

Precarious workers and new forms of social conflicts at the turn of the century

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The long process of stabilization of the labor force, which was gradually gained by long struggles of the labor movement in the Twentieth Century and materialized by the progressive building of the labor law and an important social legislation, was halted by a new precarization process at the end of 1970s. This process affected the way labor conflicts could occur. The segmentation of the labor market into two parts, between stable workers – those who have a stable full-time job provided by a good social welfare – and precarious workers who are put in a various cumulative situations of job insecurity, part-time jobs or temporary work, makes more complicated the emergence of unified struggles of these differentiated types of workers.

Although the concept of "precarity" – in the meaning of the French notion of "précarité" – is relatively new, the job insecurity is not, but has been a constant characteristic of the nature of wage labor since more than two centuries. The precarity of the labor market is not something new, but was revealed when the law made a major change in the status of the precarious jobs. Whereas these jobs were considered as a type of jobs outside of the labor law, they became regulated since the 1970s. In France, this was achieved by laws adopted in 1979 and 1981. As a consequence, becoming a regulated type of jobs, precarious jobs got a visibility they did not have before¹. Thus, the precarious labor appeared, became visible, paradoxically when it entered the field of the labor law, whereas the aims of the law were, among other reasons, to make disappear these unregulated forms of work. This element is the result of the long process of stabilization of the labor force, materialized in law and practice. Though, this result also opens a new development phase of precarity, an inverse movement in comparison with the one of the previous centuries, whereas the continuation of the stabilization process should

¹ Anne-Sophie Beau, *Un siècle d'emploi précaire. Patron-ne-s et salarié-e-s dans le grand commerce (XIX^e-XX^e siècle)*, Paris, Payot, 2004

have produced on the contrary a concretization of the new rules against precarious jobs in order to reduce them.

This precarization process by consequence, contributed to diminish in all the Western Europe countries the social conflictuality, unionization and possibilities of collective action. Nevertheless, it could not preclude the emergence of new forms of mobilizations in the late 1990s. These new forms of action developed by precarious workers demonstrate that they could not mobilize themselves within the framework of traditional trade-unions, but often had to create their own structures and imagine specific types of strikes.

We will show that the status of the precarious workers movements change in the period that comes from the beginning of the 1990s to the end of the years 2000-2010. The movements pass from a status of exclusion, outside of the labor conflicts, to a progressive reintegration into the more traditional framework of the labor conflicts and the old labor movement. We will use for that aim the examples of social conflicts in France and Germany, showing the similitude in these two national cases that holds to the homology of the structures of the economic production.

Unions in a hysteresis effect

In the present paper, we will show that this necessity of building new specific forms of mobilizations outside of the unions is an outcome of a hysteresis effect: the unions continue to have the same structures, demands and repertoires of collective action as if they were still in the same social and political situation of the historical acme of stabilization of the labor force in the mid-1970s.

Among all the organizations and institutions which are producing identities towards the workers, the trade-unions remain the most powerful and influent, in spite of the fact that their influence strongly deteriorated in the last decades. The forms of the contemporary unionism have been formed during the 1970s, especially in France, and match the issues of this historical period. We can present the general forms taken by unions by presenting several elements: the territorialization mode and the repertoire of collective action they use, the unionization field they define.

In the years following 1968, the French unions adopted an “industrial” principle to organize the internal structures. According to this principle, all the wage-earners of a same workplace, whatever the status of the workers may be, had to be unionized together. This principle,

coming from the Grenelle agreements negotiated at the end of the crisis of May 68, made possible the creation of a branch on each workplace. This became the dominant form of organization of the unions, and replaced progressively the old localized unions that were organizing workers in a different way of territorialization, taking into account a broader geographical area to unionize, instead of the more specific workplace of each firm.

