the workforce depending on variations of economic conditions. Thus a woman employee elected as a representative in a major airline and another woman employee elected in a major bank both expressed their regrets concerning the rise of enforced flexibility and the consequent reduction in the leeway enjoyed by employees in reconciling work-family life.

A second result of the survey is that, despite these commonly highlighted shortcomings, unions are described as being reluctant to put this issue on their agenda. According to union representatives, work-family life balance is not a topic which finds an echo among employees and gives access to a growing audience. Therefore union commitment appears highly dependent on the institutional, organizational and cultural context of the company. As
regards works councils’ objectives and activities, elected representatives develop support for families primarily through subsidizing cultural and leisure activities, as far as it is financially possible. Few put much effort into the field of reconciliation of work-family life via subsidizing specific devices, such as childcare. Elected officials concerned consider these devices to be too expensive, and also note that conciliation concerns working conditions and thus should be under the responsibility of the employer at his expense.

In terms of collective bargaining, trade unions commitment in work-family life reconciliation seems to suffer from strategic indecision. The topic emerged as a field of mobilization that has to be built and legitimized. According to one union official of the Banking and Insurance Federation, “this is an emerging theme, but one that is not yet integrated into the list of claims.” The quality of collective agreements including this topic reflects the low interest in this issue. Among the many agreements analysed here, most appeared as unambitious or minimal agreements resuming the legal and contractual provisions, but with unclear goals. Most often included in agreements on gender equality (in accordance with the legal incentives), measures in favour of conciliation have frequently no clear justifications. In these agreements, the focus is on indicators related to compensation and promotions and to the corrective measures to be implemented to tackle gender inequalities. The fight against gender discrimination, legally binding on the employer, is the main issue of these agreements. Support measures for reconciling work and family life are only discussed at the end of agreements, often in a few lines and limited to a summary statement of rights or benefits which often precede the agreement, but without clearly identified objectives. In fact, few agreements make an explicit link between the articulation of professional life/family responsibilities and gender equality at work. Only few agreements stress that the persistent gender inequalities are partially explained by the difficulties of conciliation, affecting mainly women and hampering their careers. Yet the use of part-time work, still women’s most commonly adopted conciliation device, is recognized as an obstacle to their upward mobility in most collective agreements. Nevertheless, this is generally dealt with through a clause stating that part-time work “should not” hinder the careers of those employees concerned.

However the survey also reveals some innovative agreements, supported by motivated representatives, in branches and companies where there is a tradition of social dialogue. Among the implemented innovations are: extending paid paternity leave, the possibility of flexible weekly hours for parents with alternating child custody or the possibility of converting bonuses into time available for child care via a flexible use of a time savings account. In sum, three union representatives’ attitudes on the issue of reconciling work-family life have been identified and may be characterized as proactive, accompanying and passive. Proactive union representatives were a minority in our sample, though the sample was aimed at investigating companies rather active in the field. As previous studies has shown (Hyman and Summers 2007, Gregory and Milner 2009, Seeleib-Kaiser and Fleckenstein 2009), union representatives have rarely been at the initiative of the devices
which have been set up within the companies. Their role has more frequently been to accompany management initiatives, or rather passive in this matter. Besides the varied opinions as to the importance of being active in this field, advocacy strategies, where they exist, emerge as fragmented so there does not seem to be a clear and unified union strategy on the work/family life balance issue. While some union representatives favour an approach based on gender equality, others emphasize a universal approach (indiscriminately including the issues of maternity and paternity), and still others have mobilized on the broader registers of discrimination or quality of life at work.

The following section provides an interpretation of these findings taking advantage of the analytical frame provided by Heery (2006), in studying a related theme, that of gender equality at work. The Heery’s model articulate three effects which determine union action: “voice”, “choice”, and “opportunity.” While the voice effect highlights the role of preferences expressed by the employees, the choice effect refers to the preferences of union representatives, whereas the opportunity effect refers to the institutional factors that influence the wider role of trade unions and collective bargaining in the company. The combination of these three dimensions explains the results of the union’s commitment to work/family life balance, the strategies deployed, and problems encountered.

