**A New Assessment of the Representativeness of the Social Partners**

*On 31 March, the Ministry of Labour published the electoral results of the trade union organisations over the period of 2013-2016. These results are considered to be representative at a national and interprofessional level and among all branches in the private sector. The results are marked by the first place obtained by the CFDT before the CGT. This swap of position is a first in the history of French trade unionism. In addition, for the first time, on 23 April, the Ministry of Labour also published the results of their first measurement of the audience for employer representativeness, which places Medef at the top of the list in terms of the number of employees working in a company belonging to an employers' organisation.*

**An "upheaval" in the landscape of trade unions**

For the second time, as part of the trade union representativeness reform resulting from the law passed on 20 August 2008 (EurWork, [New rules for union representativeness and working time](https://www.eurofound.europa.eu/observatories/eurwork/articles/new-rules-for-union-representativeness-and-working-time), 19 October 2008), trade unions' audiences were measured at national and interprofessional level as well as at branch level. This measurement of the audience takes place every four years and is one of the essential criteria for the establishment of representativeness of trade unions. The latter must receive at least 8% of the votes at the workplace election to be representative at national inter-sectoral and branch levels. This recognition of their representativeness allows the union to be able to sign collective agreements at both of these levels of collective bargaining. At the national and intersectoral level, the five organisations recognised as representative in 2013 have reached the 8% threshold and therefore can be seen as representative at this level. However, the order has changed, since the [Confédération Française démocratique du Travail](http://www.cfdt.fr/rewrite/site/3926/site-de-la-confederation.htm?idRubrique=4599) (CFDT) /French Democratic Confederation of Labour now occupies the first place with 26.37% of the votes in

front of the [Confédération générale du travail](http://www.cgt.fr/) (CGT)/ General Confederation of Labour (24.85%), the [Confédération Générale du Travail-Force Ouvrière](http://www.force-ouvriere.fr/) (CGT-FO)/General Confederation of Labour – Force ouvrière (15.59%), the [Confédération Générale de l’Encadrement-Confédération générale des cadre](http://www.cfecgc.org/) (CFE-CGC )/French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff (10,67%) and the [Confédération des Travailleurs Chrétiens](http://www.cftc.fr/)/French Christian Workers’ Confederation (9.49%). This is the first time in French trade union history that the CFDT has passed the CGT in the private sector, although it remains the first French trade union organisation to take into account the public sector.

**Expected changes in the branches**

However, the measure of representativeness is based on a so-called "relative weight" which takes into account the results of organisations that have reached or surpassed the 8% mark. This calculation leads to a CFDT score of 30.32%, in front of the CGT at 28.57%, which makes it the only union organisation that can sign a collective agreement alone. Indeed, an agreement is valid only if it is signed by one or more organisations that have received at least 30% of the votes (more than 50% for agreements on working time). Moreover, some trade union federations which have not reached the 8% threshold will lose their representativeness at the branch level, in particular, the CFTC, thus depriving them of the right to participate in sectoral collective bargaining. Since June, the Ministry of Labour will publish decrees specifying the representativeness of the trade union organisations in each of the branches of activity.

**A primary audience measurement**

After many years of discussion about the best way to take into account the representativeness of employers 'organisations (see EurWork, [Step forward' for employers on representativeness](https://www.eurofound.europa.eu/observatories/eurwork/articles/industrial-relations/step-forward-for-employers-on-representativeness), 27 August 2013), a reform of employers' representativeness was instituted with the law of 5 March 2014. For the first time, as part of this reform, the audience of employers' professional organisations was measured at the national and interprofessional level as well as at the level of professional branches. This first measure determines which organisations will be representative for the next four years.

