

The El Khomri law or Labour law -

Against the dilemma: “for”, meaning aggravation of insecurity and submission to the firm, or “against”, meaning keeping the present situation

The capitalists only hire us when they need to increase their production (first of all by taking on more workers on the same machinery, by round-the-clock shifts, before taking on more workers on more machines) on condition of meeting a solvent market with a sufficient rate of profit. Outside particular sectors (seasonal work, construction, etc.), they don't need any incentive to hire or fire, except when the productive cycle is falling or weakly recovering, as is the case at the moment.

This is the sense behind the government measures known as the “Labour Law” (inspired by the Combexelle and Badinter reports): adjusting to demand by changing the duration of utilisation of fixed capital and the cost of labour power, without investing in fixed capital, therefore allowing capitalists to increase production at a lower cost. Contrary to what both the supporters and opponents of the “Labour Law” say, the government didn't launch this reform to bring down unemployment or to “revamp” the labour code. It's only carrying on with the reforms implemented since the (1998) 35-hour law (the so-called Aubry Law and even since the Auroux reforms of 1982) and which has carried on ceaselessly. It's mainly a question of:

- Redefining working hours on a variable basis which is always more annualised, and which therefore leads to lower remuneration for overtime (from 25% to 10%), even taking away the additional pay earned as overtime.
- No longer linking collective agreements to national and production branch agreements, but conducting them on the level of companies, even taking them down to the level of production sites. Replacing the present primacy of the labour law over the contract of employment with its opposite (up until now, the branch or company agreement was only taken into account if it was more favourable to the employee than the labour law).
- Changing the conventions and signed agreements to suit the changing requirements of production without having to get modifications signed off by the staff individually, by various means, including holding a referendum, coupled with “offensive” agreements to develop jobs.
- Modifying and simplifying the conditions for breaking an employment contract without taking the route of redundancy on economic grounds.
- Giving new possibilities to the unions to increase their representational weight at the level of the workplace.
- Favouring, in exchange, a single contract, the CDI, in place of seven types of contract which exist now¹.

The government wants to overturn the relationship between the law and collective agreements. The stated aim is that the workplace agreement should be imposed by law. Thus, companies can adapt themselves better to their economic needs of the moment, becoming competitive again, attracting investors and eventually hiring again. Within the logic of capitalism (the only one which exists, for the moment, in the real world) this is not stupid.

In any case, it's obviously less stupid than what is claimed by the supporters of every state and every law, because the implacable law of the maximum rate of profit only lets states and laws do what is most favourable to it.

¹ For just one job today, you can find: CDI (permanent contract), variable duration CDI (linked to completion of tasks), CDD (fixed-term contract), Interim, sub-contractor, alternated work and training, “auto-entrepreneurs”. The CDI doesn't guarantee that the contract can't be broken by the employer, but those who don't have one are second-class in terms of access to mortgages and other forms of credit.

In effect, by allowing the bosses to adapt their means of production along with working hours in line with their order books; by giving them a clear visibility and a juridical certainty over the cost of redundancies; by attempting to push the “social partners” more towards co-management within the framework of so-called offensive or defensive workplace agreements, the government hopes to lower the general cost of labour, in the name of the defence of jobs and the competitiveness of businesses.

Contrary to the thinking both of the partisans of recalling the law, therefore of the *status quo* (and what a “status quo”: 56% of the unemployed have qualifications below a Bac [High School Diploma]; today, 90% of new hires are done on the basis of a CDD; 1/3 of higher graduates don’t have a job with a permanent contract three years after completing their studies; Unedic² counts 760,000 people alternating between unemployment and little jobs for 7 years on average; 30% of CDDs last less than 3 months; next to the twenty million employees with a CDI, more than six million are either in insecure jobs or unemployed), and of the partisans of reform (and what a reform: amplification of the subordination of employees to the orders of their workplace and its imperatives of valorisation), there will never be any socially satisfying solution compatible with the Capitalist Mode of Production and its social relations based on economic war, competition, subordination, the transformation of the human being into the commodity labour power and its submission to the laws of the market.

As with previous reforms around pensions (1993, 1995, 2003 and 2010), or during the attempt to introduce the CPE (2006), the government isn’t attacking all workers but just the categories already weakened, the “entrants” (younger than 30, more forced into casual jobs and submission to the orders of the firm) and “leavers” (older workers whose working life is going to be longer with worse pensions). The core of the wage earners (aged 30 to 55) is only slightly affected by the new measures.

Today we have to say that strikes don’t bite either in the public sector or the private sector. It’s not by chance that this demo is organised by the unions on a Saturday, a day where there’s no point in counting the strikers to evaluate the balance of forces. Denying these facts and continuing to delude ourselves about the “strong social movement”, will surely lead to a defeat which is even more bitter.

To overturn this tendency we need to find a means of unifying all the categories of workers and the unemployed; for this we can only count on our own strength, which has to be rooted in workplaces and find its source in workers autonomy, in workshops, factories, hospitals or offices. It is there that our potential strength can be found.

The only solution is to be found in our capacity to organise ourselves in an independent manner to block sites of production, we the employees, the poor, the proletarians, outside all institutional structures, whether they are associational, trade union or political.

This organisation, independent and clearly antagonistic to any state and mercantile logic, is our only weapon for imposing our conditions and radically changing our lives.

Mouvement Communiste/Kolektivně proti kapitálu,

9 April 2016

² A French agency which manages social security. Since 2009 part of *Pôle emploi* (“Employment centre”). Run by recognised “social partners” – six trade union federations and three employers associations.

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See web sites Mouvement Communiste : www.mouvement-communiste.com and Kolektivně proti kapitálu : <http://protikapitalu.org/>