5. Explaining union action on work/family balance: the voice effect

Following the seminal work of Freeman (1976) and Freeman and Medoff (1984), inspired by the exit-voice approach developed by Hirschman (1970), economic theory of trade union action cannot be longer limited to a denunciation of the “monopoly effect” related to the unions’ use of market power. Economic theory now invoked a “voice effect” related to the role of unions as spokesman for the employees it represented. In doing so, the union was no longer seen solely as a negative actor in the labour market using its market power to increase wages beyond the levels defined by competitive conditions and resulting in a sub-optimal level of employment and production. It was also seen as the body that expressed the voice of the employees, informing the employer of their preferences. More specifically, because union centralizes employees’ preferences about desirable changes in working conditions, it identifies and formulates “public goods” to be presented to management (Freeman and Medoff 1984). Union representation therefore ensures the transition from a managerial perspective devoted only to the preferences of marginal worker to a global perspective encompassing all employees’ preferences.

Following this line of analysis, the preferences advanced by unions depend on the average profile of the workforce and the constraints it faces, while management tends to favour those of marginal employees it intends to attract or to keep. Thus, in the particular case of devices for work/family life balance, this theory predicts that trade unions will mobilize more on this issue when labour is feminized, women facing the most severe constraints in this matter (Gerstel and Clawson 2001, Heywood and Jirjahn 2009, Artz 2011). These findings,
well established in the literature, are confirmed for the French case, both at the branch level (union federations) as well as at local levels. According to the union representatives, the proportion of women among employees plays a significant role in setting the agenda on the reconciliation issue. A leader of the Chemical and Energy Federation (FCE) noted that “this is not a marginal issue, but it does not appear in collective bargaining and sectoral [FCE] agreements. Most of these sectors are characterized by a high proportion of male labour, which is not conducive to the introduction of this theme in the discussions... In fact, emphasize placed on this issue highly depends on the presence of women in the companies and in the federations.” Therefore these demands are less likely to emerge in the least feminized branches, as confirmed by an official of the Metalworkers' Federation.

This interpretation also helps explain the importance of two other determinants put forward by the union representatives: the age structure of the employees and geographic location of the workplace. Employees’ needs in work/family life balance are indeed highly dependent on their age and are not uniform geographically. Union representatives note the greater difficulties of conciliation for employees living in the Paris area than in the rest of France. Indeed home/work transportation time is higher and more irregular, separation from the family is more frequent as are the problems associated with the availability of child-care facilities. Difficulties also depend on the age structure of the workforce since employees who are parents of young children have the greatest difficulties in reconciling work and family time. This is how the low union mobilization on this issue was justified by two union representatives of manufacturing industry, located in a rural area, in addition to the high average age of the workforce in their companies.

Besides the company’s demographics and geographic location, the interviews basically reveal that the voice effect in support of work/family life balance runs into two problems: heterogeneity and ex-post revelation of preferences. As highlighted in Berg et al. (2013), work-life policies are difficult to negotiate as these policies tend to benefit only some employees, with differential effects on employees depending on how the practice is defined and the life cycle stage of the employees. Besides the difficulties concerning only employees who are parents, union representatives also stressed that the needs of working parents are themselves quite varied as they do not necessarily have the same or similar preferences or constraints. This also makes it difficult to assess the effect of different company programs on the employees concerned. For example, the distance between home and work, family status (single parents, shared custody), the proximity of grandparents, and the employment status and benefits granted to the spouse, are all factors that significantly affect the needs of employees. In sum, the diversity of situations and individual preferences concerning the reconciliation of work life-family responsibilities makes the emergence and expression of “public goods” in this field more difficult. Added to this is the fact that, according to union representatives interviewed, employees expressed few demands on the subject.

Union representatives reported few demands concerning the work-family issue. Similarly to Hyman and Summers 2007, we find apathy and passivity of employees on these issues. This
attitude has been interpreted as a reluctance of employees to discuss matters which are perceived as private. Everything happens as if the employer was not required to take family responsibilities into account or that it was frowned upon to raise this question, especially for women executives. The field survey shows that queries about work-family life reconciliation often appear legitimate in the eyes of employees from the moment that company support mechanisms are set up. Several union representatives stressed the lack of demand by employees for childcare provision by their company. On the other hand, in companies where childcare facilities are provided, union representatives emphasized that the insufficient number of available services. In short, the needs are only expressed once the mechanisms are implemented: dissatisfaction exists but does not result in demands. We can also assume, with Gerstel and Clawson (2001), that there is a bias in the expression of these preferences, insofar as employees experiencing the most difficulties in reconciling work-family life are most likely to choose the exit path through the use of parental leave or part-time work.

