

**ILO survey on
measures to seek Strategic Training Partnerships
between enterprises and the State**

Case study

**Collective bargaining trends in France -
description and comparison with the Netherlands
and Nordic countries**

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Summary

The present survey relates to the current collective bargaining trends in enterprises with respect to vocational training, and an initial comparative analysis is made of the trends observed in the Netherlands, Denmark and Norway.

This report includes some of the analyses made by the FORCE Committee of the European Community, which have been updated on the basis of observation of collective bargaining in the 1991-1994 period. The comparison with several Nordic countries (the Netherlands, Denmark and Norway) is based on contributions from university experts.

I. In France

! Collective bargaining plays a decisive role in the French system of continuing vocational training and has led to the joint management of social institutions dedicated to training as well as to the establishment of information and consultation prerogatives which are granted by law to the elected employee representatives in the enterprise.

The social partners enjoy absolute autonomy in decision-making since they are involved in the collective bargaining process for which the law provides a framework. However, their intervention is closely linked to that of the State, training providers, and firms. The decisions which each of these operators make and the action they take within their respective fields of autonomy interact to a large extent. This interaction has in fact been methodically researched and organised by the French legislator so that the French further education system has acquired an original aspect in the European landscape.

! Investment in the vocational training field through the collective bargaining initiative is a relatively recent phenomenon in France; it began to take shape significantly only twenty years ago in the growing awareness of the social partners and in the firm support of the public authorities, which took appropriate incentive measures. It is, moreover, an evolutive process which has not yet reached its limits and in which major issues are at stake.

The respective roles of the State and the social partners thus tend to shift depending on the circumstances, the current trend being to give precedence to the social partners, who enjoy firm State support. The various levels of negotiation are also likely to develop; sectoral bargaining has developed over the past 5 years, whereas bargaining at the company level has remained relatively marginal. As regards the subject-matter of negotiations, initial vocational training is not included in the scope of the negotiations, whereas on-the-job training for employees, vocational training for job-seekers and apprenticeship are widely covered.

The issues at stake are many and varied and of considerable magnitude. Collective bargaining covers the organisation of the right to access to vocational training for employees, the collection and distribution of the funds available and the way in which they are managed, the validation of the knowledge and skills acquired through training and consideration of those skills in the classification and qualification systems, the monitoring of the providing of training, etc.

! Given the systematic basis on which vocational training is organised in France, we shall present social partner intervention in the vocational training field first of all through collective bargaining technique and then through other techniques such as joint management and concerted consultation between employers and the elected employee representatives.

! It is our opinion that the issues which will be at stake in the collective bargaining field in the years that lie ahead will revolve around four subjects: maintaining the role of the State, developing the articulation of initial and in-service training, developing continuing education throughout working life and developing training in small enterprises.

II. Points of comparison with the Netherlands, Denmark and Norway

! The situation presents a marked contrast. Interaction between the law and collective bargaining, whether at inter-trade or sectoral level, is most developed in France. The role of the public authorities seems to involve less innovation and more incentives in the Netherlands, where vocational training is developed and managed mainly through very active sectoral bargaining. In Denmark, a tripartite national approach in this field has not encouraged the development of collective bargaining. And in Norway, since the social partners have failed to reach agreement on collective bargaining on vocational training the State may have to step up its action, which, although criticised for being costly and ineffective, is still the only national initiative in the field.

! And the results obtained obviously reflect this diversity. It is only in France that workers have a legal right to vocational training in addition to the obligation for employers to make a minimal contribution, although the development of stipulations of that nature in contract law in the Netherlands points to imminent legislation to that effect. The possibilities of convergence between the two countries are enhanced by the existence of mechanisms for the joint management of training funds and imminent legislation on the obligation for firms to inform and consult the elected employee representatives on vocational training. In Norway and Denmark the major role played by the State as the principal source of funds for vocational training seems to stem from a long Welfare State tradition; the moves to call that Welfare State in question could soon give way to the development of collective bargaining.

! The comparative analysis in the present report will be structured first around the role of the State and collective bargaining and subsequently around the levels of negotiation and the funding of vocational training.

Collective bargaining in France in the field of continuing vocational training: the legal framework and principal results achieved

Chapter 1

The legal framework for the bargaining process

Our purpose in this chapter is not to recount the legal panorama defining obligations concerning collective bargaining on vocational training but merely to point to the main elements of that framework.

