



HAL
open science

Industrial relations and Economics and Sociology of Conventions

Claude Didry

► **To cite this version:**

Claude Didry. Industrial relations and Economics and Sociology of Conventions. Rainer Diaz-Bone; Guillemette de Larquier. Handbook of Economy and Sociology of Conventions, Handbook of Economics and Sociology of Conventions, Springer, In press. halshs-04748305

HAL Id: halshs-04748305

<https://shs.hal.science/halshs-04748305v1>

Submitted on 22 Oct 2024

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

Industrial relations and Economics and Sociology of Conventions

Elective Affinities

Paris, 10th October 2024

Claude Didry,
Sociologist CNRS,
Centre Maurice Halbwachs, Ecole Normale Supérieure Paris.
claudedidry@cnrs.fr

Proposé à Rainer Diaz-Bone
and
Guillemette de Larquier
Handbook of Economics and Sociology of Conventions

Abstract


Beyond an economic determinism associating industrial structures (or “Fordism”) to collective bargaining, EC/SC envisage Industrial Relations (IR) from the concrete coordinations of employees starting at the workplace level, as a normative expression of their collectivities. It has analyzed firstly IR as “investments in form”, that can be used as reference enabling people to find their way in labor conventions. IR are not the result of a pure spontaneous mobilization of the workers’ collectivity, but their dynamic is based on legal definitions of the collective agreements, the procedure of negotiation and their actors (employees-employers), by which it refers to legislation as a state production expressing conventions of the state. The sociohistorical emergence of labor law and employment explains a radical modernization of IR evidenced by the French case at the beginning of the XXth century. IR have followed paths specific to different states influencing each other in a “histoire croisée”, leading sometimes to transnational negotiated legislations as in the 1990s EU. The current developments of IR during the neoliberal period witness an open-ended process articulating new issues, such as employment in the face of intense restructuring, and reactivating mobilization on wages issues in a context of inflation.

Keywords

Workplace, Worlds of Production, Industrial Relations, Employment Contract, Subcontracting, Cause, Strike, Collective Bargain, Investments in form, Qualifications, Unions

1. Introduction

According to a structuralist perspective common in social sciences, the development of labor law and industrial relations is based on the underlying existence of large worker aggregations in industrial facilities. This development reflects the existence of collective regulation, which strong unionization and powerful social movements emanating from these "workers' fortresses" tend to impose on employers and governments. It seemed only logical that this dynamic should be reversed in the face of the de-industrialization that has hit Western societies, paving the way for a decline in trade unionism and a rollback of labor law that could even see the self-employed replace salaried workers in the case of platform work. However, the strength of the strike movement that has been sweeping through Western countries (notably the United States, Great Britain and Germany) in recent years means that hasty deductions can be ruled out. In the face of questionable macro-economic determinism, isn't the main contribution of EC/SC to reveal the multiple forms of industrial relations rooted in the plurality of forms taken by labor in order to analyze their open-ended evolution and avoid the trap of prophetism? Initially, the approach in terms of "orders of justification" (Boltanski and Thévenot 2006 [1991]) enabled us to move from analyses of historically successive modes of social regulation - equating Fordism with the industrial order - to more monographic investigations of "cases" before industrial tribunals (Chateauraynaud 1991), or of health control by labor inspectors (Dodier 1986). In a second phase, the approach in terms of "worlds of production" (Storper and Salais 1997) deepened the program of convention economics through an analysis of the plurality of economic activities ("▶ Conventions: Meanings and Applications of a Core Concept in Economics and Sociology of Conventions" by Diaz-Bone and Larquier). From this perspective, industrial relations cannot be reduced to the spontaneous mobilization of the working community. They are also based on the references and mechanisms established by the Law (Jeammaud 1990), in terms of both the definition of collective agreements and of their economic actors ("▶ Law in Convention Theory: Regulation in Regularities" by Bessy and Didry) (Didry 2016). Thus, industrial relations legislation appears as a form of "proceduralization". It is less as a "proceduralization of the law" (Lenoble and Bertin 1990) overcoming of the judiciary syllogism and paving the way to an interpretative nemesis of the

rule, than as an economic proceduralization problematizing productive reality and highlighting the managerial decisions as a process in which “the ends sought by the employers” have to compose with “the [employees’] fundamental right to participation” ((“ Legal Norms and Convention Theory: Justification, Evaluation, and Realization of Law” by Affichard, Lyon-Caen and Thévenot: 6).

Noting this plurality of economic activities, EC/SC first emphasizes the anchoring of trade unionism and employee representative institutions in the worlds of production. This is echoed in the approach to industrial relations, as the identification of a “web of norms” (Dunlop 1993 [1958]: 51) arising from the collective expression of workers at the workplace (1). However, because of its concern to grasp productive dynamics in all their diversity, EC/SC provides a specific perspective on the history of industrial relations, by combining the emergence of labor law with the reshaping of economic activities (2). It is on this basis that a plurality of union forms emerged, inscribed in legal configurations and labor conventions hermeneutically associated with the diversity of its meanings, according to national and sectoral sedimentations (3). In today's prevailing neoliberal configuration, industrial relations are confronted with the pressure on employment exerted by restructuring and the deformations of the firm under the effect of financialization. But here again, the great contribution of the economics of conventions lies in the identification of identification of the plurality of dynamics based on the diversity of the worlds of production (4).

2. The specificity of a conventionalist approach to industrial relations

2.1. *The workgroup at the heart of production*

As Salais points out (e.g. Salais 2011), work is linked to the realization of a product. It presents itself as a collective action that can be grasped from a pragmatic angle, i.e. as conventions designating the adjustment or coordination between people taking part in the elaboration of the same product, as well as from a “constitutive-constructivist” angle based on institutions such as, for example, the employment contract, collective conventions etc. First and foremost, it implies the repeated *coordination of* multiple people in the realization of a product, which characterizes “labor conventions” (Salais 1989). Indeed, the sale of merchandises introduces a distance between producer, seller and customer, which opens up the group of people involved in production activities (due to possible subcontracting operations), just as much as in consumption.

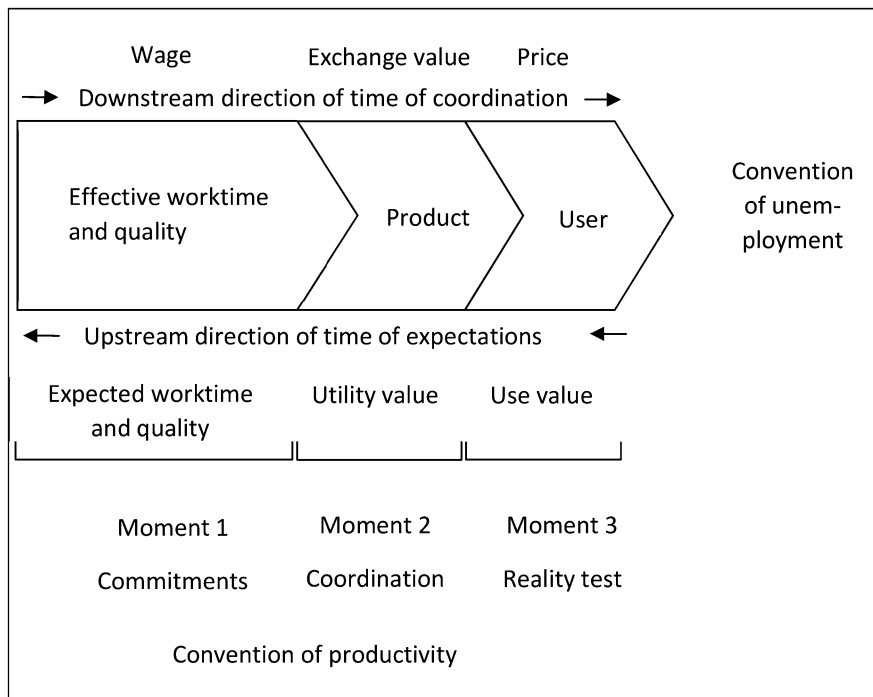



Fig. 1. Labor conventions (for the realm of the enterprise)

