



INNOVATIVE AND FLEXIBLE APPROACHES TO WORKING TIME

CASE STUDIES FRANCE



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CASE STUDY. FRANCE

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1 HOW THE CASE STUDY EMERGED

The INNOVAWORKING project aims to investigate and analyse innovative policies on working time arrangements that have been negotiated between trade unions and employers both in the public and private sector. In this case study on France two sub-case studies (measures) are addressed. This report examines innovative agreements that provide for shorter or flexible working time, also covering hybrid and remote working practices. A central feature of this research is the aim to assess to what extent those innovative agreements contribute to a better work- life balance. In this report the focus is on initiatives adopted in France, in both the private and the public sector, regarding flexible approaches to the organisation of working time. It will also examine trade unions and employers' responses to flexible working time arrangements.

This report follows a mixed-method approach and includes a review of the legal framework and regulations governing working time in France. The research is conducted through an extensive review of existing literature, national and international reports, journals, newspapers, articles, books and legal documents.

In the INNOVAWORKING project the research team addresses the major challenges for companies and their employees related to the recovery from the COVID-19 pandemic, namely: the introduction of digitalisation, the impact of an ageing workforce and the need for urgent action to tackle climate change. Attention is paid to how trade unions and employers are called to play a key role in addressing those challenges. Innovative changes to the organisation of working time can be part of the solution, potentially delivering increased productivity, improved work-life balance and well-being, more sustainable working practices and greater flexibility to the benefit of both workers and employers.

In the case of France, the first sub-case focuses on the activities undertaken by the CFE-CGC (union of executives/managers, technicians, and supervisors) through a project aimed to developing management and work organization in light of the expansion of teleworking and hybrid working, and auditing the evolution of managerial practices dealing with the risks and challenges of that model of work.

The second sub-case study focuses on the public sector, in particular, on innovative flexible working time arrangements/reduction of working time in the local and central administration sector (municipalities and ministries). From the desk research carried out, information has been extracted on the relevant initiatives undertaken by some municipalities of some major cities in France. For example, the Metropole of Lyon has implemented a plan for the 4-day working week of their employees. Also, at the ministries level in France, since the beginning of 2024, there are plans to undertake initiatives implementing pilots of a shorter working week.

2 MEASURES ADOPTED IN MATTER OF WORKING TIME

2.1 Introduction

In France, throughout the years, many reforms aimed at reducing working time have been adopted and provisions of the Aubry laws have been implemented into the French Labour Code. Therefore, due to the implementation of that legislation, since 2002 most firms implemented the 35 hours full-time workweek. However, a few firms and industries have exceptions to the 35 hours rule and can implement a workweek between 35 and 39 hours.



The aim of the Aubry laws was to reduce the working week from 39 to 35 hours.¹ In practice, employees could still work 39 hours, but some of the extra hours they worked (4 hours per week) are accumulated to be used in the form of a half or full day off (in French, this mechanism or device is called Réduction du temps de travail "RTT").² Since the legal regular working week is set at 35 hours, all hours worked above this figure are considered overtime. In any case, the maximum number of hours worked in one year was set at 1,607 hours per year in 2005.

Also relevant is the fact that company directors and executive managers are exempted of the application of the legislation on the maximum working week of 35 hours. This exception applies to managerial employees who exercise companies' responsibilities, are autonomous in the decision-making process, and are remunerated in the highest pay levels of the company.³ This exception is relevant for the measure 1 explained in this case study document. As Martín Puebla has explained, the problematic application of the legislation reducing working time to this type of workers lies in the fact that the managers ("cadres") do not constitute a homogeneous category of workers,⁴ including several subcategories, the manager directors who participate in the strategical decision of the company, the managers integrated in a service, department, or work-team (the major category amounting to more than 50% of the managers)⁵

¹ Law of reduction of working time, Aubry Law I, ('Loi n° 98-461 du 13 juin 1998 d'orientation et d'incitation relative à la réduction du temps de travail (dite loi Aubry)': <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000000558109/> and Law of reduction of working time, Aubry Law II, ('LOI n° 2000-37 du 19 janvier 2000 relative à la réduction négociée du temps de travail'): <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000398162>. See INNOVAWORKING Country Fiche France for further information.

² See: [Réduction du temps de travail \(RTT\) | Service-Public.fr](#)

³ See Code du Travail L.212-15-1 to L.212-15-4.

⁴ Martín Puebla, E., La reducción del tiempo de trabajo en Francia, Ministerio de Trabajo y Asuntos Sociales, 2006, 111-114.

⁵ The regulation on working time, including the provisions regarding working time duration, rest time, holidays, and reduction of working time is applicable to the workers

and an intermediate category, which is the one where there are more problems to calculate the duration of their working time. The inclusion of a worker with managerial functions in this last category takes places by reference in the applicable sector collective agreement or, when that is lacking, by the national collective agreement applicable to the “cadres”. In the case of this last group the legislation establishes the general principle that these workers should also benefit of an effective reduction of their working time (Art. L.212-15-3 *Code du Travail*.) Usually, the reduction of working time of the managers (“cadres”) belonging to this last group occurs through an individual agreement of *forfait*, including the maximum numbers of working hours or days agreed on a weekly, monthly or annual basis.⁶

The Aubry laws contributed to decentralizing collective bargaining, allowing negotiations between employers and employees at the company level, particularly regarding working time and flexibility.⁷ This approach allowed the social partners to determine the level of bargaining and the accompanying pay arrangements for reducing working hours. Additionally, these collective agreements recognized various forms of working time flexibility, providing a framework for adapting to different workplace needs.⁸ Aubry I offered financial support for companies that engaged in negotiations to reduce working hours by at least 10% and recruited new employees, encouraging companies to participate in collective bargaining processes to implement these reductions.⁹ The Ministry of Employment was tasked with validating the outcomes of these

included in this second category. See Martin Puebla, E., *La reducción del tiempo de trabajo...*, op. cit., 116. See: Loi n° 2003-47 of 17 January 2003 relative aux salaires, au temps de travail et au développement de l'emploi.

⁶ Martin Puebla, E., *La reducción del tiempo de trabajo...*, op. cit., 118-119.