The legal framework for collective bargaining on vocational training is constituted by the general legal provisions pertaining to collective bargaining in the Employment Code, by the specific provisions relating to vocational training and, to a much lesser extent, by the provisions governing employment.

I. General law

The right of employees to negotiate training is presented in the Employment Code as an integral part of their general employment and working conditions and of their social guarantees.

On-the-job training is one of the mandatory clauses in the agreements which can be declared to be of general application, and the Employment Code specifies the mandatory provisions on the subject: the ways in which apprenticeship and continuing training are to be organised, equality between men and women, factors serving to determine job classifications and levels of skill.

The collective agreements on employment can also make provision for training schemes with a view to helping employees to adjust to developments in the firm.

II. The role of bargaining in Title IX of the Employment Code, which is devoted to further training

The core of the operative provisions is that the organisations which are bound by a sectoral agreement are required to meet at least once every five years to negotiate vocational training. The Employment Code specifies in particular the points to which the bargaining must relate: the nature of training schemes and their order of priority, the recognition of the qualifications obtained, the means granted to shop stewards and works councils, the ways in which firms apply the provisions of sectoral agreements, etc..

The Employment Code also contains provisions relating to collective bargaining which illustrate how closely the legal and agreed sources of the right to training are linked: this applies to the bodies which collect the training funds and which must be set up through collective agreements and also to the provisions relating to individual educational leave, which only apply when no rules have been negotiated.

Chapter 2

The levels of bargaining on vocational training

I. The national inter-trade level

! The statutes establishing the vocational training system in France are the result of the Grenelle agreements: the inter-trade agreement of 9 July 1970. For the first time, these texts, which were taken up and supplemented by the law of 16 July 1971, granted all employees the right to training, enabling workers to leave the workplace during working hours to attend training courses with continued payment of their wages under certain conditions. The second new measure concerned the role of the works council in the negotiations necessary to the implementation of further training and the powers of the joint employment committees. The major addition of the 1971 law was the obligation for employers to participate in the financing of continuing vocational training, i.e. the requirement that firms with more than ten employees devote a certain percentage of their annual payroll to the training of their employees. (This percentage was set at 0.8% for 1972 and is now 1.5%; furthermore, the obligation has been extended more recently to firms with less than ten employees, although at a lower rate: 0.27%.). The law of July 1971 was incorporated into the Employment Code, thus constituting the basic framework for the French system of continuing vocational training.

! In the period from 1970 to 1990 seven amendments or protocols added to the basic text, culminating in the new agreement of 3 July 1991. This agreement, which was negotiated on the occasion of the twentieth anniversary of the conclusion of the inter-trade agreement of 9 July 1970, remodelled and updated all of the texts issued since 1971. It was replaced by the law of 31 December 1991.

In the course of the past twenty years far-reaching changes have come about in individual educational leave, alternating training has found its place in the scope of collective bargaining, the advantage of the joint management of vocational training has been recognised, and its field of application has been extended. Impulse has definitely been given to sectoral bargaining and the rules governing social dialogue at the company level pertaining to training have been laid down in specific terms. The information, consultation and assistance prerogatives of the elected representatives of employees - works councils and staff representatives - have been strengthened, but this has been brought about without prejudice to the management autonomy of company managers.

! In the more recent period from 1992 to 1994, 8 inter-trade agreements or supplementary agreements were concluded, the main one being that of 5 July 1994, which reorganised the system for collecting training funds and laid down the rules and arrangements for training time capital (agreement resulting from the 5-year law on labour, employment and vocational training).

! Inter-trade bargaining on continuing vocational training takes place exclusively at the national level, but there are instances where negotiation is extended to the regional inter-trade level, where it is carried out in joint regional inter-trade employment committees (commissions paritaires interprofessionnelles régionales d'emploi - COPIRE). These bodies are social partner committees which focus on regional employment and training problems and problems of dialogue with the

regional public authorities.

The territorial scope of the agreement is national. Its occupational scope is defined by the contracting parties. Consequently, all of the enterprises which are affiliated to one of the employer organisations belonging to the CNPF or the CGPME fall within the occupational field of application of the agreement, except for those which expressly requested to be excluded when the agreement was being signed - which was the case when the agreement was concluded in 1971.