Based on Salais (2007, 2011), from “ Conventions: Meanings and Applications of a Core Concept in Economics and Sociology of Conventions” by Diaz-Bone and Larquier: 17

Market production (products that are the subject of repeated transactions) - unlike subsistence production, in which moments 1, 2 and 3 are merged - places a crucial emphasis in the second moment, on productive coordination between producers in an immediate way, but also with users through the way in which the reception of the product is perceived by the former. This productive coordination is crisscrossed by downward cognitive flows, through the stages of product development, and upward flows, through the echoes of customer reception of the product (notably in terms of expectations regarding delivery times and quality (Eymard-Duvernay 1989)).

By placing the *coordination* of individual activities at the heart of his research, Salais's “labor convention” approach means bracketing the immediate and primordial nature of class conflict. The result is that workers' productive activities cannot be reduced solely to their *subordination* to their employer. While a review of modern capitalism as it crystallized in the 20th century reveals the importance of the manager through the relay of a supervisory staff, capitalism cannot be reduced to a “discipline” that locks workers into the straitjacket of instructions. Firstly, nineteenth-century capitalism was characterized by limited supervision of

the workforce, which went hand in hand with the practice of collective piecework (Lefebvre 2003) (also known as “butty gang” from English mining practice, subcontracting or in french “marchandage”). Secondly in modern capitalism, this is also due to the primordial nature of coordination between workers, which took a particularly salient form with assembly-line work in the automobile industry.


Robert Linhart's experience as an “established” worker - that is, a student of the Maoist movement in the 1960s-1970s who, after brilliant studies in philosophy at the École Normale Supérieure, was hired as a worker in a Citroën factory in Paris in 1969 - provides a vivid vision of the entry into labor conventions. This insight is no stranger to the intellectual dynamics of the economics of conventions, some of whose protagonists attended the seminar that Louis Althusser entrusted to Linhart at the École Normale in the 1970s. The publication in 1978 of Linhart's account of his experience owes much to the intercession of A. Desrosières, who had it read to Bourdieu before the sociologist introduced it to Editions de Minuit (Thévenot 2022 p. 32). The young philosopher's discovery of the chain only came at the end of a path (presented in chapter 2) guided by the foremen, in the face of the young student's difficulty in “holding” the positions he was offered. His first job, under the guidance of Mouloud, an Algerian worker in charge of showing him how to weld, brought Linhart face to face with the complexity of the activities involved, revising the mythology of a “deskilling” of workers. Gradually, however, the initially intense relations with foremen and supervisors on arriving at the factory began to wane. The narrator writes, “I'm getting used to the job”, referring to the position he manages to “hold”, at the end of a journey that has given him an overall view of the assembly line.

Linhart's narrative, drawn from his own experience on the assembly line, give us a good idea of the conventions of work, as identified by Salais (1989). Initially, it's the “convention of unemployment” that manifests itself, through the worker's initial hiring by the employer's representatives and the permanent threat of dismissal that the worker feels when he finds it difficult to hold his position. Secondly, familiarization with the work goes hand in hand with knowledge of the whole in which this individual worker's activity is situated, which helps to relate this activity to the realization of a product, referring, in the terminology of Salais (1989), to the “productivity convention”. Hwang's PhD (Hwang 1999) under the supervision of Robert Salais, while not aiming to organize strikes as Linhart did, is based on an approach similar to that of the Maoist activist, and draws on participant observations in Korean television factories in Europe (Great Britain, Germany, France). Deepening the knowledge of assembly-line work thirty years after Linhart, Hwang identifies configurations specific to the countries of the facilities he visited. Moving away from a focus on the organization prescribed by engineers and

the resulting worker exploitation, Linhart's narrative and Hwang's PhD invite us to examine the assembly line as a set of normative and technical devices at a workshop level, “which are introduced as intermediaries between people at work; as a result, the material rules they objectify (the chain's conveying rhythm, for example) can only be analyzed by considering them as an integral part of a continuum of rules and conventions, written or customary, with a variable field of validity in space and time, formalized or not in techniques of recording, accounting, law, and in knowledge managed by specialized experts” (Salais and Thévenot 1986: 3). The worker's initial *subordination* to the employer, revealed by assignment to a job, is followed after a learning period by conscious *coordination* with other workers, through the worker's ability to situate himself within a collective whole.

2.2 Congruence of labor conventions and industrial relations

This opening up of EC/SC to the coordination of individual activities at the workplace level suggests a collective dimension at the heart of individual engagements, inviting a re-reading of the scope of the employment contract. Indeed, “when the contract is executed within a company, it inserts the employee into a collective. It is as a member of the *company's staff* that he enjoys certain rights (participation in so-called collective rights, right of expression) or benefits from certain protections (in matters of health and safety for example) [...] It is in this second sphere that the employment relationship is articulated with *industrial relations*.” (Jeammaud, 1989: 301, translation by the author) The contract binding worker and employer thus constitutes a condition act, opening to the worker the doors to the labor collectivity, the “personnel”. The collective rights that the employee derives from the contract help to establish the collective consciousness of this group, based on the common knowledge that the worker acquires through familiarization with his professional activity, in coordination with other employees.

In Robert Linhart's novel, this awareness and the power it gives rise to is demonstrated during an episode marked by the management's attempt to reduce the break by one minute over ten (Linhart 1981 [1978]: 50). The line resumes, but cries rise and workers switch off power, restoring the one-minute break just long enough for the foremen to arrive, before management finally gives up its power grab. This situation shows how the collective coordination at work oscillates between the two polar forms of "regimes of engagement" identified by Thévenot (“ Laurent Thévenot's Sociology of Regimes of Engagement and Grammars of Commonality” by Paulsen Hansen): the “regime of familiarity” dominated by the repetition of coordination, where

'rules and conventions are accepted by the " (Salais and Thévenot 1986: 4), and "the regime of commitment" (or in a more recent formulation by Thévenot "Justification") based on indignation and mobilization, where "[rules and conventions] are debated, and where what is at stake in the process is the 'common' definition of these rules and conventions, which will then organize the field of negotiation [common in the course of productive coordination]" (*Ibid.*).