As a consequence, the action of the unions follows the same territorialization mode, from the branch unions on the workplaces below, to the sector federations nationwide. The efficiency of such an organizational form holds to a few elements. It appears to be the best way to organize stable workers who share the same immediate interests on a unique workplace. It identifies the same opponent – the owner/the manager – in the social relationships and conflicts within the firm. It depends on a unionization field mainly composed of stable and weakly differentiated workers.

As the functioning of an organization that obeys to an *iron law*, the unions have kept the same structures they built several decades ago. Acting in that way, they show how risky it is to make transformations in the organization whose result may be more expensive than the hypothetical gain it could provide. Indeed, whereas the unions should try to unionize the new precarized parts of the workforce, the costs of the transformation of the internal structures appears to be too expensive, in comparison of the low probability of unionization of precarious workers. Therefore we stand up for our hypothesis that the unions are ruled by a hysteresis effect. A French unionist of the FSU (biggest union in the education sector) explains in those words how the debate has been led in the mid-2000s when the number of precarious workers increased quickly:

“When the precarious workers arrived, the question has been asked in the union about their unionization (...) one part of the union was pushing strongly to take charge of the precarity, of the struggle against precarity and the majority was not opposed to that, but not prepared to give the human resources to fully achieve to take charge of this new workers, thinking that we are a union of statutory staff of the civil service, what is true in fact. Behind the arrival of the precarious workers, there was two different orientations for the union, two different profiles: one union of statutory staff against a workplace union.”

The former territorialization principle was made obsolete by the fragmentation of the biggest firms into a myriad of subcontracting firms. In a context of weakening of class identities, the fragmentation of the workers groups makes tough the identification of a unique opponent and the building of structured goals for the trade-unions' action. Whereas this action was before

unified by the interaction between wage-earners and business managers, this structuring process disappeared because of the subcontracting fragmentation. Added to the internationalization of firms, the responsibility and power in the firms are weakened and split among many different levels and instances. As a consequence, the territorial presence of the unions weakens in the industrial areas that were before unified by the same leading economical structures. The experiences of creating territorial unions on the same industrial area grouping several firms together did not reach the efficiency of the unions that were localized on each workplace in the former period. Moreover, there are only a few of these experiences. Sometimes, local geographical federations try to play the role unionization and unification of the workers that cannot join a union on their workplace. Following the same process, the determinants of the trade-unions' action were disturbed and made it tough to lead strikes on most of the workplaces where precarious jobs are an important part of the workforce. These elements explain why the first precarious workers or unemployed people mobilization took place mainly outside of the field of unionism.

Precarious workers movements: from exclusion to collective action

We observe four phases in the short history of the contemporary precarious workers collective action. Each of those phases reflects a form of mobilization; a configuration in the relations between precarious workers on the one hand, stable workers and their organizations on the other hand; a type of social and political identity building among social actors. From the first phase to the last one, we can observe a major transformation from the exclusion and denial of precarious workers to their – partial – integration to the labor movement.

The first period lasts in France till the mid-1990s, a longer time in Germany till the beginning of the first decade of the 21st century. In this phase, the precarious workers seem invisible since they have been thrown out of the labor market and the public space. This situation results in the development – in the academic field – of the theories of *exclusion*² and the temporary decrease of labor conflicts studies in the field of sociology or political science. The precarity contributed to diminish the social conflictuality, at least among those who live the job insecurity. The social conflicts are mainly concentrated in the most stable parts of the workforce, especially in the public sectors.

In the second phase, autonomous movements of precarious workers appear. They are coalitions of individuals who do not define mainly themselves as workers, but in a negative

² See the works of François Dubet, Serge Paugam, Robert Castel.

point of view influenced by the lack of an identity based on the labor social relationships. These mobilizations of “have-nots” in France, low-resources groups – undocumented people, unemployed, poorly housed – shift the social conflictuality from the place of the firm to the public space. They produce a new definition of the social opponent that is becoming, more than before, the State. The transfer of the conflicts outside of the workplace leads the actors that are mobilized to transform their repertoires of collective action³. They often stage a sit-in in official buildings: the “Sans-Papiers” in the Saint-Bernard church in 1996 in Paris, the French unemployed activists in the ASSEDIC⁴ in the winter 1997-1998, the German unemployed activists in 2005 against the Hartz-IV reforms.