The agreement of 3 July 1991, which initially only covered all of the enterprises belonging to the CNPF, CGPME and UPA, has been the subject of the general application procedure for which provision is made in the Employment Code, so that enterprises which do not belong to the signatory employer organisations but which fall within its field of application are also subject to the agreement.

The real instance of general application, and that which constitutes one of the original aspects of the system of continuing training in France, is actually the fact that the legislator has taken over the essentials of the results of social partner negotiations at the national inter-trade level since 1970. And by incorporating those results into a law of general application the legislator settled the question of the occupational application of the agreement at the same time. The only exception to this rule, and one which is probably temporary, is the part of the agreement of 5 July 1994 which related to training time capital.

II. The sectoral level

! The extent of sectoral bargaining per se in the vocational training field was insignificant until the early 1980s. Legal or inter-trade standards already in effect and simply reproduced or declarations of intent formed the common basis of the agreements negotiated in the branches of industry falling within the field of application of the inter-trade agreement.

However, the social partners were not totally inactive at this level. Their activities took place within the national joint employment committees (commissions paritaires nationales de l'emploi - CPNE) which the inter-trade agreement had authorised to approve training courses which were recognised to be useful for the trade and the persons employed in it, and also within training insurance funds.

Furthermore, certain sectoral agreements relating to classifications or employment policy contain provisions relating to training.

! In 1984 the legislator undertook to relaunch sectoral negotiations through a legislative incentive encouraging negotiation in the education field.

The social partners were required to open negotiations in the sector within 12 months of the promulgation of the law. Where no such initiative was taken, enterprises in branches of industry which were not covered by an agreement were obliged to negotiate. The law set out a non-exhaustive list of subjects to be covered in the negotiations.

The effect of this incentive was to trigger a bargaining movement in practically all sectors. However, although the social partners thus familiarised themselves with this new bargaining field, the qualitative results were still modest at the end of the 1980s.

! By the end of 1985, 65 agreements had been concluded pursuant to the 1984 law. The general application procedure was launched for 31 of these agreements; most economic sectors were concerned.

All in all, the subject matter of the negotiations remained at a level of fairly broad generalisation. This was true with regard to the type of training schemes agreed and their order of priority. Frequent reference was made in this field to the CPNEs.

There were also general provisions for the recognition of the knowledge and skills acquired, the issuing of certificates to trainees who had passed a knowledge test and thus enjoyed priority for any promotion opportunity. However, this priority did not constitute a right to promotion in any of the agreements. In this respect, the results of the negotiations opened within the framework of the Rigout Act of February 1984 were mixed. Apart from several incentive mechanisms in the form of bonuses, index points or priority points in the event of a vacancy which corresponded with the newly acquired skills, the non-automatic consideration of the skills acquired in further training remained the rule in collective agreements.

Several agreements on the other hand granted employee representatives and in particular the members of the education committees of works councils time-off rights where the time spent attending training was paid as working time.

As regards the integration of young workers, all of the agreements described sandwich course schemes and the arrangements for implementing them. The role of coaching is underlined to a large extent. The agreements generally designated the body which was to collect the amounts due as the apprenticeship and further training levy.

! Since the bargaining process was not as intense in the period from 1986 to 1991 as it had been in 1985, the number of agreements concluded in that period ranged from 18 to 37.

! The new upsurge in the number of sectoral agreements concluded on vocational training from 1992 onwards testifies to the impetus given by the inter-trade agreements in this field (July 1991 and July 1994) and the law, since they established a mandatory mechanism which was imposed on sectoral negotiations.

Moreover, the shift in wage negotiations, which reflects the economic cycle, has accentuated the trend in the subjects negotiated towards non-wage bargaining. Non-wage bargaining amounted to

48% of all sectoral bargaining in 1994, and vocational training has been the main topic of non-wage bargaining since 1993.