From John Dunlop's perspective, this normative dimension of workplace collectivity is the starting point for "industrial relations". Indeed, these refer to "rules and practices" at different levels, from the workplace to national and international spaces (Dunlop 1993 [1958]: 8). The definition is very broad, encompassing interactions between workers, their representatives and employers, technologies and technical equipment, product markets and government regulations. An approach in terms of industrial relations implies a departure from both political science, which focuses on collective conflicts against economic and political power, and management science, dominated by the individualism of the "human relations" school. Thus, according to Dunlop, "industrial relations" is in line with Herbert Simon's approach, which aims to move away from the individualism of neo-classical economics, focusing on agentivity, asymmetrical information and transaction costs, to consider key organizational mechanisms such as authority, identification and *coordination* (Dunlop 1993 [1958]: 9). The concept of industrial relations thus defined by its purpose leads us to consider "systems of industrial relations" ranging from the workplace to a country, via a company or a branch of industry, in which actors interact. These actors share what Dunlop calls an "ideology, or shared understandings", akin to the "common knowledge" at the heart of convention.

2.3. Industrial relations based on their normative products

In the first stage of EC/SC (during the 1980s), the dimension of industrial relations appeared less from the angle of negotiation, than from that of the symbolic devices produced by negotiation as a framework for coordinating workers' activity. Negotiation is seen as part of a continuum, ranging from the negotiated coordination of activity with his colleagues by an individual worker, to the negotiation of collective agreements from the workplace to the company, or even the group. The rules resulting from collective bargaining and legislation, then, are presented as "collective cognitive devices" (Favereau 1989) or "investment in forms" ("Investments in Forms: Background and Continuing Developments" by Thévenot), enabling actors to orient themselves in their coordination within conventions by consolidating the

specific organizational dynamics of internal labor markets. In the case of wages, B. Reynaud (1986) illustrated this orientation by emphasis on the structuring character of branch of industry agreements, based on the observation of a polarization between two major groups. A first group of sectors, at the center of which are intermediate goods, is characterized by high seniority, fixed monthly wages and high bonuses. Conversely, a second group is characterized by low seniority, and wages that are not set on a monthly basis (hourly or weekly before the 1978 monthly pay law), in sectors such as construction and transport. This polarization is redoubled by branch agreements, with high minimum wage levels and seniority bonuses in the first group, while in the second, the agreements only include legal minimums. This leads B. Reynaud to conclude that industry-level collective bargaining agreements help to shape the structure of pay in companies operating in the sector, through the management and evaluation tools they provide to actors in the various sectors.

The weight of IR institutions such as the Paris metallurgy agreement signed in 1936 goes beyond simple personnel management. This agreement helped consolidate an economic territory centered on high technology and creativity around Paris, the world of “High Technology in the Ile de France” (Storper and Salais 1997: 131), by linking the interpersonal world of metalworkers working in companies of very different sizes drawing an “industrial district”, to a production linked to an “external” state, whether in armaments or aeronautics, located close to the capital of a centralized country. In the aftermath of the Second World War, this territorial entity was strengthened by the challenge to the “market world of production” posed by the wave of nationalizations that affected this branch of industry, and evolved toward a “world of intellectual resources”. Far from following economic trends, which were seen as external to industrial relations, this collective bargaining agreement helped to establish a world of production through a systematic articulation of qualifications based on the categories of specialized and professional workers, employees, supervisors, technicians and engineers. This made it possible to define both the traditional qualifications of skilled workers and the highly specific qualifications of workers elaborating prototypes in the most advanced technology (Naville 1956), and to lay the foundations for careers with the relatively frequent switch between the qualifications of professional worker, technician and engineer.

3. Industrial relations as the driving force behind the salarization of work

3.1. *The state dimension of industrial relations*

Far from seeing industrial relations as the manifestation of the “law of Society” against the “law of the State” (Gurvitch 1932), convention economics sees the rules resulting from collective bargaining primarily as normative devices that complement, or even derive from, state norms. The economics of conventions approach, with its focus on the state, is similar to that of Dunlop, who also pays attention to the action of government or government agencies - on the model of the National Labor Relations Board created by the Wagner Act of 1935, in the case of the United States. But for Storper and Salais (1997), this state dimension must be grasped in its diversity, by considering a plurality of “conventions of the state” (▶ “The Pragmatic and Democratic Approach to State as a Convention Between Persons” by Salais). The challenge here is to grasp this plurality of possible forms of the state, by moving away from the common dualism between state and economy (or “civil society”). From this perspective, state is characterized by its presence in interactions between persons leading Salais to conceive “conventions of the state”. Thus, it is no longer seems possible to analyze Keynesian policies in terms of ‘state intervention’, but rather to consider the permanent presence of the state at the very heart of social activities. Conversely, the postulate of a spontaneous economic equilibrium equated with an optimum is merely the ideological halo enveloping the “convention of the absent state”, which presupposes the existence of a judicial and repressive apparatus to guarantee peace in transactions, or maintain competition. At the same time, the “convention of the external state” tends to reduce all social relations to forms of administrative regulation, which brings it closer to the “welfare state” (*Wohlfahrtstaat*) evoked by Weber (1978: 856), in connection with *the Allgemeine Landsrecht* established by Frederick the Great (Didry 2006). The specificity of this convention lies in the fact that the state's activities are developed in the economic sphere, through the primacy of public enterprises and public orders. Products such as armaments, or public service equipment (e.g. trains and railroads in the railway sector), fall outside the normal framework of market exchanges, and are therefore referred to as “state products” (Storper and Salais 1997). The convention of external state can also be read in the ongoing development of new categories at the heart of the state's work in social policy (▶ “Convention Theory and Social Policy: Historical Perspectives” by Whiteside)

Industrial relations as a normative figure in labor agreements are hampered by the legal prohibition of unions and strikes in the absent state convention, forcing collective mobilization underground, as in the case of workers’ associations in Great Britain (Webb, 1920 [1894]). They

are only truly recognized in the convention of the situated state, along with recognition of the right to unionize and the right of members of the working community to participate in company management. This presupposes genuine legal, even constitutional, work, leading to the development of legislative frameworks integrating collective bargaining into the more general body of labor law. This legislative dynamic gradually emerged in the early twentieth century, through the recognition of the employment contract, in Great Britain (Deakin 1998), France (Didry 2016), Germany (Rudischhauser 2017) and the United States (Vinel 2012). This process of defining an individual contract between a worker and an employer opens the way to questioning its scope, by helping to extend the qualification of salaried worker beyond blue-collar workers alone. This gives rise to socio-historical analyses that extend the pioneering analyses undertaken in the economics of conventions on statistical categories (unemployment (Salais et al.) and socio-professional categories (Boltanski, Desrosières and Thévenot)). At the same time, legal activity around the individual employment contracts extended to a broader reflection on collective bargaining, strikes, trade unions and works councils, in the field of industrial relations. In France, this legal activity led to laws on arbitration and conciliation of collective disputes (in 1892), before the 1919 law on collective bargaining (Didry 2002). A similar dynamic can be seen in Germany, with its highly advanced legislation on collective bargaining as in the Decrees dealing with collective agreements, conciliation and arbitration and the establishment of employees' committees, issued by the Federal Government on 23 December 1918 and 31 May 1920. This legislation provided for an extension procedure, that could make some agreement binding on all establishments in a whole trade or area by request of one of the contracting parties. It also organized a centralized arbitration procedure (Homburg 1999). Conversely, it seems that, in the American case, union law played an important role in the reclassification of social relationships as employment contracts, as in the case of the *newsboys* distributing the Hearst group's press, considered until 1944 to be "independent contractors" (Vinel 2012: 71). But beyond trade unionism, it is also a logic of representation of the collectivity of employees bound to the same employer that emerges through the institution of "works councils" (in France, *conseils du travail* in 1900 before *comité d'entreprise* en 1945 and *comité social et économique* after 2018), both in the projects of the socialist minister Millerand at the beginning of the 20th century (Didry 2002), and in the recognition of *Betriebsräte* by the German revolution of 1918 and the Weimar Republic in 1919. The institutionalization of elected employee representatives has been also accompanied by procedures for informing and consulting (in France) their members with management representatives, or for codetermining the company management (in Germany). Since the

Auroux law of October 28, 1982 in France, for example, this has meant that management is obliged to *justify* its decisions to employee representatives, which has led lawyers to invoke Boltanski and Thévenot (2006 [1991]) to analyze the scope of these measures (Lafuma 2007, Guiomard 2022).