The heterogeneity of employees’ preferences and the restraints on presenting these demands explains why union representatives didn’t view this theme as stirring. However, the belief that there is a weak strategic interest in being active in this field, contrasts with the results of French surveys on working parents conducted since 2009 by the Observatoire de la parentalité en entreprise. Over the 2009-2013 period, an average of over 90% of working parents felt that the balance between work and family life was an important concern, and over 70% said that their employer had not done much to help working parents (Observatoire de la parentalité en entreprise 2013). Is this shift symptomatic of the difficulties experienced in dealing with this issue within the company?

This type of claim seems to be much more difficult to build on and to legitimize than are the traditional themes of union mobilization such as defending wages, employment or working conditions. Identification of employees' preferences in work/family life balance are even more challenging due to the multiplicity of the ins and outs of this issue which go beyond the boundaries of the firm. Consequently, union mobilization on this issue is particularly sensitive to the institutional, organizational and cultural context in which it occurs.

6. Explaining union action on work/family balance: the choice and opportunity effects

While the common preferences of employees fuel the protest agenda, the formulation and organisation of this agenda flow from the union representatives’ choice. According to this “choice” effect, union action is linked to the characteristics of gender, age and experience of union officials, but also, more generally, to the union culture and social representations that permeate them (Herry 2006). Thus, regarding the work-family life balance issue, this effect predicts that the approach and degree of trade union involvement will depend on the union players’ characteristics, thereby determining their awareness of and training concerning this problem as well as their ability to exploit it via their weight in the apparatus.
Interviews confirm that the feminization of trade unions contributes to the emergence of this claim, often perceived as “feminine”, a finding already established by Gerstel and Clawson (2001), Gregory and Milner (2009), Rigby and O’Brien-Smith (2010), Ravenswood and R. Markey (2011). Male representatives stressed that trade unionism activists are often relatively old men who, in their personal lives, are quite far from the concerns of parenting. Conversely, because of their personal experience women are described as being more sensitive to what companies do to support working parents. As noted by a trade union representative in the Food Processing Federation, “the more or less feminised union composition does not affect demands for salary or career equality, as it has become a legal obligation. However, the search for practical solutions to facilitate work/family life balance, as also the impetus to implement practical devices, are probably due more to women’s initiatives. There must be a demand coming from the employees before such devices are established, and it is generally women who advance these claims.” However the presence of women in unions’ apparatus is not a sufficient condition, as already shown by the European survey headed by Dickens (2000) on collective bargaining of gender equality. A woman union member in an airline company explained that a woman who wants to make a career within the union should not deal with those issues identified as “feminine” at the risk of losing her credibility. The “feminine” connotation of this issue appears to be obstacle to placing it on the agenda, she says, lamenting the machismo of union representatives on all sides, which discredited the legitimacy of such claims in her company.

“The unions are no more virtuous than the companies,” said an official of the Banking and Insurance Federation. From this point of view, our findings confirm those obtained by Cristofalo (2013) in her study of activist practices concerning gender equality within the same union, highlighting the multiple barriers to the unions’ commitment to this issue. Despite having maintained a deliberate policy orientation since the 1980s, reaffirmed in the early 2000s by new requirements concerning gender parity in its different leading bodies, the CFDT has a proportion of women in leadership positions which is far from equality, with significant disparities by sector and region (Silvera 2006). Not only are women still struggling to maintain leadership responsibilities within the organization (Guillaume 2007), but in addition, the increasing access of women to positions of responsibility since the 1980s has not been accompanied by a real cultural and organizational change (Cristofalo 2013). Gender stereotypes are still deeply rooted in union’s activities, no matter how “feminized” the union might be. These stereotypes over-determine the union approach to work/family balance, hindering its universalisation and, thereby, its implementation on the agenda of union demands (Hyman and Summers 2007).