Number of agreements negotiated at the sectoral level

	1991	1992	1993	1994
all subjects together	970	920	915	934
vocational training	25	49	107	169
%	2.6	5.3	11.7	18.1

Source : Bilans de la négociation collective 1992-1993-1994

The essential topics have been funding (over half of the subjects discussed), measures to strengthen the attributions and means of the joint institutions (the CPNEs), the implementation and adjustment of measures for integrating young people (sandwich courses and apprenticeships), and, more recently, the implementation of training time capital . Measures have been taken in most sectors over this period to streamline the network for collecting training funds (reduction of the number of bodies, rationalisation of their attributions), to implement fund collection in enterprises with less than ten employees, to extend the prerogatives of the CPNEs regarding studies (consultation on the conclusion of prospective survey contracts and of commitments concerning the development of training), the backing for training schemes (elaboration of qualifications) and the rules and arrangements for implementing sandwich course and apprenticeship contracts.

In most cases the sectoral agreements repeat the agreements concluded at the inter-trade level and the enacting clauses of laws, although some more favourable adjustments have been made in certain branches. Negotiation has been maintained, to a lesser extent, on the validation of the knowledge and skills acquired, and there is still considerable caution as to the recognition of those skills.

III. The company level

Most enterprises have gradually progressed in their conception of further training in the last twenty years. Formerly such training was often regarded as unnecessary, and indeed lavish, expenditure but it has now become a necessary investment.

! Vocational training is not a subject on which there is an obligation to negotiate at the company or establishment level. In enterprises where there is social dialogue on training that dialogue takes place through the works council, to which the law has granted information and consultation powers.

! According to the collective bargaining reports of the Ministry of Labour, the collective agreements on vocational training negotiated at the company level represent less than 2% of all company agreements, taking all fields together (wages, working time, etc.).

	1987	1988	1989	1990	1991	1992	1993	1994
all subjects together	6484	5085	5793	6496	5750	6370	6122	7450
vocational training	97	56	88	131	139	133	135	171
%	1.5	1.1	1.5	2.0	2.1	2.1	2.2	2.5

Source: Bilans de la négociation collective 1992-1993-1994

The number of agreements negotiated on the subject of vocational training has always been lower than the number negotiated on classification and employment. Thus, in 1993, of a selection of 251 company agreements relating to classifications, vocational training and employment 28.2% of the total number of agreements concluded related to vocational training (as against 55.7% relating to classifications and 45.8% relating to employment).

Combined agreements, i.e. those which combine at least two subjects of negotiation, amount to 86% of training agreements.

It is mainly large enterprises which negotiate on this subject, whether combined with the subjects of classification and employment or not; 3/4 of the agreements are negotiated in enterprises with more than 200 employees, and over half of them in enterprises with more than 500 employees. Bargaining remains marginal in enterprises with less than 5 employees (less than 5%).

Agreements on vocational training often refer to sectoral agreements (1/3 of the agreements concluded in 1993).

These observations, made in 1993, also apply, with several variations, to the recent 1990-1994 period and constitute the main trends.

Four main topics were the subject of negotiations in the 1990-1994 period.

! Training is an instrument of the labour management policy of the enterprise. The agreements expressing that policy relate to all of the aspects of training as a whole (training plan, individual educational leave, personal initiative, etc.) and often link training, employment and career or grading prospects.

The construction of occupational statuses, the vehicle of change in the enterprise, requires the anticipation of the skills necessary for the future appointment of individuals to posts which are evolving.

More than half of the agreements make reference to these objectives, proposing actions which organise career paths - organisation of the progress of careers or of training itineraries - or institute action connected with building up proficiency - training to upgrade or enhance proficiency.

Job-adjustment measures also play an important role; these measures involve the implementation of selective action or action in response to the economic cycle within the enterprise promoting adjustment to technological and economic changes.

The measures connected with the implementation of employment policies and the management of surplus labour constitute an important group of company agreements relating to training (in 1994 in particular, when the organisation of training measures connected with employment policy - establishment of progressive early retirement agreements including training measures and considerable recourse to coaching - resulted in a tremendous increase in the number of instances of company negotiations on training).

A large proportion of the agreements organised the integration of new recruits or persons who have been redeployed in new jobs.

! A further feature of bargaining at the company level is the marked individualisation of the rules governing access to training and how it is to be organised. More than 50% of the agreements define the rules for individualising access to training in terms of coaching, individual interviews or skills assessment (although to a lesser extent).