The third phase begins at the beginning of the 2000s. The first important strikes of precarious workers in France show a new rise of conflictuality in the public and private sector. In this third phase of the development of precarious people movement, a new territorialization process brings back the struggles into the workplaces, moving them back, at the same time, closer to the traditional labor movement, especially the trade-unions. Young precarious workers are involved in those strikes: in Mac Donald’s Strasbourg-Saint-Denis in Paris in 2001, in Pizza Hut, Disneyland or Maxilivres in the region of Paris and its suburbs⁵. They impose step by step a new definition of the notion of “worker” that has to be considered henceforth in the double dimension of stable and precarious. They manage at the same time to build an autonomous movement, affirm the specificity of the precarious workers movement on the one hand, and build a coalition of interest with the traditional stable workers organizations on the other hand. They are arguing that precarity does not only reach a limited number of workers but tends to spread to the major part of the labor force, popularizing the academic point of view of some sociologists⁶. They use this argument to force the labor movement to take more in charge the issue of precarity and the unionization of precarious workers. But, although small groups of activists – mostly members of the CGT or SUD – manage to lead regular strikes in the most precarized sectors of the labor market, they do not manage to generalize this preoccupation.

We propose finally the hypothesis that the precarious workers movements, in the fourth phase of the development of the mobilizations, since the mid-2000s, are reintegrating the broader

³ Daniel Mouchard, « Les mobilisations des « sans » dans la France contemporaine : l’émergence d’un « radicalisme autolimité », *Revue française de science politique*, Vol. 52, n°4, 2002, pp 425-447

⁴ French national agency of the unemployment benefits

⁵ Evelyne Perrin, *Chômeurs et précaires au cœur de la question sociale*, Paris, La dispute, 2004

⁶ Seemongothers : Robert Castel, *Les métamorphoses de la question sociale*, Paris, Fayard, 1995

labor movement. We will examine this assertion in the last part of this paper, using national examples of France and Germany: the strike of French undocumented people in 2009-2010, the long strike against pension reform in France in the autumn 2010 and the nationwide strike of cleaners in Germany in October 2009.

Precarious workers back in the labor movement?

The – partial – reintegration of the precarious workers movement into the traditional labor movement is particularly visible in the transformations of the undocumented people movement from the 1990s till the present time. An empirical illustration of this idea can be found in the last occurrence of the undocumented workers strike that began on the 12th of October 2009. First, the mobilized undocumented workers and their supporters highlight the self-definition of themselves they are producing: they consider themselves more as “workers” than as “Sans-Papiers” – undocumented. A short movie realized by a group of filmmaker involved in the strike of French “Sans-Papiers”, reveals this idea. In the extract below, the very short interviews of a bunch of workers on strike present the definition they give together to the struggle:

- “Our strike, at the moment, it’s a strike, it’s a labor conflict.
- We’re asking, well, the government for a [security], simplified and that could be applied to all the “Sans-Papiers” workers.
- Because we’re workers, we’re not only “Sans-Papiers”. *We went from the “Sans-Papiers” to the “Sans-Papiers” workers.*
- We’re working. We’re building France like the other French people. We found fraternity among the French people. But, we didn’t get equality from the State. We didn’t find liberty. (emphases added)⁷”

As much for the low-resources workers on strike as for the people who are supporting them, there is a shift in the definition of the mobilized subject. The definition of “Sans-Papiers” of the former strikes characterized by the lack of papers, resources and rights and by a stigma, became a new definition of a positive subject – “Sans-Papiers workers” – that tends to establish a coalition link with the legitimate workers movement. This attempt has not only been theoretical but realized by the effective support of the workers organizations. For the first time, in contrast to the former strikes, undocumented workers got the support of five of the eight national trade-union Confederations (CGT, CFDT, Solidaires, FSU, UNSA) among other organizations.