3.2. Subcontracting (Marchandage), an entanglement of industrial relations in the interpersonal world

This legislative dynamic, which can be situated at the turn of the 19th and 20th centuries, invites us to consider the institutional configuration of productive relationships that existed before. The case of France is particularly illuminating here, insofar as the question of subcontracting took on a crucial role from the 1840s onwards. Subcontracting (*marchandage*) was institutionalized on the basis of the fundamental concept of “lease of job” (*louage d'ouvrage/locatio operis*), as set out in the Civil Code of 1804. According to article 1710 of the Civil Code, a “lease of job” is a contract by which one person undertakes (*s'engage*) to do something for another, in return for a price agreed between them. Subcontracting is thus defined as a more or less long chain of job leases, with one worker receiving an order from a merchant, and entrusting another worker with part of this order. The particular prevalence of subcontracting in production relations in France throughout the 19th century is due to the recognition of contractual freedom that accompanied the institution of lease of job (*louage d'ouvrage*) (Salais 2011). Indeed, lease of job was supported by the working class in major cities such as Lyon and, above all, Paris (Sonenscher 1989), which aspired throughout the French Revolution to the abolition of corporative subordination. The desire for freedom expressed by the working class was aimed at achieving a certain degree of independence, by moving closer to a form of craftsmanship in which part of the activity could be destined for the public, as well as the freedom to break contracts with contractors deemed to be “only for a certain time” or “for a certain undertaking” under art. 1780 of the French Civil Code.

But this anchoring of subcontracting in France - which echoes the importance taken on in that country by the “commissioned subcontracting” of home-based artisans according to Weber (Didry 2022) - should not obscure the importance that this artisanal dimension has taken on in merchant production for other countries. In Great Britain, for example, according to the Webb (Didry 2019) the “divorce of the manual worker from ownership of the means of production” was not immediately due to the development of machinery and “the factory system”. It is based on the monopolization, by merchants, of knowledge of the economic circuits through which the product is made. The draperies of Somerset, Gloucestershire and

Devon thus corresponded to a form of dispersed factory in the countryside, where the wealthy clothiers “provided and owned the material of the industry throughout the whole manufacturing process, but employed a class of employed separate operatives at each stage.” (Webb 1920 [1894]: 33) This productive configuration leads to collective demands that most often take the form of tariffs setting the price of pieces, i.e. parts in the production of a commodity. Thus, at first, work frequently remained embedded in the family, and ownership of the means of production was only partially monopolized by the capitalist (Didry, Le Bot, Maitte and Barbot 2018). Workers remain in part craftsmen, caught up in capitalist production, but sometimes continuing to work for a specific clientele or even for their own subsistence in the case of peasants. The picture painted by the Webbs will be reflected in the heterogeneous work worlds described by Thompson (1963).

In *Capital*, subcontracting is at the core of piece-rate wage that Marx sees as the natural form of remuneration in capitalism. It takes on a very general dimension in productive activities, even calling into question the dichotomy between capitalists and workers:

“On the one hand piece-wages make it easier for parasites to interpose themselves between the capitalist and the wage-labourer, thus giving rise to the 'subletting of labour'. The profits of these middlemen come entirely from the difference between the price of labour which the capitalist pays, and the part of that price they actually allow the worker to receive. In England, this system is called, characteristically, the 'sweating system'. On the other hand, piece-wages allow the capitalist to make a contract for so much per piece with the most important worker- in manufacture, with the chief of some group, in mines with the coal-cutter, in the factory with the mechanic himself - at a price for which this man himself undertakes the enlisting and the payment of his assistants. Here the exploitation of the worker by capital takes place through the medium of the exploitation of one worker by another.” (Marx 1982 [1867]: 695).

As Marx suggests it, subcontracting continued in industrial establishments. This was the case in mining, as illustrated by the strikes of the 1880s in northern France, well documented by Zola in *Germinal*. In Great Britain, the Workmen's Compensation Act of 1906 and the National Minimum Wage Act of 1911 for the miners raised questions about the employment contract, highlighting the specific situation of butty workers and foremen in most industrial organizations (construction, metallurgy, shipbuilding, iron and steel, mining etc.) (Deakin 1998, p. 220). In the case of the American automobile industry, according to Vinel (2012), up until the eve of the First World War, foremen remained in a situation close to that of *contractors*. They benefited from a budget line from which it was up to them to recruit and finance the

members of their team, their training and their equipment to carry out a task for which they set the rhythm. Thus, progress in the rationalization of work from the 1900s to the 1920s - notably in the emblematic form of Taylorism - was not limited to the codification of workers' gestures, and led to a reconsideration of the quasi-enterprise entrusted to foremen, by centralizing staff recruitment and material purchasing at company level. This organization of labor ultimately relies on the creation of a personnel department, capable of managing recruitment, pay and turnover.

As it has been seen, subcontracting remained very important in market production until at least the beginning of the twentieth century, with important consequences for labor conventions. Based on Salais' distinction between conventions of unemployment and conventions of productivity (Salais 1989), the piece-rate remuneration and workshop trade associated with subcontracting in cloth industry enabled durably to absorb great temporal irregularity in production rhythms, depending on the ups and downs of demand (Gillepsie 1998, p. 251). It is difficult to distinguish between work time and unemployment time, insofar as membership of a butty gang is based on quasi-familial dimensions, work being entangled in family ties that escape economic fluctuations. Conversely, the employment contract creates a clear distinction for each individual between employment and unemployment (Salais et al 1986), introducing "absence" as an intermediate position in the event of illness or accidental injury. What's more, against a backdrop of growing demands for shorter working hours, the practice of bargaining gave rise to original social crises. In the ribbon-making industry in Saint-Etienne, for example, a twofold conflict erupted around 1900, with shop managers demanding an increase in the price of pieces from merchants, and shop workers demanding a Saturday off to reduce weekly working hours against shop managers (Didry 2004). Such a crisis in industrial relations highlights the slump of this real production world of ribbon, at that time.

2.3. Converting industrial relations to labor law

At the beginning of the 20th century, the employment contract was at the heart of legislative and legal debates in the United States, Germany and France. But legislative reflection on the employment contract gained momentum in France, as it became the subject of a bill designed as part of a general renovation of the Civil Code to mark its centenary in 1904. It also accompanied the drafting of a "labor code", which led to a systematic ordering of labor-related laws, notably by creating a chapter devoted to the contract of employment, whose elements remained fragmentary and scattered. The conceptualization of what came to be known as "collective agreement" (*convention collective* in French) was part of this legislative dynamic.