⁷ Tros, F. ed. et al., *Pathways in Decentralised Collective Bargaining in Europe* (Amsterdam University Press, (2023)

⁸ Ibid p.18

⁹ Ibid. p. 95



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negotiations, giving approval and temporarily authorizing innovations resulting from the collective agreements made under Aubry I law. This validation process ensured that the negotiated working time flexibility policies complied with legal requirements and were in line with the objectives of the legislation.¹⁰ Regarding negotiating collective bargaining, employers must comply with the labour code, and the applicable sector level collective agreements.¹¹

Following the Aubry laws, there have been several legislative measures that have included nuances and exceptions to the 35 hours working week (article L3121-275 of the French Labour Code) or equivalent to 1,607 hours per year. Conventional provisions (collective agreement, branch agreement, company agreement or establishment/company agreement applicable in labour law) may provide for a working week of more or less than 35 hours. In the 2003-2004, some social security taxes were permanently reduced for all companies, and the quota for overtime hours was also increased to 220.¹²

In 2007, during the Sarkozy's administration, a new legislation was adopted (Loi Travail, Emploi, Pouvoir d'Achat)¹³ which established a 25% bonus for overtime hours exceeding the 1,607 hours per year. It also promoted exemptions from income tax and social security contributions for workers for overtime pay and cuts in social security contributions for employers. In 2012, the revised 2012 Budgetary Law included the abolition of the

¹⁰ Ibid. 96

¹¹ Flichy Grangé Avocats, 'Employment Law France' (L&E Global, 12 April 2024) <<https://leglobal.law/countries/france/employment-law/employment-law-overview-france/>> accessed 18 May 2024

¹² See: Solana Gázquez, D. J., 'Jornada laboral: la evolución en Francia' , *Actualidad Social Internacional*, Ministerio de Trabajo y Economía Social, N. 264 (2024), p. 5-10.

¹³ LOI n° 2007-1223 du 21 août 2007 en faveur du travail, de l'emploi et du pouvoir d'achat <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000278649>

exemption from overtime pay and reductions in social security contributions, except for companies with 19 or fewer employees.¹⁴

France therefore currently continues to consider the 35-hour work week as the reference for full-time employees. However, this does not mean that this is the work week for all workers in France. It is the reference framework, but subject to the conventional provisions included in collective agreements, which may consider that working time is more or less than 35 hours per week (calculated annually as maximum 1,607 hours). This means that a worker can exceed these annual hours, which will be calculated as overtime, holidays or days off.¹⁵

Also important in the context of this study is the regulation of the right to disconnect. This right was introduced as part of the French Labour Law reforms, specifically by the Loi Travail or El Khomri Law in August 2016.¹⁶ The main goal is to ensure that employees have the right to disengage from work during non-working hours, promoting a better work-life balance and protecting their health and well-being. The legislation in France acknowledges the right to disconnect due to the growing concerns in the workplace about addicted conducts regarding work. Studies show that a significant number of employees feel pressured to be constantly available.¹⁷ The recognition of the right to disconnect has been included in interprofessional agreements and has been partially acknowledged by courts. Additionally, various initiatives have been taken by companies and organizations to address this issue.¹⁸ However, reports and studies have highlighted the need for a legal framework to establish and protect the

¹⁴ Solana Gázquez, D. J., 'Jornada laboral: la evolución en Francia' , *Actualidad Social Internacional*, Ministerio de Trabajo y Economía Social, N. 264 (2024), p. 5-10, op. Cit.

¹⁵ Ibid.

¹⁶ LOI n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels

¹⁷ Ministry of Labor, Health and Solidarity, *Impact study* (LGR) p. 235 (2020)

¹⁸ Ibid. p. 234

right to disconnect, especially in the context of digital transformation in the workplace.¹⁹

Employers need to implement policies and practices that support the right to disconnect. This might include setting clear expectations about after-hours communication and establishing times when employees are not expected to check mails. Employers are required to negotiate with their employees or their representatives and they must ensure that employees can effectively exercise their right to disconnect.

In today's digital age, where remote work and flexible schedules are becoming more common, the right to disconnect acknowledges the need to adapt traditional working time arrangements to accommodate new working methods. It recognizes that flexibility in working hours should not come at the expense of employees' well-being. Flexibility in working hours can sometimes blur the lines between work and personal life. Despite its enforcement challenges, the implementation of the right to disconnect may mitigate these potential downsides by establishing clear boundaries relating to working time.²⁰

Regarding industrial relations: France has one of the lowest union membership rates of all European countries, standing at 9% (2019).²¹ Paradoxically, collective bargaining has relatively high coverage rate, with a significant portion of the workforce being covered by collective agreements, but there have been challenges in recent years, with union membership stagnating and not keeping pace with employment growth.²²

¹⁹ Ibid. p. 233

²⁰ Ministry of Labor, Health and Solidarity, *Impact study* (LGR) p. 235 (2020)

²¹ Gautier M, 'Nombre d'adhérents Des Principaux Syndicats Français 2022' (*Statista*, 24 October 2023) <<https://fr.statista.com/statistiques/1375149/nombre-adherents-syndicats-francais/>> accessed 18 May 2024

²² Ibid.

Regarding social dialogue and collective bargaining in France, the main employers' organization is the MEDEF (Mouvement des Entreprises de France). The MEDEF is an influential organization representing French businesses and companies, and employers across various sectors of the economy. MEDEF engages in social dialogue with trade unions to find common grounds and promote sustainable economic development.²³

In France, five (major) trade union confederations have been recognized as representative at the national level:

- CFDT (Confederation Francaise Democratique du Travail) advocates for social justices and workers' rights through negotiation rather than confrontation. Known for its willingness to engage in dialogue with employers and government agencies.²⁴
- CGT (Confederation Generale du Travail) represents a diverse range of workers across various industries. Known for their long history of advocating for workers' rights through strikes and protests.²⁵
- FO (Force Ouvriere) represents a wide spectrum of political opinions within its memberships and participates in collective actions and bargaining.²⁶

²³ (Who we are?) <<https://www.medef.com/en/who-are-we>> accessed 18 May 2024

²⁴ (NOS valeurs - CFDT) <https://www.cfdt.fr/portail/nous-connaître/nos-valeurs/nos-valeurs-rec_79841> accessed 12 May 2024

²⁵ 'Qui Sommes-Nous ?' (Accueil) <<https://www.cgt.fr/dossiers/qui-sommes-nous>> accessed 12 May 2024

²⁶ Ouvrière S internet F, 'Vos Questions Sur Le Site' (Force Ouvrière) <<https://www.force-ouvriere.fr/vos-questions-sur-le-site>> accessed 12 May 2024

- CFE-CGC (Confederation Francaise de L'Encadrement – Confederation General des Cadres) represents professional and managerial employees.²⁷
- CFTC (Confederation Francaise des Travailleurs Chretiens) represents workers across various sector, particularly those who align with Christian values.²⁸

The first case study (measure 1) deals with an initiative regarding flexible working arrangements (telework and hybrid work) developed by the CFE-CGC.