⁷ Collectif de cinéastes pour les « Sans-Papiers », *On bosse ici ! On vit ici ! On reste ici*, 3’40, <http://www.collectifdescineastespourlessanspapiers.com/>, 2010

If we extend these assertions on the Sans-Papiers movement to the problematic we posed at the beginning of this paper, we may highlight a few characteristics of the partial reintegration of the precarious workers movement to the traditional workers movement. First, unions recognize more than before the growing place and the strategic importance of the precarious workforce in the labor conflicts, analyzing that the broad nationwide mobilizations that occurred in the past decades could not be achieved nowadays without the addition of the precarious workers forces. In the important French social movement against the pension reform in the autumn 2010, we notice such an analysis in the orientation that led the *Intersyndicale* – coalition of the national trade-union Confederations.

“Common communiqué of the *Intersyndicale* (CFDT, CFE-CGC, CFTC, CGT, FSU, UNSA)

(...)

The mobilization of yesterday was notable for the *engagement of new wage-earners* from the private sector, more particularly from the small businesses, but also for the presence of numerous of young people and female workers.

(...)

Knowing that the bill [on the pension reform] will be debated by the Senate from the 5th of October and that the parliamentary procedure could last until the 20th of October, [the trade-union Confederations] decide on a big mobilization and demonstration day in the whole country on Saturday the 2nd of October to reinforce the mobilization and *make possible the engagement of new wage-earners in the action*. (emphases added)”

In this communiqué of the 24th of September following the fourth day of action against the pension reform, the *Intersyndicale*, whatever the real goals are, is using the necessity of mobilizing the precarious workers as an argument, in the explicit reference to “new wage-earners”, those who are not the usual union member demonstrators. They choose as a strategy to try to involve the most precarious workers in the strike, to demonstrate on a Saturday, avoiding calling for a strike.

Precarious workers movements are not only carried into the tactical debate within the arena of the *Intersyndicale*, but are also bringing into the movement some repertoires of collective action. As the strike seems impossible in a lot of sectors where the wages are too low and the potential cost of collective action too high, the actions of blockade have been experienced by many precarious workers movements as a useful alternative. However, they were rarely used as a form of action by social movements led by the traditional stable workers movement, that considered it as a too radical and minority form of action. Though, the use of blockades in the

French social movement of the autumn 2010 was practiced by important parts of the mobilized actors⁸. In the acme of the mobilization in October 2010, as the workers on strike could not spread the strike further than in the two leading sectors – refineries, transports – the blockades have been used as an alternative, for want of a better solution. But the use of the blockades took a greater dimension, because made it possible for workers, precarious or unemployed people, who could not mobilize themselves on their workplace – if they have one, to take an active part in the social movement. Thus, the symbolic figure of the acme of the movement was not only the place of the occupation in the refineries, but also the place of the blockades that were organized by heterogeneous groups of activists – teachers, students, workers, etc. – in several industrial parks. The blocked traffic circles on the roads to the factories, airports or logistics platforms became thus the symbol of the importation of precarious activists' forms of action.

The process of partial reintegration of some aspects of the precarious workers movements holds finally to the building of a specific social and political identity configuration among the mobilized precarious actors, just the opposite of the configuration that was dominant in the mobilizations of “have-nots” in the 1990s. As long as the social and political identity expresses the low structuring of the workers groups, the segregation of workers excluded from the area of stable work, the necessity of challenging the stigma cannot be achieved. This negative social and political identity, “defined by the lack”, contributes to build subaltern positions and avoids the building of self-esteem or recognition. From the results of a field work on the nationwide strike of German cleaners in Berlin in October 2009, we can highlight some contributions to this issue. The two-week strike of the German cleaners in October 2009 – *Putzstreik* – to get better wages led to a successful outcome, getting a pay rise between 4,9% and 6,3%, despite a bad economic context and difficulties to mobilize precarious workers of this sector. The choices of the union of cleaners – IG BAU – that led the strike explain how they manage to reach the goals. The produced identity that used the leaders of the union was connecting two main dimensions. To produce a unifying position, they first used the reference to the common experience of precarious conditions in the labor activity. But they did not highlight this face of the workers identity building. Secondly, they tried to create the conditions to challenge the stigma. The production of a *positive* social and political identity based on labor social relationships has been possible, by defining the aims of the collective