The result was a flurry of research activity in the legal community, reflected in the law theses published at the time (Didry 2002). These theses showed an international outlook, extending as far as Australia and New Zealand. They also relate to what is known in France as “jurisprudence” (Serverin 1985), i.e. a corpus of tribunal judgements that are remarkable in terms of the jurisdiction from which they originate (with priority given to decisions of the Cour de cassation), and their novelty in relation to previous ones.

The corpus of judgements on which legal theses are based, but also legal debates (in the circle of law professors) and legislative debates (in the Chamber of Deputies and the Senate), brings to light the concrete production situations from which the actors of legislation draw inspiration (Didry 2002). In the first instance, “industrial districts” as defined by Marshall (2013 [1890]) fueled litigation through the tension between home-based and factory-based activities. In 1893, for example, the Court of Cassation ruled against a union of home-based weavers for violating an end-of-strike agreement concerning female workers in a factory. To overcome this obstacle, a union organization capable of bringing together factory and home workers was needed. This suggests that, alongside legal and legislative debates, a more profound process is at work in these industrial districts, as in the “model” Cholet district (handkerchief and tea towel weaving), where joint union-management committees have succeeded in reaching a general agreement for all the workers both at home and in the factory.

At the other end of the judgement spectrum, local public services predominate, with companies in the energy (gas, electricity) and transport (Paris omnibuses, tramways) sectors. Collective bargaining takes place in close proximity to the public authorities, to limit the weight of numerous disciplinary sanctions, and to control career development, which is governed by very detailed internal regulations. In addition, as Minister of Trade and Industry from 1899 to 1901, Millerand imposed the use of “collective agreements” as a reference in responses to public tenders.

In more general terms (Boltanski and Thévenot 2007 [1988]), the State's presence in industrial relations also stemmed from workers’ expectations of republican politicians (Perrot 1974) who were supposed to represent their interests in a democratic system based on universal (male) suffrage. The result was a practice of conciliation and arbitration in strikes, during which left-wing politicians such as Clemenceau, but also socialists like Millerand, Jaurès and Groussier, distinguished themselves. In 1901, Pierre Waldeck-Rousseau, President of the Council (today’s equivalent of the Prime Minister), acted as arbitrator in the strike at the Creusot ironworks. Beyond the polarity between districts and public services, the legislative dynamic reinforced by the direct involvement of political staff in labor disputes contributed to an

extension of the scope of industrial relations in worlds of industrial production where hierarchical authority had hitherto succeeded in blocking all labor unrest.

Finally, it was by drawing on the experience of different production configurations that legislative reflection emerged, leading to the adoption of a labor code in 1910, and a law on collective bargaining in 1919. The definition of a collective bargaining agreement as a contract between workers' and employers' representatives on the conditions governing individual employment contracts in a way defines the purpose of collective bargaining as opposed to the corporate defense of a tariff setting the price of parts. This opens up a broad field of industrial relations, going beyond the mere remuneration to consider compliance with legal working hours, hiring and firing conditions, and the safety and development of people at work.

2.4. Metallurgy, at the crossroads of strikes and collective agreements in Front Populaire France

The dynamics of industrial relations underwent a profound transformation, with the development of a labor law based on the individual employment contract binding a worker to an employer. In the aftermath of the war, legislative debates in France led in 1919 to a law that broadly defined the collective bargaining agreement. The organization of a war economy between 1914 and 1918 had previously led to an extension of collective bargaining to more industrial universes, such as armaments or transport equipment factories. Thus, workshop delegates and joint departmental commissions were set up in 1917 by the Secretary of State for Armaments, the socialist Albert Thomas, with a view to democratizing labor. But in the 1920s, the collective bargaining momentum generated by the social unrest of 1919 tended to run out of steam, revealing the power of the employer in industrial organizations marked by the rationalization of work introduced in scattered order by engineers (Moutet 1997).

Contrary to the common view of "Fordism" as a crucible of collective regulations, the great strike movement of May-June 1936 initially affected only a few of the large factories most emblematic of industrial rationalization. It originated in the metalworking industry, which was characterized by its size and the diversity of its constituent establishments, from small workshops in the "red suburbs" to large Parisian plants such as Citroën. However, the large factories were subject to relentless employer surveillance and repression. In 1934, at the Citroën factories in Paris, more than half the workforce was dismissed after a successful strike. Finally, it was in the arms and aeronautics industry, which were being revitalized in the wake of the Nazi takeover in 1933, that a critique of the hierarchical arbitrariness associated with protean rationalization developed. In November 1935, the Saint-Chamond steelworkers won a

collective agreement based on a negotiated classification scale, rather than on performance bonuses. In May 1936, it was again the armaments and aeronautics establishments that opened the ball of strikes with occupation, before the movement spread to other sectors.

Didry and Salais (1995) analyze the roots of workers' mobilizations in the armaments and aeronautics industries by identifying a “state product trouble”, linked to the difficulty of meeting the contradictory expectations of military staff unable to identify the novelty of armaments such as armored vehicles and combat aircrafts. Successful strikes in this sector were based on in-depth knowledge of the production process, giving the sector's highly-qualified workers a position of strength in the face of management decisions unable to break out of the patterns implemented during the First World War. On this basis, the branch agreements instituted by the law of June 24, 1936 sought to express the specific features of the labor conventions (Didry and Salais 1993), by drafting a classification grid defining the applicable minimum wages. The first hundred agreements of 1936, which were made compulsory by extension to all workers in the sector in 1937, can be divided into three clusters, based on a lexical analysis. The first cluster is characterized by an insistence on productive operations, defining wages on the basis of machine profiles and the number of machines supervised, in relation to the worker's moral duty to perform. This cluster suggests an anchorage in a world of production articulating a market dimension insofar as it is subject to, and in an interpersonal dimension by its rural and traditional character, referring rather to textile production, which relies on the mastery of ancient machines. The second is a classification of jobs into broad categories: specialized and professional workers on the one hand, and clerks, supervisors, technicians and engineers on the other. It mainly refers to departmental agreements in the metallurgy sector, where small, innovative workshops and subcontractors come together, on the one hand, and large companies, particularly in the automotive sector, on the other. Lastly, some agreements have a real index scale, on which “collaborators” are distributed according to their position in a highly automated process, reflecting a radically industrial world. The most typical agreement is that of the chemical industries in the Paris region (Didry 2001). Among this dynamic, the negotiation of a collective agreement in the film industry was marked by the centrality of a “technicians” agreement in 1938, grouping together those in the various trades contributing to this industry who defined themselves initially as “artisans” (Zarca 2023). Here the major classification process underway in 1936, forced workers who had hitherto represented their activities in terms of their craft, to “translate” their positions into the language of cross-cutting, industry-inspired categories.