Collective bargaining in France has been recognised since 1936. Traditionally, France had a centralized collective bargaining system. However, the 2016 and 2017 labour law reforms increased the autonomy of company-level bargaining, creating a compulsory division of topics between bargaining levels.²⁹ With company-level agreements taking precedence over sector-level agreements in specific areas, as indicated by the El Khomri law.³⁰ However, sectoral agreements still apply for all matters only in the absence of company-level agreements.³¹ On top of

²⁷ 'Qui Sommes-Nous ?' (CFE) <<https://www.cfecgc.org/cfe-cgc/qui-sommes-nous>> accessed 18 May 2024

²⁸ 'Le Projet CFTC' (CFTC, 19 March 2024) <<https://www.cftc.fr/projet-cftc>> accessed 18 May 2024

²⁹ Tros, F., Armaroli, I., Czarzasty, J., Haipeter, T., Iossa, A., Jansen, N., Kahmann, M., Muñoz Ruiz, A. B., Paolucci, V., Ramos Martín, N., Rönnmar, M., Rosenbohm, S., & Vincent, C., *Pathways in Decentralised Collective Bargaining in Europe*, Amsterdam University Press, (2023), 144.

³⁰ Till Nikolka and Panu Poutvaara, *Labour Market Reforms and Collective Bargaining in France* (2018) 1 ifo DICE report 44

³¹ Lhernould J-P, 'France: Government Unveils Plans to Reform Labour Laws' (*France: Government unveils plans to reform labour laws | European Foundation for the Improvement of Living and Working Conditions*, 23 November 2017) <<https://www.eurofound.europa.eu/en/resources/article/2017/france-government-unveils-plans-reform-labour-laws>> accessed 31 May 2024

that, legal standards will apply, if negotiations at both company and sector-level are unsuccessful.³²

These reforms have eroded the traditional sectoral bargaining system, favoring company-level agreements and granting more bargaining power to employers.³³ This shift towards decentralization of collective bargaining has allowed for more flexibility in negotiating temporary agreements that may provide lower pay rates in exchange for employment security. Despite the reforms, the system remains coordinated and the principle of favorability ensures that sectoral agreements still play a significant role.³⁴

Research has critiqued the traditional centralization/decentralization dichotomy, suggesting that a more nuanced understanding of how norms are articulated across levels better captures the dynamic nature of collective bargaining in France. This system promotes a responsive and practical approach to collective agreements, balancing local needs with the broader regulatory framework. However, it also requires robust institutional structures to manage the interplay between autonomy and coordination, ensuring that agreements at different levels complement rather than conflict with each other.³⁵

³² Nikolka, T. and Poutvaara, P., Labour Market Reforms and Collective Bargaining in France (2018) 1 ifo DICE report 44

³³ Tros, F., et al., *Pathways in Decentralised Collective Bargaining in Europe*, Amsterdam University Press, (2023), 144.

³⁴ Eurofound (2022), Collective bargaining coverage, European Industrial Relations Dictionary, Dublin p.75

³⁵ Tros, F., et. al. *Pathways in Decentralised Collective Bargaining in Europe*, Amsterdam University Press, (2023), 144.

2.2 Measure 1³⁶

In this section we discuss the project 'SUPERManagement' carried out by the trade union CFE-CGC in cooperation with the Agency ANACT (Agence Nationale pour l'amélioration des conditions de travail). The 'SUPERManagement' project (Savoir, Unir, Promouvoir, Entraîner, Reconnaître dans le MANagement) aimed at supporting and equipping managers and their employees in the transformation of work organizations and included several studies.³⁷ The 'SUPERManagement' project consisted of evaluating and developing management and work organization in light of the development of teleworking and hybrid working, and auditing the evolution of managerial practices.

As mentioned before, the CFE-CGC is the national union of executives, technicians, and supervisors/managers and negotiates and signs agreements regulating the rights and working conditions for employees in the management sector.

This project (measure 1), based on an extensive survey with respondent managers in France, aims to support and equip managers and their employees with the skills necessary for the transformation of work organizations. The project consists on evaluating and developing management and work organization in light of the development of teleworking and hybrid work, and auditing the evolution of managerial practices. The project analysed dozens of European agreements on teleworking, and the place given to managers in this context. In the course of the project, the CFE-CGC also launched a two-stage survey (large masses then qualitative panel) among its federations and members

³⁶ This section is mainly based on the interview conducted with a high representative of CFE-CGC en charge du secteur Travail: Organisation Santé, Interview 1 – Trade union representative conducted on 30/04/2024.

³⁷ These studies have been published in 2024 in a report and a guide for managers available at:

<https://www.cfecgc.org/publications/nos-guides/supermanagement>

to measure, among management staff in companies and administrations, their working conditions in teleworking, their perception, and the manager/managed relationship.

The project analysed the challenges and opportunities of telework and hybrid work, with the focus on the managerial functions and considered that a hybrid manager is one who works part of the time away from his workplace. All or part of his team teleworks at least one day per week. This configuration generates varied relational situations, the team being able to be entirely on site, entirely remote or in a hybrid format. The project is based on the hypothesis that these new working arrangements, particularly due to the use of digital communication tools, have impacts on the roles and uses of managers and aim to highlighting that impact.