In fact, the issue of reconciliation is commonly seen as being at the margins of the “real” issues of trade union struggle that are employment and wages, particularly in times of economic crisis. Those union members surveyed describe this topic as having little influence in bringing together the various trade union organizations in the workplace, being often the object of disinterest. Besides the low legitimacy of this claim, some of the measures
presented as favourable to conciliating work and family may also lead to a wide variety of evaluations by the unions or by the companies. In their study, Gregory and Milner (2009) highlight the unions’ ambiguity towards measures for more flexible work organization which might serve the interests of the employer more than that of the employees. Our survey confirms this suspicion, particularly in the case of teleworking which is currently developing in France. Other measures such as part-time work and parental leave also appeared controversial, either because of their impact on female careers, or because of the adding workload onto the remaining staff due to employees’ non-replacement. These controversies weighed on the choice of the agenda of union demands and explained the diversity of union strategies in different companies.

Our findings agree with those obtained by Gerstel and Clawson (2001) in the United States which emphasize the high variability of union strategies developed on the topic of work/family life balance, both in terms of approach as well as in terms of involvement. They also confirm the findings of Rigby and O’Brien-Smith (2010) for the UK, observing that, in this field, union action cannot be reduced to a positive flexibility strategy of mutual gains. These similarities lead to moderating the theory that there is a singularity in the way French unions address the issue of work/family balance, as defended by Ollier-Malaterre (2009) or Gregory and Milner (2009). According to these authors, the French unions do relatively less in this field because of their distrust vis-à-vis the actions of the employer and, conversely, of the greater legitimacy they attach to the state in supporting parenting in general. This aspect does not appear to be decisive in the interviews. The explicit call by the French state since the early 2000s for firms to take up the issue of work/family balance (WLB), including through collective bargaining, has undoubtedly contributed to changing this general outlook.

This leads us to put forward a third effect in explaining the union mobilization on WLB issues: the “opportunity” effect, in which bargaining behaviour is shaped by the opportunity structure encountered by negotiators (Heery 2006). More generally, this opportunity effect reflects the influence of the context, both institutional (public policies and industrial relations system) as well as organizational (local and sectoral context), on union action in companies. In line with this analytical framework, a number of studies have shown that the effectiveness of trade union action on work/family balance depends on public policy devices (Demetriades et al. 2006, Gregory and Milner 2009, Rigby and O’Brien-Smith 2010, Berg et al. 2013), as well as the structure and effectiveness of collective bargaining (Gerstel and Clawson 2001, Gregory and Milner 2009, Seeleib-Kaiser and Fleckenstein 2009, Ravenswood and Markey 2011, Berg et al. 2013).

The low level of strategic interest which union leaders find in defending the issue of reconciliation explains how their activities on these issues are, even in their own opinion, very much conditioned by the opportunities offered by legal incentives or by the employer. Thus the legal obligation to negotiate on gender equality is cited as the main opportunity for the social partners to address the issue. The legal incentive does play a leading role in setting the agenda on these issues. However, it does not guarantee the quality of the collective
agreements. Quality of the agreements depends on both the voluntarism of union representatives and the own interests of the employer in taking up the issue. It depends also on the state of the social dialogue. As noted by a representative of the Federation of Social Protection Workers, “these issues only come up in companies where there is a culture of social dialogue and where the economic situation is not too tense. Many companies do not have this culture, both on the part of employers as well as that of the unions. The latter are having a hard time projecting themselves on to long-term issues and social concerns. However, these issues need to be treated as closely as possible to the companies. But local unions function in the immediate present. They have their heads to the grindstone and have difficulty projecting themselves into the future.”

Because both employers and trade unions often see work/family life balance as an issue of society and not of the companies, the level at which collective bargaining takes place also plays a role. The framework agreements signed at the sectoral or group level have indeed often appeared more innovative than agreements at local level. In fact, union representatives at the local level reported that since none of the trade unions in the company see this issue as strategic, it is not the object of bitter fighting. Winning one or two measures, the extension of existing rights (from “mothers” to “parents”, for example,) might be sufficient for reaching an agreement. The content and monitoring of the agreement is therefore dependent on the local context and, in particular, on the commitment of those union and management representatives who support it. Otherwise, says an official of the Chemical and Energy Federation, “the theme of equality is taken up when it is time to negotiate, but then we move on... interest declines among employers as well as among employees.”