The classification of minimum wages at branch level, as an "investment in form" ("Investments in Forms: Background and Continuing Developments" by Thévenot), does not eliminate tensions in labor agreements, but rather transforms them. It sometimes gives rise to criticism of employers' "undercutting" of jobs. These tensions were at the heart of the Ministry of Labor's activity after the Liberation in France, with the aim of relating jobs and pay to the general "Parodi-Croizat" categories of branch agreements. For Croizat, these interventions made it possible to "put in order" wages that the dispersed rationalization initiatives had profoundly disorganized (Didry and Machu 2014). But in the longer term, the economic dirigisme that characterized the Liberation made it possible to achieve very broad coverage of employees by these classifications, by familiarizing the world of labor as a whole with the categories around which employees were organized. The resonance of INSEE's "socio-professional categories" nomenclature in analyses of a "social positional space" (under the impetus of Bourdieu) is explained by its ability to integrate these categories and the singularities of the different productive universes.

4. National industrial relations configurations according to EC/SC

4.1. *A national dimension to industrial relations*

The articulation between labor conventions and state conventions that takes place in "production worlds" (Storper and Salais 1997), suggests that these worlds are marked by a certain national coloration. This can be seen in the trajectories taken by worlds of production in states such as Great Britain, Germany and France. According to Salais (2011), Great Britain is characterized by the prevalence of the "master and servant" relationship, according to legislation that remained in force until the 1870s. The significance of this legislation lies in the fact that the merchandise trade was handled in a decentralized way by the craft guilds, with masters who tend to evolve into traders. This contrasts with the evolution of economic activities in France since the XVIIIth century. The comparison between London and Lyon silk districts, shows that Lyonnaise silk manufacture was characterized by tensions between merchants who had long been involved in commercial activities, and masters, known as "*chefs d'atelier*" or "*canuts*" in the case of weavers as members of a corporation subordinate to the commerce. In the case of London, the masters or "*chefs d'atelier*" simultaneously tended to open stores in the English capital, exerting an undivided domination over the activity of the weavers, who then became emblematic of the working-class decadence and misery. As Salais (2011) points out on the basis of Biernacki (1995), this situation of master-trader went hand in hand with a

conception of productive activities close to commerce, where capitalists' profits are justified by the rental of production goods by workers.

In Great Britain, this “master-servant” legislation has been backed up by a ban on coalitions since the 1825 Act introduced penal provisions to punish attempts to intimidate non-union members and non-strikers. According to the Webbs, this law sharpened a form of activism that faced up to the challenge of legal obstacles by assuming the risk of repression that could go as far as mass deportations of trade unionists to the Australian and New Zealand dominions. The Trade Union Act 1871 brought legal recognition that further strengthened this dynamic. It suggests a development of union organizations including the management of unemployment benefits, which accompanied massive unionization (Whiteside 1994). Compared with a high level of formalization of collective bargain and of administration of the benefits, the high level of unionization in the workplace has given shop stewards *de facto* power. These were able to accompany and settle workplace disputes with field management, before mobilization crystallized into a “dispute in justice” and full-scale strike. Shop stewards became the target of criticism of the trade union system from the 1960s onwards, foreshadowing the justifications put forward by the Thatcherite government for its systematic anti-union policy. But this should not obscure the powerful organization of trade unionism and industrial relations in England, long noted by foreign observers such as Lujo Brentano (Webb's great reference) since the end of the XIXth century. Initiatives in terms of arbitration and conciliation boards and the effects of social movements on the rise in workers' living standards helped make Victorian England a model for neighboring countries.

The German situation is characterized by the importance workers attach to belonging to a community, which can be traced back to the theorization of the *Genossenschaft* developed by the great jurist Gierke. This immediate dimension of the collective and of the participation of its members is at the heart of the democratization of the company in the aftermath of the 1918 Revolution, which was solemnly enshrined in the Weimar Constitution in 1919 under the impetus of Hugo Sinzheimer. This dynamic goes hand in hand with the importance, from the 17th century onwards, of remunerating the “workforce” by paying for an effort, for example the simple gesture of the “stroke” of the loom, in the first weaving establishments according to Biernacki (1995). In the meantime, free trade unionism close to social democracy helped to encourage union organization of staff in large industrial plants, discarding more archaic forms of union representation, as in the case of the cutlery district in Solingen (Rudischhauser 2017).

4.2. “*Histoire croisée*” of industrial relations

The crystallization of a national whole takes place through the articulation of specific worlds of production, within a web of common norms whose core is constituted by state legislation, while also giving rise to normative dynamics internal to these worlds. It began with the initial development of capitalism, marked by a certain indifference to national territory, with strong transnational movements, as in the case of the English in the railroads, the Belgians in mining, or the Germans in printing (Noiriel 1986). The challenges posed by the first globalization and the First World War resulted in what has been described as a “nationalization” of economies (Zimmermann, Didry and Wagner 1999), which were forced by the end of the war to break away from the complementarities created by international trade (Zimmermann, Didry and Wagner 1999). It is within this context that the “Keynesian convention of the State” emerged in France, orienting the trajectory of economy during the first half of the twentieth century ((Salais, Bavererez and Reynaud 1986); (Salais and Whiteside 1998)).

But whatever the more or less conflicting relationships between states, their economic developments were framed by comparable institutions in the field of labor. Thus, England provided an important reference point through the Factory Laws, at the heart of *Capital* (Didry 2018), in the debates that began on labor law in other industrialized countries. Factory laws proved their effectiveness in the case of workers in the cotton industry, where working conditions, in terms of hours and wages, had improved particularly since the initial laws of the first half of the nineteenth century. Similarly, the conciliation and arbitration procedures that developed in England, through the analyses provided by L. Brentano in Germany (Rudischauser 2017) or P. de Rousiers in France, provide a horizon for reflections on collective agreements in these two countries. It was precisely as a model for an endogenous process of improvement in working conditions that the reference to Great Britain became the source of a major polemic within German social democracy at the end of the 19th century. Faced with Eduard Bernstein's assessment of this improvement, and the conclusions he drew in favor of a progressive policy, Karl Kaustki pointed to the revolutionary aspirations German social democracy held. This polemic undoubtedly explains the radicalization of the Second Workers' International, particularly in the face of the accession of a socialist, Millerand, to a ministerial post in France in 1899, in the face of the far-right agitation that crystallized during the Dreyfus Affair. Despite his exclusion from the International, it was as Minister of Trade and Industry that Millerand became the main architect of labor law. Under his impetus, the legislative debate was permeated by the projects for "labor councils" that he put forward from 1900 onwards, inspiring in revolutionary format the figure of the Soviets in the Russian revolution of 1905 or the Councils

(Räte) in Germany of 1918-1919. What's more, it was during the 1900 World Exhibition in Paris that Millerand helped to bring into being an "International Association for the Legal Protection of Workers", which laid the foundations for the International Labor Organization in the aftermath of the First World War. In this sense, while the production of labor law was part of national legislation, it was also part of a broader international dynamic that drew on different national experiences.