Regarding innovative and best short-time work practices/flexible working time arrangements observed within workplaces in France, the trade union representative interviewed mentioned that there is a long tradition of reduction of working time in France due to the implementation of the Aubry laws since 2001. It is clear that the current legal system and institutional setting in France facilitate the introduction of short-time/flexible work practices. In France, there have been some companies applying pilots on the four days working week and that, for managers in particular, (target group of workers of this trade union) that could lead to an intensification of work. Despite the fact that, for employees the 35 working hours week is applicable in France, managers (as an exception group) work sometimes up to 40 hours per week due to the fact the managerial position and tasks are difficult to undertake with reduced working time. Therefore, a reduction of working time for that group of workers needs to be well-designed with an innovative organisation of work, and well-informed decisions on the distribution of working time with the work-team, the potential impact of the intensification of work, and the due respect to the right to disconnect. That right is clearly and strongly regulated by labour law in France, as mentioned above.

Another issue important to take into account when implementing shorter working time or reduction of working time, such as the four days working week, is the need to clarify that the reduction of working time is not connected with a reduction in wages. Otherwise, there is risk for rejection of the measure among the employees, including the ones in managerial positions. By paying due attention to all the abovementioned factors this could lead to a “win-win” situation for the employer and the employee but the risks and the health and safety at work perspective, as well as the conciliation of work and private life, needs to be considered when designing those measures. According to the interviewee 1 (trade union representative 1), social dialogue is potentially an effective tool to deal with those issues and negotiate innovative measures which can lead to success, also in terms of the key issue of the productivity of the workforce.

According to the findings of the 'SUPERManagement' project, there are some issues with teleworking for managers and adaptation to teams. While more than half of respondents of the conducted survey (53%) indicate that they telework an average of 2 days per week, the survey results highlight that managers have more difficulty than their employees in using their telework days. They also tend to adapt to the telework days of their teams and spend more time in the office to see all the team members, who are not all performing work on-site on the same days.³⁸

Hybrid and teleworking practices (combined with flexible working time arrangements) are widespread in French companies. Regarding the drivers, barriers, and consequences of the introduction of short-time and

³⁸ See CFE-CGC, 'SUPERManagement studies on the impacts of teleworking and the related managerial issues', (2024), p. 7

<https://www.cfecgc.org/publications/nos-guides/supermanagement>

flexible Working (including telework/remote work) arrangements, the interviewee 1 mentioned that this expansion of remote work (also in its hybrid format) has to do with the COVID-19 pandemic. The health emergency led to the adoption of public health emergency measures by many EU member state governments, including lockdown. As this confinement measure entered into force, a large proportion of the workforce was instructed to stay home and continue to work remotely. As a result of the COVID-19 crisis, telework became the new reality for many employees in France (and in many other countries).³⁹ Therefore, the expansion of telework during the pandemic is, according to the interviewee, the major factor that led to a change of mentality of the employee. Especially high-skilled workers demand flexible working arrangements which often includes remote work (often partially). As there is a shortage of this kind of workers in strategic sectors, employers are reorganising the production and providing more opportunities for remote work, in part to avoid recruitment difficulties. Therefore, the ideational motivation of social partners to arguing and bargaining for flexible working time arrangements has clearly been affected by the experience of telework during the lockdown due to the pandemic. The employees have experienced the advantages and flexibility of remote working and hybrid work and are reluctant to change to full presential onsite work at the office. Companies and managers need to deal with these demands while preserving efficiency and productivity.

In the 'SUPERManagement' project several agreements regarding telework and remote work signed at various levels, company, sector or national were analysed. The interviewee 1 mentioned that there have been interesting agreements signed at company level, for example in the banking sector. Also relevant for the recommendations extracted on how

³⁹ Muñoz Ruiz, A., & Ramos Martín, N. (2021). Health and safety at work in COVID-19 times (BLOG). Web publication or website, EuSocialCit. <https://www.eusocialcit.eu/2643-2/>

to integrate telework in current company policies and properly address the risks associated with remote work are the provisions of the 2020 cross-sectoral agreement on digitalisation at work and the telework cross-sectoral agreement of 2005. There is also an European framework agreement on the subject.

For companies the main drivers for the introduction of short-time and flexible working (including telework/remote work arrangements) are the need to be competitive, to attract high skilled workers, to promote conciliation of work and family life and to ensure health and safety at work, including compliance with the right to disconnect. Of course, there are challenges and barriers connected with the risks associated with telework regarding costs, control of safety and health requirements when working remotely, the risks of isolation and of a decrease in creativity of the work-team. That is why the 'SUPERManagement' project was developed by the CFE-CGC, in cooperation with the ANACT; to properly evaluate the consequences of implementing telework and remote work practices and to offer practical solutions for managers to those challenges. A main aim is to help trade union representatives to negotiate telework/hybrid work policies in their company agreements and integrate telework well in the overall organisation of work.

Regarding the strategies of bargaining partners to negotiate short-time and flexible work practices (telework and remote work in particular). For the CFE-CGC, the results of the conducted project are that they should focus their work on the following challenges:

- Putting people at the centre: the CFE-CGC maintains its priority of "people first," highlighting health and sustainability values.
- Management and organizational transformation: the role of the manager is becoming crucial in this new professional landscape. Their financial, industrial or human resources decisions shape the world in which we live. It is important that they are trained, supported and inspired by

leaders with a clear vision. Clear guidelines on how to deal with remote work-related issues is a crucial part of their professional development.

- Social dialogue: in the face of rapid transformations, the need for mutual trust and adapted solutions serving collective well-being becomes essential.⁴⁰

Concerning the last point, a relevant finding of the survey of the 'SUPERManagement' project is that unionized managers who are members of the CFE-CGC stressed the advantage of unionism as a genuine way of acting on work organizations and providing, through the strength of the collective, support and a voice specific to managers. Not only does membership in a union provide them with personal support, but it also allows them to better perform their managerial functions: access to other levels of information and broader vision of the company.⁴¹

The results of the 'SUPERManagement' study of managerial clauses in agreements and charters addressing hybrid work show interesting findings regarding the level at which these agreements are negotiated (company, sector or national), the content of those clauses, and the circumstances under which trade unions and employers agree on flexible and working arrangements such as telework.