⁸ Sophie Bérout & Karel Yon, « Automne 2010 : anatomie d'un grand mouvement social », *Contretemps* (Online review), 2010

action as getting the status of stable workers. So, the produced identity the wage-earners can identify with is not a negative identity but the identity of precarious workers aspiring to become stable workers. To complete the process towards the appropriation of this positive collective identity, they promoted the expression of the social and cultural specificities of the group – in that case study: belonging to the German-Turkish community, being a female worker –in order to produce recognition from elements, non-based on the labor social relationships but that the workers could more easily use. Thus, the success of the union in this mobilization process holds to its ability to reverse the static dominated precarious identity into an identity of workers claiming normal labor conditions.

As a conclusion, we should first remind that precarity affects deeply the labor conflicts. But, in the first development of job insecurity and precarization, the unions have been unable to take into account these transformations, unable to reestablish the conditions of collective action, because of a hysteresis effect in the internal organization. Because of the lack of union work, the precarious workers movements first grew up outside of the influence of the unions, building autonomous movements. We argued in this paper that these precarious workers movements, from the initial position of exclusion against the unions, tended then to address themselves to the unions, to finally influence them and reintegrate partially the traditional labor movement mainly made up of stable workers. To achieve this process, they had to contribute to the building of a positive social and political identity based on labor social relationships, which becomes possible if we look at the notion of “precarity” in depth. The paradox of precarity is the following. It first consists in a mobilization inhibitor because of the destruction process it leads in the workers groups. But, the notion of “precarity” is also, secondly, a toolbox to unify the differentiated positions of precarious workers who can all define themselves in a way as “precarious”⁹. To use the “good” facet of precarity, the unions and mobilized actors need to create identities of precarious workers that do not limit themselves to this *precarious* definition, but carry the subject of the identification into the aim of becoming someone else than *precarious*, a wage-earner defined by the norms of stable work. The precarious workers, who were using the repertoire of blockades in the French social movement against the pension reform in October 2010, had indeed carried themselves from the situation of workers who cannot mobilize themselves – because of the precarious conditions – into the situation of the ones who can struggle.

⁹See the notion of « mobilization unifying label » (label unificateur de mobilisation), in Magali Boumaza & Emmanuel Pierru, « Des mouvements de précaires à l’unification d’une cause », *Sociétés contemporaines*, n°65, 2007

Biography

Adrien Mazières-Vaysse (adrien.mv@gmail.com) is Ph.D Candidate and lecturer, member of the laboratory SPIRIT (Political Science-International Relationships-Territories) at the Institute of Political Studies in Bordeaux. Does research in sociology of social movements, trade unionism, especially on precarious workers, unlikely mobilizations and identity issues.

Abstract

This paper shows how the precarization process of the labor force contributed to diminish the social conflictuality, unionization and possibilities of collective action, but did not preclude the emergence of new forms of mobilizations in the late 1990s. These new forms of action developed by precarious workers demonstrate that they could not mobilize themselves within the framework of the traditional trade-unions, but often had to create their own structures and imagine specific types of strikes. We will show first that this necessity of building different forms of mobilizations outside of the unions is an outcome of a hysteresis effect that affects how the trade-unions work. We will argue then, by comparing the French and German situations, that a convergence process led the precarious workers movements to reintegrate the traditional workers movement in the last years.