The “crossed history” (*histoire croisée*) proposed by Zimmermann, Didry and Wagner (1999) aims to take this international dynamic of state institutional production seriously. This is reflected in the cross-fertilization of national legislation as it emerges from national legislative processes marked by the importance of comparative law and initiatives undertaken within the framework of international congresses. In this respect, it differs from a "connected" or even "global" history, which gives decisive weight to economic players in an opportunistic globalization based on the ability to slip between naturalized national borders. This cross-cutting history also involves grasping the dimensions of political economy, on an international scale, notably through the hegemony of the American model in the aftermath of the Second World War. The American reference is asserted through the productivity missions, which import similar forms of management into the countries covered by the Marshall Plan. At the same time, the modernizing impetus that emerged was reinterpreted in specific national conventions and configurations, without leading to uniformity in modes of state governance or homogenization of industrial relations structures (Whiteside and Salais 1998). A comparison of the trajectories taken by post-war “modernization” in France and Great Britain reveals differences right down to the most specific features of productive activities. In France, the nationalization of the mines led to a statute aligning miners' careers with those of the civil service. In Great Britain, the tradition of piece-rate pay and the worker independence associated with it have not disappeared, demonstrating the power of labor conventions close to the interpersonal world of production. Workers remain attached to this form of remuneration, which is sustained by attempts to increase productivity. The independence asserted by irregular attendance at work is expressed in the categories of absenteeism, more or less justified by doctors (Whiteside 1998).

4.3. Social dialogue": a European extension of industrial relations?

In addition to the dynamics of national legislation, today's standards are produced by larger entities such as the European Union. The construction of a European economic area, which began with the Treaty of Rome in 1957, marked a major step forward in the development of transnational legal frameworks, involving the major European trade union confederations.

The first two directives on consultation of workers' representatives in the event of collective redundancies (1975) and company transfers (1977) were largely the result of the work of the European Commission. But in the 1980s, under the impetus of J. Delors, the major European confederations, such as the European Trade Union Confederation, Business Europe and the Confederation of Enterprises with Public Participation, became increasingly directly involved in decisions affecting the future of European institutions. The result was a procedure known as "Social Dialogue", halfway between negotiation and deliberation on proposals for social directives put forward by the Commission, and enshrined in the Maastricht Treaty of 1992. The result was an unprecedented legislative activity until the early 2000s, with, for example, the 1994 directive on European Works Councils and the 2002 directive on information and consultation of employee representatives in companies with more than 50 employees (Didry and Mias 2005).

Here again, however, the process of European unification must be denaturalized, by considering phases of national retrenchment promoted by the European institutions themselves, in the form of *benchmarking* the performance of states in balancing public budgets (Salais 2012). Today, at the end of an unprecedented austerity policy initiated in the wake of the 2008 financial crisis, it is the return to a certain social dynamism in Europe that has been evidenced in the wake of the Covid crisis or through the adoption of an important directive on the European minimum wage (Erne et al. 2024), which is again threatened by the breakthrough of the nationalist extreme right in the European Parliament.

5. Industrial relations in a neo-liberal world

5.1. Cause of employment

Since the end of the 1970s, the unification of the European economic area has led to an increase in the number of restructurings, accompanied by legislation governing collective redundancy procedures for economic reasons. The European Directive of February 17, 1975 required member states to legislate in this area. In Germany, the issue of collective redundancies is dealt with in the context of co-determination, giving the *Betriebsrat* a decisive role in the negotiation of a "*Sozialplan*" in *Arbeitsgericht* (labor tribunal). In France, the general thrust of legislation since the 1980s has been to organize consultation with works councils, obliging employers to justify proposed redundancies and a social plan. In this way, the justification of redundancies and compensation for job losses were designed to defuse criticism. But the law of January 27, 1993, by making redundancy procedures null and void in the absence of internal

redeployment measures within the company, paved the way for collective redundancies to be “challenged” in court by works councils and employees themselves. This led to an increase in the number of cases brought by works councils against management, many of which resulted in the dismissal procedures and the dismissals themselves being overturned. Extending Boltanski's (1984) analysis of the development of a “cause”, Didry and Tessier (1996) consider the way in which employee representatives constructed a “cause of employment” both as a basis for collective indignation against job cuts and as the “cause” of a lawsuit. Here, the “cause” is based on the existence of a legal reference that enables to qualify the existence of a trouble, following the taking of the employer to court.

Following a lexical analysis of a corpus of 80 case law judgments, extended by monographic surveys, Didry (1998) identifies the existence of three main forms taken by the cause of employment. The first is based on the denunciation of an irregular procedure, in productive universes close to the world of interpersonal production, such as Champagne houses, where the annulment of the dismissal procedure resulted in the maintenance of employment. The second is the refutation of economic justification, through the ability of employee representatives to demonstrate the erroneous nature of the data put forward by the employer. This refers to innovative sectors such as aeronautics and energy, where engineers have a more in-depth knowledge of production than company managers. Lastly, the third form of grievance relates to the inadequacy of support for job cuts, in terms of retraining and compensation. This refers to rather “traditional market” worlds of production, such as textiles and clothing, which are subject to competition from countries with low labor costs. Criticism of the accompanying measures reflects the existence of a more or less implicit consensus on the impossibility of maintaining jobs and the inevitability of relocating and outsourcing activities.

This employment-related lobbying activity based on “challenging employers” echoes the conception of employment as a “common good”, guiding the negotiation of collective agreements aimed at preserving it. This was the case with agreements on forward-looking management of employment and skills (*gestion prévisionnelle de l'emploi et des compétences*) in the 1980s-1990s, which evoked the classification grids established at branch level, but aimed to assess skills in order to plan for people's adaptation or departure (Zimmermann 2000). Employment appears as a “justification” for the agreement, referring to different types of argumentations. For example, T. Katz (2007) shows that employment is part of three registers defined from Boltanski and Thévenot (2006 [1991]). Employment refers to a form of “common good”, to be preserved and developed for society, its youth and the fight against precariousness, in a first register relating to the “civic world”. It is associated with a “managerial, or even

'industrial' logic" (Katz 2007, p. 137), as it is seen in the search for greater efficiency in work and its organization. Finally, employment is evoked in a third register, marked by competition and rivalry, which the author links to the "market world".

5.2. Fissures in production worlds revealed by industrial relations

In the context of job uncertainty that has dominated the last few decades, opening up a new terrain – employment – of negotiation for industrial relations, the unity of the workforce that the employment contract tends to establish reveals fissures between professional categories. Admittedly, the category of "*managerial employee*" in the United States leads to the definition of a group of employees whose duty of loyalty to the employer deprives them of the right to unionize (Vinel 2012). But, in the context of a knowledge-based economy where innovation is deemed to become more intensive, it's with mistrust that union representatives look at employees in R&D departments. For these representatives, R&D is seen as the source of upheavals that threaten the employment of the categories of employees they represent. Conversely, the development of R&D in a global telecoms group resulting from the merger of the French and American leaders has resulted in a very high level of innovation and low unionization. This is due to the weight of peer assessment of individual projects, which is at the heart of the intellectual world of production (Storper and Salais 1997), without unionism seeming able to intervene (apart from public bodies such as the CNRS in France, or highly unionized academic establishments in the US). But the systematic outsourcing of production in this group, based on the objective of a "factory-less company", has led to a blockage in the development of new products from laboratory models with contractors, driving the company to its demise (Didry and Younès 2016).