7. Conclusions

All studies of the role of unions in the provision of family-friendly policy commonly emphasize the importance of the unions’ contribution on this issue. For employees, union involvement is put forward as a way of developing devices closer to their needs (Dickens 2000) and open to the greatest number (Berg et al. 2014). In a general context of structural weakening, involvement in this field is an opportunity for the unions to develop new positions and new modalities of intervention. This involvement is promoted as a vector for the modernization and revitalization of union action (Dickens 2000, Gregory and Milner 2009), giving them the possibility to expand their audience, especially among women and youth (Gerstel and Clawson 2001). But these studies also point to the existence of obstacles to such participation, so that this new field of social negotiation is just as full challenges as it is of opportunities.

The survey we conducted among French CFDT unionists in various sectors of activity, confirms and enriches our understanding of the factors that promote or oppose union involvement. It obviously does not exhaust the plurality of positions on this issue adopted
across the French trade union landscape. But it shows the relevance of an analytical framework of these factors, leading to recommendations that go beyond the strictly national context. Our analysis concluded that union action appears to be conditioned by the three effects distinguished by Heery (2006): voice, choice, and (institutional) opportunity, all of which are levers that influence the union’s participation in the question of work/family life balance.

First, union action can be analysed as “the result of the voice face of unions amalgamating worker preferences toward public goods at the workplace and getting workers to reveal those preferences to management” (Freeman 2005). As part of the work/family balance, this voice effect comes up against the heterogeneity of preferences on the one hand and the existing obstacles to their revelation, on the other, thus making it difficult to express such “public goods”. In other words, the potential demand exists, but unions must contribute to its disclosure and to its legitimation (Gerstel and Clawson 2001). This demand will be even more likely advanced and successful if it amalgamates a broad base of preferences. The voice effect thus points to a necessary “universalization” of claims relating to work/family balance, including incentives made to fathers to assert their rights in the matter. While problems of conciliation are more acute for women, thus contributing to occupational gender inequality, their resolution necessarily involves men as well.

Next, union action is a result of the choices of representatives who develop the agenda of union claims. As regard the work/family balance, this choice suffers from the lack of awareness and training of union representatives to this problem (Dickens 2000). Our case studies did not enable us to identify a clear union strategy regarding support measures to work/family balance, either in terms of necessity or in content. This vagueness is symptomatic of the difficulties in dealing with multidimensional issues, spilling over the boundaries of the companies. Thus, the construction and legitimation of claims relating to work/family life balance within the firm cannot be accomplished without work in parallel within the unions themselves.

Finally, as noted by Heery “(union) engagement is highly variable and depends on a favourable environment. [...] In this context of declining bargaining power, unions have become more dependent on opportunities afforded by changes in employment law and wider public policy to open up collective bargaining on new issues” (Heery 2006). The opportunity effect is all the more important in the matter of work-family reconciliation since numerous brakes exist to its agenda-setting. In our case studies, union action appears to be highly connected to legal incentives induced by the compulsory collective bargaining on gender equality at work. But these incentives do not guarantee the agreements’ quality, particularly at company level. Therefore public policy should not only promote the social dialogue on this issue, but also ascertain the conditions of its effectiveness. As Dickens (2000) underlines it, parenthood is not the problem (e.g. the fact to be parent), the problem being rather the employment and work conditions which assume that workers are child-free, and then confront parents with specific difficulties.
From this perspective, two recent developments are likely to bring some change in the way French unions tackle this issue. First, since 2012 (in application of the Law of 9 November 2010), companies with at least 50 employees, cannot content with negotiating on gender equality at work, but should come to an agreement or at least set up an action plan together with employee representatives, under pain of financial sanction. Both the collective agreement and the action plan should identify targets to be achieved, as well as the means to achieve these targets for each issue that the company has chosen to address (at least two among eight topics, including issues regarding the reconciliation of work and family life for companies with less than 300 employees, and at least three topics for companies employing more than 300 workers).

Next, the national interprofessional agreement that was reached on July 2013 on the quality of working life and equality at work, addresses the issue of reconciling work and family life in a larger perspective. The agreement which was signed by three employer’s organisations and three of the five representative trade unions mentions in its preamble the employee’s strong expectations regarding work-life balance facilities, and puts it as one component of the quality of work. The agreement recommends combining these issues into a single bargaining programme. This comprehensive approach contributes to include the claim for work and family life reconciling measures into a larger and un-gendered issue that is the quality of working life, thereby emphasizing the need to tackle gender stereotypes regarding parenthood that could otherwise limit the scope of the claim. Future research will explore whether these two developments have improved trade union involvement in work-family life issues in France.

References