! The validation of the skills and knowledge acquired is still a lesser feature of negotiations (15% to 30% of agreements, depending on the year); reference is made to certification in terms of the *diplôme d'Education Nationale* or of approved qualifications. New forms of validation have come into being since 1991, however, such as trade skill certificates or even skills portfolios.

One-third of enterprises organise recognition of training in terms of direct access to a job or in the form of wage recognition (bonuses or points which count in the scale of coefficients).

! The involvement of the social partners - through the works council or its training committee - is of significant importance in 1/3 of the agreements. It is marked by a highly structured bargaining process: clauses on the arrangement of appointments or establishment of a schedule of meetings. The forms of social partner intervention in the various stages of negotiation (elaboration of the agreement, implementation of the provisions, follow-up and remedy in the event of dispute) strengthen the role of the works council or its training committee. Works council action can be extended through the frequent intervention of its members in the context of the elaboration of the training programme of the enterprise.

Chapter 3

Joint management

I. Definition

Joint management must be understood to mean the system of management through which employees trade union organisations and employer organisations decide to manage a social guarantee jointly - in this case, continuing training.

In its simplest form, joint management means that the management organs of the bodies concerned are composed on a basis of parity. The employer college and the trade union college comprise an equal number of representatives and have equal power; the chairmanship of the management board alternates. These joint bodies are generally the result of a common intention, which itself has been established on a basis of parity (collective agreement).

Although the pluralism of the French trade union organisations lends the parity principle a distinctive appearance, it has not prevented recourse to this form of management for various social guarantees such as unemployment insurance or the supplementary pension scheme. These two reference models have undoubtedly influenced the construction of the parity setup in the field of training.

Joint management reflects the power issues between employer and trade union organisations. In the field of training, these issues concern the objectives of training which are to be given precedence and are thus to be financed, the extent to which the interests of enterprise and those of employees are taken into account, the choice of (public or private) training providers, the principle of and rules for the recognition of the knowledge and skills acquired in training (certificates, diplomas, various forms of accreditation...).

The employers consider that joint management of training must be confined to carefully delimited areas. For the autonomy of the management authority of the company manager must not be affected by the parity principle if applied to training. This position of principle explains the fact that employers refuse to accept the general introduction of training insurance funds, and the legislator had to take the initiative - an exceptional occurrence - in the 5-year law of 1993 to obtain the general application of the parity principle by requiring that the management bodies be rationalised; it also explains their rejection of interference by the joint structures in corporate training policy.

Although the employees trade union organisations are themselves divided over how this mode of management is to be used, they are at all events against its application in enterprises in the form of co-determination in the training field.

Joint management can also be an issue common to the social partners, who can find themselves united for the occasion vis-à-vis the public authorities, in particular on measures to protect the autonomy of the parity structure vis-à-vis the State. This has been illustrated by the establishment of the COPACIF and the FONGECIFs.

II. The OPCAs

As the result of the expiry of the validity of the approval issued to the bodies collecting the funds for vocational training on 31.12.1995, which had been laid down by Article 74 of the 1993 5-year law, the mechanisms for collecting the funds were rationalised and the number of collecting bodies was streamlined.

This prospect led the social partners :

- to lay down the principles for creating new bodies (OPCAs - Organismes Paritaires de Collecte Agréés - approved joint collecting bodies), which were intended to replace the ASFOs (associations pour la formation - training associations, which were not structured on a basis of parity), the OMAs (organismes mutualisateurs - mutualising bodies) and the FAFs (fonds d assurance formation - training insurance funds). These bodies, which are responsible for collecting the funds devoted by enterprises to alternating training as well as the funds allocated to the training programme, were set up through agreements concluded between the representative trade union and employer organisations in the field of application concerned.

- to define the principles concerning management and control methods. The political guidelines and control of the management of the OPCAs are at all events determined jointly. The responsibility for implementing the management of the funds, on the other hand, is determined by agreements, which are concluded branch by branch. This responsibility can either be assumed jointly or delegated to an employer organisation.

Chapter 4

Concerted consultation within the enterprise

I. Concerted consultation and negotiation

Since the decree of 22 February 1945 instituting works councils, vocational training has been part of their field of competence, whether in the context of managing company benefit schemes, of which company apprenticeship and vocational training centres form a part, or in the context of the consultation attributions of works councils. As regards the consultation attributions, which are by far the most important, the decree of 22 February 1945, which was amended by the law of June 1966, stipulated that, It shall be mandatory to consult the works council on general problems relating to vocational training and further vocational training as well as to the adapting of that training to employment in view of developing technologies.