Explicit managerial clauses are included in national interprofessional agreements. These clauses addressing managerial relations in the framework of telework appear more explicitly in recent national interprofessional agreements. As such, they have been able to inspire more decentralized agreements.

Several classic and innovative clauses on managers are found in branch, group, and company agreements. The role and means of the manager

⁴⁰ See CFE-CGC, 'SUPERManagement studies on the impacts of teleworking and the related managerial issues', (2024), p. 5., op. cit.

⁴¹ Ibid, p. 7.

to manage telework are often provided for by agreements or charters around the following themes:

- the role and power of the manager in the individual and collective management of telework;
- the relational dimension between the manager and teleworkers;
- awareness-raising and training of the manager on the working relationship in a hybrid environment.

Some agreements supplement these themes with more specific clauses addressing: management of disagreements between the manager and the employee on access to and progress of teleworking; support for managers by the human resources department; feedback from managers; integration and social cohesion; and performance and teleworking.⁴²

The role of the Human Resources/Personnel departments in order to facilitate teleworking and remote work is estimated as quite relevant in this context for a successful performance of the managerial tasks. However, there are, according to the trade union representative interviewed over this measure (interview 1), strong differences in the resources depending of the company dimension. Big firms have enough HR resources to assist managers but SMEs face more problems regarding this issue.

Experiences of employers and employees with regard to short-time and flexible working practices.

Among the main difficulties related to teleworking/remote work pointed by the 'SUPERManagement' study are the following:

When asked about the difficulties associated with teleworking, managers mainly highlight poor connection quality: (18%), a breakdown in

⁴² See CFE-CGC, 'SUPERManagement studies on the impacts of teleworking and the related managerial issues', (2024), p. 8, op. cit.

interactions with their colleagues, (14%), a feeling of surveillance and control, (14%), and a large range of working hours (12%). Overall, it appears that the implementation of collective agreements in companies on teleworking partly eliminates the difficulties, without however erasing them. Face-to-face days appear to be an effective way to maintain team cohesion, foster collective emulation and carry out managerial actions. For managers, it appears that teleworking days allow for concentration time with better management and filtering of external requests in order to dedicate themselves to substantive tasks. Nevertheless, many of them express suffering from "hyper-connection" in the context of remote working. Moreover, managers indicate that it is sometimes more complex to make oneself understood remotely, as well as to detect subtle problems: professional or personal difficulties of employees, tensions, etc.⁴³

One of the main recommendations derived from the project is the need to improve the training in hybrid management. 42% of the managers who participated in the qualitative part of the study say that they have not been sufficiently trained to lead their team in the context of remote work. That fact did not alter their trust in their employees, since

only 6% of managers report "a source of concern" about their teams working remotely. In general terms the experience with teleworking is assessed as positive, since almost half consider that teleworking makes their teams more autonomous. Unsurprisingly, the main difficulty expressed by managers is that of preserving the collective dimension of working tasks, with 40% highlighting "the lack of social cohesion" in the context of remote work.⁴⁴

Another important finding of this project is the need to improve the training in use of digital tools among employees to improve their efficient

⁴³ See CFE-CGC, 'SUPERManagement studies on the impacts of teleworking and the related managerial issues', (2024), p. 6, op. cit.

⁴⁴ Ibid.

performance in teleworking. While the rise of teleworking has required new digital tools (Teams, Zoom, document sharing, etc.) to facilitate communication, it turns out that overall companies do little to train their employees to use these tools, seeming to rely on internal mutual assistance from employees. Nevertheless, the majority of managers say they are comfortable with digital tools and proficient in using them.⁴⁵

A relevant finding of the 'SUPERManagement' project is the pronounced rejection of the flex office. Among the 34% of respondents indicating that they work in structures that have implemented flex office (absence of a designated office workplace) - an often financially driven choice to reduce the m2 of offices with a direct impact on comfort and logistics - 78% consider overall that its implementation is not suitable.⁴⁶

Among SME/VSE managers a combination of digital and managerial challenges arises concerning implementation of teleworking in their companies. The observation seems clear after the analysis: companies must continue to strengthen cyber security and promote employee well-being in the context of teleworking, by emphasizing flexibility, communication and consideration to individual needs. Regarding IT security and the home working environment, business leaders/employers acknowledge that companies have not addressed this point sufficiently and the means implemented in the companies using teleworking remain very basic or at the reflection stage.

Finally, employers recognize three major issues in the management of teleworking: governance, strategy, and relationships. They attach particular importance to improving relationships, by using approaches such as fluent communication, facilitation and conflict resolution. The employers acknowledge the need that training managers and employees is essential, with specific modules on hybrid work and IT security

⁴⁵ Ibid, p. 7.

⁴⁶ Ibid, p. 7

in a rapidly evolving digitalisation of the world of work. They seek to integrate flexibility further while being aware of the need to maintain effective performance, productivity, and cohesion within their teams.⁴⁷

2.3 Measure 2

Pilots on implementation of the four days working week in the public administration⁴⁸

In France, in the private sector a few companies, such as the computer retailer LDLC (one of the first French private companies to adopt a four-day work week for all staff in 2021), are implementing the four days working week for their employees. After the expansion of remote work in the wake of the COVID-19 pandemic, the idea of reducing not working time (regular weekly working time is 35 hours in France already) but rather the number of days over which it is performed is gaining ground in France. The public sector has also started implementing this model. In this section we pay attention to several examples of that trend focusing on the public sector pilots implemented.

One of the first tests of the four-day work week for public employees has taken place in the Metropole of Lyon. Since September 2023, the Metropole of Lyon in France is applying (for a one-year trial period) an initiative of reducing the weekly working time of public employees. Participation in the pilot on a voluntary basis was offered to around half of the employees of this local administration (5 500 of the 9 600 agents), according to the public information provided by the Metropole. However, as indicated by the representative of the CFDT representative interviewed,

⁴⁷ Ibid, p. 8.