The decisive criterion for assessing the representativeness of an employers' organisation, specifically that of the audience, is deemed to be satisfied if a professional organisation of employers crosses the 8% threshold either of the companies belonging to all the employers’ organisations, or employees employed by the same organisation at the national, interprofessional or professional level. These rules were specified by a decree which was issued on June 13, 2015 (EurWork, [France: New rules on the representativeness of employ organisations](https://www.eurofound.europa.eu/observatories/eurwork/articles/industrial-relations/france-new-rules-on-the-representativeness-of-employer-organisations), 28 July 2015).

The results at the national and interprofessional level for the three main organisations are as follows:

- For the "member companies" hearing:

* Union des entreprises de proximité ([U2P](http://u2p-france.fr/lunion-des-entreprises-de-proximite-u2p-premiere-force-patronale-du-pays) - Union of local businesses, representing liberal profession and craft workers): 35.89%
* Confédération des Petites et Moyennes Entreprises ([CPME](http://www.cpme.fr/) - Confederation of Small and Medium-sized employers’ organisation, representing small and medium-sized enterprises) 34,54%
* Mouvement des Entreprises de France ([MEDEF](http://www.medef.com/) - Movement of French Entreprises Medef) : 29,41%

- For the hearing "employees employed":

• Medef: 70.72%

• CPME: 25%

• U2P: 4.22%

The [results by branch](https://www.representativite-patronale.travail.gouv.fr/dataPortail/Representativitepatronale_resultats_mesure_branche.pdf) have already been published. This measure, as already underlined in a Dares study, shows major differences in coverage between different sectors and also in the number of employees covered (Eurwork [, France: New study sheds light on membership of employers’ organisations](https://www.eurofound.europa.eu/observatories/eurwork/articles/industrial-relations/france-new-study-sheds-light-on-membership-of-employers-organisations), 24 November 2014). U2P has the most members’ companies, but as these are mostly very small companies, it has the lowest coverage when one looks at the workforce of the comagnies that are affiliated to U2P. For Medef there are more larger companies affiliated, making that with a lower proportion of companies affiliated, Medef covers a wider workforce.

According to the data of the number of members in 2015, revised by the professional organisations, certified by their auditors and validated by the Ministry of Labour, Medef has 123387 members companies, CPME 144939 and U2P 150605. " As the daily newspaper, [Les Echos](https://www.lesechos.fr/economie-france/social/0212017007792-le-medef-confirme-sa-place-de-premiere-organisation-patronale-2082816.php#lYIYecqPyJEoH2u8.99), noted, these numbers are much lower than what employers' organisations have traditionally reported. While the first effect of the reform is to ensure transparency in the reporting of the number of members, the second effect is directly related to collective bargaining. With a representativeness of more than 70% in terms of employees of companies belonging to an employers 'organisation, Medef is the only employers' organisation to exceed the threshold of 50% which makes it possible to use its right to object in order to effectively block an interprofessional national agreement reached by the other organisations. On the branch side, similarly to trade unions, some employers' organisations will be excluded from collective bargaining, even though they had been participating up until now. Finally, the calculated audience will also be used to allocate public funds to finance the social dialogue and to designate advisers appointed by employers' organisations to labour councils which is the first level of labour jurisdiction in France.

**Commentary**

While the results of the trade union elections were welcomed without any real challenge, the first wave of evaluation by employers' organisations was disputed. U2P, which is the top organisation in terms of number of members’ companies [regrets](http://u2p-france.fr/lu2p-1ere-organisation-patronale-en-nombre-dentreprises) that only representativeness, in terms of employees is considered when determining the weight of employers' organisations in the management of joint institutions. The CPME embraces its position as the "[second French employers 'organisation](http://www.cpme.fr/actus/voir/2268/representativite-la-cpme-confirme-sa-place-de-2e-organisation-patronale-francaise)", but denounces the fact that the audience measure takes into account the recent merger of the UPA and UNAPL employers' organisations, giving rise to U2P. Only Medef expressed its satisfaction of being "[the majority organisation at the interprofessional level](http://www.medef.com/medef-tv/actualites/detail/article/representativite-patronale-le-medef-majoritaire-au-niveau-interprofessionnel-1.html)".