This fundamental provision of works council legislation relating to vocational training is echoed in the preamble to the inter-trade agreement of July 1970. The law of July 1971 and the decrees issued for its application laid down the content of the agreement in specific terms.

As continuing training gradually gained significance in the concerns of both company managers and employees in the course of the 1970s , the question of extending the attributions of works councils in this field was raised several times. The unique management authority of company managers was

always maintained, the powers of works councils in the training field remaining advisory in nature. However, the procedure, subject matter and effects of consultation were regularly refined.

One feature of positive law is the very elaborate procedure for informing and consulting works councils, the cornerstone of which is formed by the Employment Code.

II. Positive Law

It is mandatory to consult the works council every year on the guidelines for in-house vocational training in accordance with the prospects and development of employment, investments and technologies in the enterprise. Furthermore, the council gives its opinion every year on how the company programme for training personnel has been carried out the previous year and on the draft programme for the forthcoming year. This consultation shall be conducted in the course of two specific meetings.

The draft programme must take account of the guidelines for in-house vocational training in which the works council has been called on to deliberate, the results of negotiations with the trade union organisations and any programme for occupational equality which may have been drawn up.

The works council furthermore gives its opinion on the conditions for the induction, integration and training of young people in the enterprise, and in particular the young beneficiaries of sandwich-course integration contracts. This text makes explicit provision for the articulation of sectoral collective bargaining and works council intervention. It also stipulates that the documents which are communicated to the works council for the performance of its duties must also be forwarded to the shop stewards in the enterprise.

Moreover, whenever an employer elaborates a training scheme extending over several years - which is encouraged by the July 1991 inter-trade agreement - the works council must be consulted on this scheme, which must take account of the objectives and priorities of vocational training defined in the sectoral agreement.

It must be pointed out in conclusion that in public enterprises the prerogatives of the works council are more extensive in that the training programme must be deliberated and approved by the works council and that where no such approval is obtained the training programme is submitted to the management board of the enterprise for deliberation after the supervisory body has issued an opinion.

In the latter hypothesis French law comes close to the co-determination technique.

III. The reality of the social dialogue in the enterprise

There is no doubt that in the great majority of enterprises with more than 50 employees and a works council vocational training is the subject of concerted consultation between the company manager and the elected employee representatives, although the degree of formality varies from one company to another.

This is to be explained by several structural factors.

First of all, the result of the obligation for enterprises to contribute towards the financing (1.5% of the payroll) is that it provides a concrete and regular subject for social dialogue, i.e. the budget debate: the debate on the objectives to which funds are to be allocated, the priority target groups, the training operators to be commissioned, etc. Moreover, the texts of laws and regulations state expressly what information the employer must supply to the works council with a view to provisioning the dialogue on training.

The fact that these consultation procedures are sanctioned by law increases their impact all the more. In addition to the classical penalty for the offence of impeding the operation of the works council, French law has instituted an absolutely original fiscal penalty in this context: employers who fail to respect the role of the works council are required to pay the Treasury a fine of 50% of the financial contribution they are normally required to devote to training.

Secondly, social dialogue in the enterprise is encouraged by the public authorities, which lay down its actual implementation as a precondition for their own financial contribution. This is the case in particular with the commitments to develop training

And finally, there is growing corporate awareness of the strategic importance of human resources and training as a factor which enhances the image of an enterprise. It is also those firms which practice forms of participatory management which make room for social dialogue with the employee representatives as a matter of course, and this often leads to the conclusion of company agreements on continuing training.

Conclusion

The originality of the vocational training system in France is due both to the process by which rules are created and to the content of those rules.

The creation of the rules is characterised by the constant interaction of the law and agreements. In most cases the legislator recognises the existence of a substantial body of agreed rules and imposes their general application. This is the case, for example, with the 1970 and 1991 laws. In other cases the State imposes its rules on the social partners by means of innovative clauses, such as in the 1993 law. On the whole, the State is tending more and more to encourage the social partners to engage in collective bargaining.