⁴⁸ This section is partly based on: Interview 2 with trade union representative 2, Trade Union Interco.CFDT, carried out on 30.08.2024, online format.

only around 300 agents of the Metropole have joined the experiment.⁴⁹ The initiative foresaw a four-day or four and a half day working week without salary reduction. The three alternatives to the traditional five-day week foreseen by the pilot were: working four days a week, or four and a half, or alternating weekly between four and five days. The idea was to ensure that all full-time staff continue to perform work weekly for the 35 hours standard rule in France, while giving them more flexibility on the organization of the working time during the week.⁵⁰

The measure is designed as a flexible working arrangement. The main goals of this initiative were reducing absenteeism, facilitating conciliation of working and family life, and narrowing the gender gap. The scheme was introduced partly to benefit working mothers, who often take part-time positions in order to manage childcare, which had a negative impact on their income.⁵¹ According to the estimates of the human resources department of this local administration, the option of a four-day week could enable some 900 female staff to return to full-time work and full-time pay.

There was one relevant condition for the participant employees who went down to four days. They earned fewer rest days under the RTT scheme, which compensated workers with paid time-off in exchange for overtime.

Another example of the reduction of weekly working day has taken place in the region of Picardy, where employees of an URSSAF fund (the regional organization in charge of collecting social security contributions) were offered the option of the four days working week since March 2024.

⁴⁹ Interview 2 with trade union representative 2, Trade Union Interco.CFDT, carried out on 30.08.2024, online format.

⁵⁰ See, Phelan J., [French city of Lyon tests out four-day work week for public employees \(rfi.fr\)](https://www.rfi.fr/en/fr/news/france/20230910-lyon-four-day-work-week), 10/09/2023, RFI.FR.

⁵¹ See: Schittly, R., published on 11 May 2023, Le Monde, [La métropole de Lyon va tester la semaine de quatre jours pour ses agents \(lemonde.fr\)](https://www.lemonde.fr/lyon/article/2023/05/11/la-metropole-de-lyon-va-tester-la-semaine-de-quatre-jours-pour-ses-agents_6148486_1881.html)

On February 2024, the French Prime Minister Gabriel Attal announced that, from spring 2024 onwards, several Ministries will apply a pilot of four-day week for their employees. This pilot (of a year duration) aims to assess the impact of this modulation of working time, particularly with regard to the conciliation between professional and private life. A first assessment of the implementation of this model is planned for the summer of 2025 and it will be used to prepare for the “perpetuation or extension” of the experiment.

The General Directorate of Administration and Civil Service (DGAFF) explained in a note published on March 2024⁵² that the pilot will be implemented without reducing the legal working time of 1,607 hours per year. The experiment will take place both in Paris and in the “decentralized” departments of the ministries (outside the capital) of the ‘Fonction Public Etat’. The DGAFF finalized the list of services ready to test the modulation of working time in May 2024 and is planning to launch the first experiments immediately. The modulation of working time will begin “no later than September 2024 for a period of at least one year,” according to the note of the DGAFF.

In addition to the four-day week, administrations will be able to test the four-and-a-half-day week or the alternation of four- and five-day weeks. The experiment will be deployed on a voluntary basis, but civil servants who have regulatory service obligations, such as teachers, or time cycles different from the traditional five-day week, will be excluded.

The objective of this pilot is to assess how the system would allow a large number of public employees and civil servants, and in particular those who do not have access to teleworking, to benefit from a reduction in the number of days worked with on-site presence. In public services welcoming users, the opening hours will not be reduced but can

⁵² Direction générale de l'administration et de la fonction publique (DGAFF), ‘Note sur la mise en place de cette expérimentation dans la fonction publique de l'État’, of 22 March 2024.

conversely be extended due to the presence of agents over a wider daily (hourly) range, according to the information provided by the DGAFP.

Main trade unions present in the public sector, in particular the CFDT and the CGT⁵³, have expressed their reluctance to the new pilots to be implemented at the Ministries. Some of the critical issues noted by the unions are summarized below⁵⁴:

The articulation with telework remains to be defined. For the CFDT, the experiments of the 4-day week must not lead to excluding telework for agents in the civil service.⁵⁵

In order to allow for the conciliation of the four-day week with a time range not exceeding ten hours, the DGAFP note provides that "provisions may be considered such as the reduction of the number of RTT days at a fixed rate, at a level to be defined". The trade union representative of the CFDT interviewed considers highly problematic that the new working model will lead to a reduction in RTT (accumulated rest days).⁵⁶

In central administration, the CFDT indicated to the General Secretariat that it has very reservations about this method of organizing work, already tested in particular at the Caisse des Dépôts et Consignations, without much success. As mentioned by the trade union representative of Interco.CFDT (Interview 2): without a reduction in working time, a four-day week leads to an intensification of work. That shorter working time is being set at almost 9 hours (to which commuting time needs to be added) and

⁵³ Interview 2 with trade union representative 2, Trade Union Interco.CFDT, conducted on 30.08.2024, online format.

⁵⁴ See CFDT reaction to the DGAFP's note, 'Expérimentation de la semaine en 4 jours en administration centrale', 3 April 2024, at https://finances.cfdt.fr/portail/finance/centrales-ecoles/actualite/experimentation-de-la-semaine-en-4-jours-en-administration-centrale-srv2_1355272

⁵⁵ Interview 2 with trade union representative 2, Trade Union Interco.CFDT, conducted on 30.08.2024, online format.

⁵⁶ Ibid.

commuting times are often not insignificant in Ile-de-France and in the Metropole of Lyon (regions where the pilots are first implemented).

The trade union representative 2 also expresses concerns regarding the potential impact of long working days on the employees' health and on the managerial support for the employees included. In particular, attention needs to be paid to the respect of the due resting time. The representative of CFDT considers that, according to the legal services of the union, the current system applied in the context of the four-day work week pilot might lead to a reduction of rest periods and constitute a breach of French legislation and of the EU Directive 2003/88/EC on Working Time.⁵⁷

The CFDT recalled in its reaction to the DGAFP's note that these experiments must be the subject of social dialogue before they are implemented, within the framework of the consultation bodies, and should not only be the subject of an a posteriori assessment. The representative of CFDT (interviewee 2) explained that she is the person in charge of following the dossiers dealing with the reduction of the working week of civil servants for that trade union.

The abovementioned pilots have been presented by the French administration as likely to improve the quality of life at work. However, according to the CFDT, the fact that flexible working time can, in some cases, facilitate the conciliation of working and private life must not overshadow the need of any working time reduction policy to respect the applicable legislation regarding prevention of health and safety at work and working time (rest periods). According to the CFDT interviewee, the current design of the pilots does not seem to prevent health and safety risks related to the intensification of work.⁵⁸

⁵⁷ Interview 2 with trade union representative 2, Trade Union Interco.CFDT, online, 30.08.2024.

⁵⁸ Ibid.

3 IMPACT OF THE MEASURES

Regarding the general impact of the legislation on the reduction of working time in France, the 2014 report by the Commission d'Enquete of the Assemble Nationale examined the effects of the French legislation reducing working hours. It spurred significant reorganization of work groups and increased negotiations at all levels, fostering dialogue on work organization and time management.⁵⁹ The laws created around 300,000 jobs and shifted social relations, encouraging dialogue on previously taboo topics. The 35-hour week increased flexibility for some workers, with 57% experiencing more variable schedules yet maintaining predictability.⁶⁰ This shift in flexibility highlights the importance of understanding how reduced work hours can affect not only working conditions but also leisure time.⁶¹ In any case, economists consider that this extra hiring/creation of jobs (estimated at around 300,000 jobs by the statistics service of the French Ministry of Labour) is mainly attributed to the drop in contributions that accompanied the reduction in working hours.⁶² Some experts have noted that the creation of new jobs was partly due to a favourable economic situation.⁶³

However, the impact of the 35-hour rule on the working hours of most workers was uneven. Very small firms were exempted from this workweek policy, and the proportion of workers exceeding the European 48-hour

⁵⁹ Assemble Nationale, *Emploi, économie, modes de vie : réalités de la RTT* (No. 2436, 2014) p. 88

⁶⁰ Lehdorff S, 'It's a Long Way from Norms to Normality' (2014) 67 ILR Review 838 <<https://www.jstor.org/stable/24369628>> accessed 18 May 2024 p. 21

⁶¹ Lehdorff S, 'It's a Long Way from Norms to Normality' (2014) 67 ILR Review 838 <<https://www.jstor.org/stable/24369628>> accessed 18 May 2024 p. 16

⁶² Solana Gázquez, D. J., 'Jornada laboral: la evolución en Francia', *Actualidad Social Internacional*, Ministerio de Trabajo y Economía Social, N. 264 (2024), p. 5-10, op. cit.

⁶³ Dufour, C., 'Reduction of working time in France: a lone knight', in *Collective bargaining on working time: recent European experiences*, Keune M. and Galgóczi B. Eds., ETUI-REHS, Brussels, (2006), p. 99.

limit for weekly working hours continuously increased.⁶⁴ Various sectors such as healthcare, retail and many more were affected by the policy. Adaptation to the new regulations was complex and diverse workforce compositions had encountered challenges while maintaining operational efficiency. The annual calculation of hours and flexibility in the organisation of work had different effects at the two extremes of the working population. Managers and the liberal professions continued to work much longer hours and transformed the 35-hour workday into 10 extra days of holiday, a tangible improvement. At the other extreme, in less qualified positions or without managerial responsibilities, the effects were less tangible.⁶⁵ In general terms, some experts estimates that the greater flexibility of working time in exchange for pay moderation has been broadly endorsed by the French society.⁶⁶

The available studies seem to agree that legislation establishing a reduction in the maximum weekly working time, in general terms, improved the quality of the reconciliation of family and work life.⁶⁷ However, in terms of impact on productivity: If we look at French labour productivity between 1975 and 2022, we cannot conclude that there was any impact in any sense of the reduction in the weekly working day in France.⁶⁸

An important factor in evaluating the impact of interventions on working time regulation is the gender factor. This is also required by the provision on the principle of gender mainstreaming included in Article 8 of the

⁶⁴ Lehndorff S, 'It's a Long Way from Norms to Normality' (2014) 67 ILR Review 838 <<https://www.jstor.org/stable/24369628>> accessed 18 May 2024 p. 21

⁶⁵ Solana Gázquez, D. J., 'Jornada laboral: la evolución en Francia', Actualidad Social Internacional, Ministerio de Trabajo y Economía Social, N. 264 (2024), p. 5-10, op. cit.

⁶⁶ Dufour, C., 'Reduction of working time in France: a lone knight', in Collective bargaining on working time: recent European experiences, Keune M. and Galgóczi B. Eds., ETUI-REHS (2006), p. 105.

⁶⁷ Solana Gázquez, D. J., 'Jornada laboral: la evolución en Francia', Actualidad Social Internacional, Ministerio de Trabajo y Economía Social, N. 264 (2024), p. 5-10, op. cit.

⁶⁸ Ibid.

Treaty on the Functioning of the EU. While a measure such as the 35-hour norm can have a potential positive impact on women's employment as it facilitates the conciliation of working and family life, other measures such as the 2014 reform establishing a minimum legal working time of 24 hours per week for newly created jobs⁶⁹ (with some exceptions), might have had a negative impact on women's employment. Despite the fact that this measure was seen by policy makers as a way to increase hours worked by women and hence to reduce the gender gap in earnings, a study published in 2022, provides evidence on how the labour market adjust to such a restriction on low-hour jobs and can affect women's employment. The reform introducing a minimum workweek of 24 hours in France in 2014, affected 15% of jobs. According to the findings of the study, the law had a stronger negative impact on women, with the number of women employed decreasing by 1.26% after its introduction. Women were more affected by the minimum workweek's with a direct negative impact and benefited less from reallocation, leading to an increase in gender inequality.⁷⁰ While the welfare of unemployed workers increased, it remained lower than that of employed individuals. The average welfare of women decreased by 0,2%, contributing to a widening gender gap in average welfare.⁷¹

It is important to note that the Aubry laws were experimental in nature, allowing for lessons learned from the initial phase of working time reduction to inform the development of subsequent laws. The phased implementation of the laws, with different deadlines for larger and smaller

⁶⁹ The 24h-rule was part of a package of labour market reforms: Loi S'ecurisation de l'Emploi, 2013, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000027546648/>