There are four main features which emerge in the content of the French system: the existence of a legal right to vocational training for all employees, the obligation for employers to participate in the financing of such training, the joint management of training funds, and the requirement for the elected representatives of the employees of the enterprise to be consulted.

It is this dual source of rights - the law and collective agreements - and the significance of the parity principle in management which create a sound and structured vocational training system in France.

The future of the regulation of vocational training in France raises two types of question.

The first type of question relates to the responses of the State and the social partners to the pressures which the macroeconomic environment of international competition is exerting on enterprises: development of participatory bodies with a view to providing training throughout working life, or the adoption of more or less flexible Taylorism, in which vocational training focuses on the acquiring of selective job-specific knowledge.

The others concern the respective roles of the State and the social partners in the creation of the rules, with a greater or lesser extent of disinvestment of the public authorities and the development of company negotiations to a greater or lesser extent without any national or sectoral regulatory framework.

In a different connection, it is to be observed that the internal change which the French education system is undergoing is likely to strengthen the traditionally weak role of the economic and social actors with regard to technological instruction and apprenticeship. The fact that those responsible for the education system are realising the importance of strong links with the production system, the influence of decentralisation on the links amongst regional councils, trades and the education system in the vocational training field, and the recent reform of the apprenticeship system are indicators of this trend.

And finally, the lack of training measures taken by small enterprises is still sorely felt, since the obligation to contribute is seen more as an additional tax or an obligation to spend than as a real incentive to provide training. There have been numerous innovations in this field with a view to developing the reality of the right to train in small and medium-sized enterprises. Many examples can be quoted where concrete form has been given to the will of the social partners and of the State to take action to that effect, such as the priority which the State gives SMEs when granting subsidies in the context of commitments to develop training or in State support for innovative action in the sectors (e.g. measures for developing skills in the plastics industry) or the establishment of the training time capital scheme - although this scheme is still in its infancy.

Comparative remarks on the situation in France, the Netherlands and the Nordic countries regarding vocational training objectives and strategies

All governments consider vocational training to be a priority, as do the social partners. Taken as a whole, the trade unions want to be involved to a greater extent at all levels, whereas employers consider in-house vocational training to be one of the prerogatives of management. However, approaches differ from one country to another, and we have grouped these in several chapters.

Chapter 1 The role of the State and of collective bargaining

Unlike the situation in France, there is no general right, or even any obligation, to negotiate in the Netherlands, Denmark or Norway.

I. The Netherlands

! In the Netherlands it is considered that vocational training is essentially the responsibility of the employer and employee organisations. The role of the public authorities merely complements that of the social partners - they provide information, incentives, a legal framework (definition of rights and obligations) and financial support. This role must not, however, be underestimated.

! First of all, the State has commissioned several surveys in the past few years with a view to improving vocational training. These surveys were conducted by committees, which were chaired by former industrialists (Shell, Philips), the aim being to meet industry's need for skilled workers more satisfactorily. The main idea underlying the work of these committees was that whereas it is accepted that it is up to the State to guarantee every worker the right to good basic vocational training, it is up to enterprises to look after further vocational training. Secondly, the State has created financial incentives for employer and worker organisations to encourage them to launch vocational training schemes.

! The Dutch employer organisation, for its part, argues that vocational training is first and foremost the business of workers and employers taken individually, but it accepts collective bargaining and the joint management of investments. The law furthermore provides the possibility of general application of collective agreements. Several employers organise vocational training without trade union intervention: in the field of new technologies, for example, workers can undergo vocational training which, in most cases, is organised by the firms supplying the equipment. But in many branches of activity the social partners have concluded agreements on vocational training schemes.

II. Denmark, France and Norway

! In France and Denmark, the government and the social partners are full-fledged operators in vocational training, the public authorities thereby playing a major role. But with the vocational training system in France overall bargaining policies can be elaborated, in particular by virtue of the extension by law of the compulsory field of collective agreements. Whereas in Denmark in view of the significance of the overall tripartite approach to vocational training there has been no real need to conclude negotiations.

! In Norway, no collective agreements have been concluded between unions and employers on vocational training. The representative trade union put forward this demand very forcefully in 1994, but has not as yet been successful with the employer organisation. The demand related to the right to one year s training with pay every five years. The social partners may call on the labour government to finance expenditure. Finally, the government has just succeeded in having a bill passed by Parliament reforming secondary education and comprising measures to strengthen vocational training.

Chapter 2 Bargaining levels

In France and the Netherlands sectoral agreements constitute the major part of bargaining policy on vocational training.

I. France

Collective bargaining in France can take place at various levels (national inter-trade level, sectoral level, company level), but, with only few exceptions, negotiations at company level have little significance as regards the number of workers covered. It should be pointed out that compulsory discussions and consultations on vocational training at the company level have been supported by the imposition of a fine.

II. The Netherlands

Collective bargaining takes place essentially at the sectoral level, particularly where vocational training is concerned. Some collective agreements may include a right to training for workers. The collective agreement in the building industry, for instance, stipulates that every worker is entitled to two days of vocational training a year with pay. This training can concern new health and safety rules, for example, new working techniques, etc. Furthermore, collective agreements generally contain a clause which makes provision for a right to vocational training in the event of the introduction of new technologies, reorganisation of the enterprise, etc.

! As is the case in France, the company management is required by law to consult the works council on vocational training schemes, and the works council must approve the schemes before they are implemented.

III. Denmark

Relatively few collective agreements are concluded on vocational training in Denmark, although the number is increasing. However, the fact that no, or only very few, collective agreements have been concluded between the trade unions and employers on vocational training must not be summed up to mean that there is a general absence of joint action.

IV. Norway

There are several collective agreements which make provision for employer financing of vocational training for certain categories of executive and managerial staff (such as doctors or academics). The elected members of the representative institutions in enterprises are entitled to be paid for their days of absence for trade union training, and the members of safety and health committees are entitled by law to training in these fields. And finally, employers are required by law to organise work in such a way that employees learn and acquire occupational skills.

Chapter 3 Financing

The main distinction to be made is that of whether or not a national contribution is compulsory, having been laid down by law and based on a percentage of the payroll distributed between the employer and the worker. This is the case in France and Denmark.

I. The Netherlands

! The public authorities spend several million ECU every year on the co-financing of the sectoral vocational training schemes, provided that they are organised and co-financed jointly by the social partners. A tax for vocational training has also been laid down by sectoral agreements. However, the development of these agreements may point to imminent legislation instituting a compulsory contribution.

! In the early 1990s there were almost 25 sectors of activity where there was a joint fund for training and development which was managed jointly and part of which was used for financing vocational training. The printing trade, for example, has its own national training centre, which is financed by a payroll levy. This centre offers a wide variety of courses ranging from short training courses (from 1 to 5 days) to training leading to a qualification which can continue for more than 20 days over a period of 10 months.

! A recent survey conducted at the request of the employer organisations revealed that the sectoral funds for training and development were not spending all of their budgets, the main reason being that the decisions on these funds are taken at the sectoral level and they are also managed at that level, whereas they have to be implemented in enterprises. Many enterprises do not exercise their right to draw on these funds, and many works councils fail to call for workers' right to vocational training

to be implemented. In the building industry, for example, only one-third of the workforce makes use of the right to two days of educational leave a year with pay.

! To give an idea of volume, vocational training expenditure amounts to 1.70% of the payroll in the Netherlands and to more than 3% in France (well above what is required by law).

! II. Norway

There are a number of national schemes which have been initiated and are financed by the State in the vocational training field. The efficiency of these very costly schemes, which are generally intended for the unemployed, is often called in question.

Chapter 4 Various orientations

! In most cases the content of training is geared more to the jobs concerned and defined according to the needs of the undertaking. However, the trade unions generally consider that vocational training must also enable workers to acquire wider knowledge so that they have a stronger position on the employment market rather than make them dependent on the undertaking. Particular attention is generally devoted to unskilled workers and excluded groups. This is the case in the Netherlands in particular, where there are vocational training courses for teaching Dutch to immigrant workers.

! The employers generally regard vocational training as an investment which is subject to special taxation and consider that it should be devoted to enabling workers to master specific work tools. In Denmark, employers even consider that vocational training should be regarded as an investment for the benefit of workers, who should contribute towards it either in terms of time or through the deduction of part of their wages. The trade unions generally argue that the individual right to vocational training should apply during working hours without workers having to make any financial contribution.

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