⁷⁰ Carry, P., The Effects of the Legal Minimum Working Time on Workers, Firms and the Labor Market (2022) ≤ https://drive.google.com/file/d/1xz-Merk11pnNxaCWmJ_XfkjSo8YubQj0/view?pli=1 accessed 18 May 2024

⁷¹ Carry, P. The Effects of the Legal Minimum Working Time on Workers, Firms and the Labor Market (2022) ≤ https://drive.google.com/file/d/1xz-Merk11pnNxaCWmJ_XfkjSo8YubQj0/view?pli=1 accessed 18 May 2024, op. cit.

firms created a natural variation in treatment. As well as that the laws were designed to test the hypothesis that reducing working hours would increase employment, by setting specific targets and observing outcomes. The government closely monitored and documented the implementation and outcomes, allowing researchers to evaluate the impact of the laws.⁷²

3.1 Impact measure 1:

The 'SUPERmanagement' project provides valuable documentary resources on teleworking and hybrid work, and recommendations on how to deal with innovative working arrangements for future company agreements. This measure has made available to any company's collective. The project studied includes the specificities of SMEs, and recommendations integrating the specific issues of management and working conditions. The provided recommendations regarding telework, hybrid work, and the effective application in practice of the right to disconnect are put into perspective with the subject of working conditions, health and the new demands for meaning at work that everyone is now asking for at company level, especially after the COVID-19 post-pandemic period.

The interviewee 1 for this measure highlighted that the pandemic has had a strong impact in the demand of telework and hybrid work arrangements and that the recommendations provided by the study are useful to provide answers to the desire for more flexible telework arrangements demanded by employees (who often consider teleworking as an acquired right) and the demands to return to the office by some employers. The recommendation tries to reconcile the growing demands

⁷² Meheru, A., Added Worker Effect Revisited: The 'Aubry's Law' in France as a Natural Experiment (2016) Vol. 8 Review of European Studies.

for remote work with the needs of enhancing productivity, creativity, team-work and respect of diversity and singularity of the workforce.

3.2 Impact measure 2:

The pilots on the four-day week in the Metropole of Lyon and in the Departments of Ministries in the Paris region could be expanded after the first one-year trial period if they prove successful. Concerning the first joint assessment of the measures by the administration and the representative unions, in the case of the Metropole of Lyon, the conclusions of the '*bilan*' are ready. The representative of the CFDT interviewed considered that the results of the pilot are not sufficiently satisfactory from the union's point of view. In particular, concerns about the elimination of several RTT days for the participants in the pilot and the intensification of work were mentioned as major problems.⁷³ The joint assessment of the pilot implemented in the Ministries of the Paris region will take place in 2025, after the trial period has expired. Therefore, for that second case, it is too early to draw conclusions on the effective implementation and the impact of the measures on the health at work and work-life balance of the participating public employees in the Paris region.

Previously, other public bodies have offered this possibility of working four days on a smaller scale, including the national pension fund CNAV, but the uptake was limited in that case, with some employees fearing that working for longer hours four days a week could lead to an exhausting intensification of work.⁷⁴

⁷³ Interview 2 with trade union representative 2, Trade Union Interco.CFDT, online, 30.08.2024.

⁷⁴ See Scheffer, N., 'Le secteur public expérimente timidement la semaine de quatre jours', published on 12 April 2023, Le Monde, [Le secteur public expérimente timidement la semaine de quatre jours \(lemonde.fr\)](https://www.lemonde.fr/le-secteur-public-experimente-timidement-la-semaine-de-quatre-jours)

Even when some company executives consider that this way of working is the future of work because it can reduce burnout, stress, sick days and turnover, without cutting on wages,⁷⁵ trade unions are more cautious with this kind of pilots, especially in the public sector. They argue that condensing the same number of hours into fewer days, like at the Metropole of Lyon, could be counterproductive and hazardous for the safety and health at work of the employees, as the prominent unions CGT and CFTD put it. Therefore, both unions are proposing a further reduction in working time to a 32-hours working week in combination with the four days working week scheme.⁷⁶

4 GENERAL EVALUATION AND CONCLUSIONS

In exploring the best innovative and flexible working time arrangements within French legislation and workplaces, distinct patterns and regulatory frameworks emerge, shaped by cultural norms, legal provisions, industrial relations, and employee representation. France is anchored in the 35-hour workweek, supported by legal rights such as the right to disconnect and 'forfait jours'. This EU country has been pioneer in the commitment to balancing professional and personal lives, albeit through different mechanisms such as the 35-hour workweek and the explicit recognition of the right to disconnect.

The French legislation, notably the 35-hour workweek, establishes a robust structure for regulating working hours, overtime, and rest period. The 35-hour workweek created job opportunities, reduced work-related stress, and increased employee leisure time. Though, the law adaption process

⁷⁵ See: [Semaine de quatre jours : « On travaille mieux, c'est l'avenir », assure le patron de LDLC \(sudouest.fr\)](#)

⁷⁶ See the position of CGT and their proposals: [Semaine des 4 jours : une fausse bonne idée ? | CGT](#) and interview 2 with trade union representative 2, Trade Union Interco.CFTD, online, 30.08.2024.

was complex, leading to operational challenges for diverse workforces. In addition, the policy had a stronger negative effect on women, resulting in a 1,26% decrease in female employment.

Regarding working time arrangements France could be qualified as a “cooperative model” which promote engagement in tripartite dialogue but places greater emphasis on sectoral agreements and the role of works council and trade unions in shaping working time arrangements. Collective bargaining plays a crucial role in shaping working time regulation. In France, collective bargaining modifies and complements statutory working time regulations, facilitating company-level agreements that address the unique requirements of individual workplaces. However, this is not the case for the civil servants (*Fonction Publique*) in France, as pointed out by interviewee 2.⁷⁷

In summary, France exemplifies an innovative approach to flexible working time arrangements through distinct yet effective approaches. The legal framework and the collective bargaining system aim to ensure that working time policies are responsive to the needs of employees and employers. The impact of these legal provisions underscores the importance of flexible and well-regulated working time arrangements in fostering healthy, satisfied, and productive workforces.

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