This trade-union mistrust of a dynamic R&D department was also evidenced at Daimler-Benz between 1984 and 1995. This decade was marked by a strategy of diversification into the high-tech sector, in the hope that the innovative capabilities developed in the automotive sector would find their way into fields such as aeronautics and the electrical industry, following the path of the BASF group in chemicals. Ultimately, this strategy was defeated in the 1990s, in the name of a financial rationale that prioritized the market readability of the company's activities, with an inflection of strategy that resulted in a refocusing on the automotive sector. The support of employee representatives for what appears to be the result of the financialization of group management reflects the difficulty of integrating all professional categories divided by the tension between an intellectual world, oriented toward exploration, and an interpersonal-industrial world, based on the efficient production of reliable material (Kädtler 2023).

IT sector is experiencing a reverse dynamic, with an unprecedented wave of unionization in research. In recent years, the formation of a group of 700 unionized workers at Alphabet (Google's parent company) has made headlines. But the momentum for unionization in Israeli tech began to build in the 2010s, against a backdrop of job stability being called into question in the wake of the 2008 financial crisis. The turning point was significant for Israel, the country with the world's highest concentration of engineers and high-tech companies in proportion to its population. This led to a major ideological break in the professional group, challenging the classical rejection of social critique by an artist critique supporting the neoliberal turn of economy (Fisher & Fisher 2019). The notion of the "network" characteristic of the "projective city" promoted by the artist critique (Boltanski and Chiappello 2005) finds itself associated with neo-liberal flexibility. The stakes become a struggle against arbitrary employers, in the face of a lack of recognition of qualifications and a need to intervene in company management to limit unjustified dismissals. This led to a proliferation of company sections affiliated to the Israeli confederation Histadrut, accompanying an unprecedented dynamic of collective bargaining on wages and employment in this major sector for the country's economy. A similar dynamic has been identified by Berrebi-Hoffman and Chaput (2022) at Alphabet (Google), the Silicon Valley's flagship company, through a convergence between an alternative unionism based on ethical issues and an institutionalized practice of union organization and mobilization on wages and employment. For these authors, this evokes a renewed articulation between "artist criticism" and "social criticism", in a terminology they also borrow from Boltanski.

5.3. Enterprise negotiations: group, subsidiary or plant?

Against a backdrop of exploding debt in the southern states of the European Union, in the aftermath of the 2008 financial crisis, the European Commission was prompted to call for national reforms designed to make it easier to lay off workers, and to promote company-level bargaining over industry-level bargaining. As a result, the reforms undertaken in Italy, Spain and France in the 2010s (Laulom 2018) are strikingly parallel, with a paroxysmal exacerbation in Greece (Koukiadaki and Kokkinou 2016). However, far from being closer to productive activities than sectorial negotiation, legislation on company-level negotiation integrates a complex set of levels, with initially the establishment and the firm, to which the 2016 and 2017-18 reforms added the group whose agreements prevail on those of the other level.

The inclusion of a higher level in the company-level bargaining, which, under the impetus of the economic power embodied by the group, can lead to agreements that take

precedence over those negotiated at lower levels, represents an opening up of the field of possibilities. The analysis of practices carried out on the basis of a statistical survey of a representative sample of establishments, supplemented by monographic investigations, has enabled us to identify a typology outlining a plurality of what might be termed "company conventions" shaped by the practice of collective bargaining that takes place there (Didry and Giordano 2023). Centralization at group level is at the heart of major "competitiveness" agreements in the automotive industry, which, according to the authors, refer to an "overhanging company convention". In the steel industry, where plant-level negotiations dominate, the case studied reveals a "situated company convention" due to its anchorage in a specific territory and history. Company-level bargaining supporting the creation of a subsidiary dedicated to armaments activities, within a heavy vehicle manufacturing group, can be taken as an idealtype of an "autonomous company convention". Lastly, the multiplication of small-scale subsidiaries under different banners by a retail group demonstrates the group's influence on the absence of negotiation and union representation, suggesting the existence of a "concealed company convention". In the light of this diversity of conventions, company negotiation (and its absence) demonstrates the exercise of a "strange power" by the employer, who "can shape itself as it pleases; it gives itself the form that suits it. It can give itself a corporate form, but it can then split into several companies, merge into another, transfer the burden of certain employment contracts to another company..." (Lyon-Caen 2013).

6. Conclusion

EC/SC initially approached industrial relations from the point of view of the products of collective bargaining, such as the classification grids established in France within the framework of branch agreements. But a closer look at the legal category of collective agreement shows the importance of the emergence of labor law in a profound redefinition of the scope of collective bargaining. Whereas collective bargaining, as it emerged in the early days of the market economy, was primarily concerned with establishing tariffs to fix piece prices as references for transactions between merchants selling goods and workers carrying out the collective execution of a work, labor law has overturned both the actors and the objects of negotiation. Collective agreements set the conditions for individual employment contracts, covering a wide range of issues such as remuneration, working hours, employment and dismissal. Industrial relations thus consolidate recognition of the individual worker as part of a

work collectivity, reinforcing a very general conception of work ranging from blue-collar workers to R&D engineers.

Through their openness to the diversity of production worlds, industrial relations maintain a capacity for criticism and intervention by workers in company management that is not limited to the world of industry alone. Recent developments in the conflict over the establishment of unions in Anglo-Saxon companies, or over wage increases in a context of high inflation, reflect a renewed presence of industrial relations at work that contradicts the normative predictions of economic liberalism and notably the competition condition for the functioning of free und undistorted market mechanisms. But it also raises questions about the “blind spot” represented by the employer, or at least the company, in an age of financialization, when the company is no longer a production entity, but is associated with the economic power of groups focused on the financial valuation of their assets. It is by pursuing an analysis of mobilization and negotiation practices in the diversity they take on in specific production worlds, that EC/SC today finds itself in a position to go beyond the limits of a structuralism that has confined stable employment and collective agreements to the space of industry, without locking itself into the prophecy of a post-industrial society at the light of intense social conflicts.

7. Cross References

▶ Conventions: Meanings and Applications of a Core Concept in Economics and Sociology of Conventions

▶ Law in Convention Theory: Regulation in Regularities

▶ Legal Norms and Convention Theory: Justification, Evaluation, and Realization of Law

▶ Laurent Thévenot’s Sociology of Regimes of Engagement and Grammars of Commonality

▶ Investments in Forms: Background and Continuing Developments

▶ Convention Theory and Social Policy: Historical Perspectives

▶ The Pragmatic and Democratic Approach to State as a Convention Between Persons

References

- Berrebi-Hoffman, Isabelle and Quentin Chaput. 2022. Des luttes éthiques aux luttes sociales. Les mouvements de contestation critique des salariés des GAFAM aux États-Unis (2015-2021). *Réseaux* 231: 73-107. <https://doi.org/10.3917/res.231.0071>
- Biernacki, Richard. 1995. *The Fabrication of Labor. Germany and Britain 1640- 1914*. Los Angeles: University of California Press.
- Boltanski, Luc. 1984. La dénonciation. *Actes de la Recherche en Sciences Sociales* 51: 3-40.
- Boltanski, Luc and Eve Chiappello. 2005. *The New Spirit of Capitalism*. London: Verso.
- Boltanski, Luc, and Laurent Thévenot. 2006 [1991]. *On justification. Economies of worth*. Princeton: Princeton University Press.
- Chateauraynaud, Francis. 1991. La faute professionnelle. Une sociologie des conflits de responsabilité. Paris: Métailié.
- Deakin, Simon. 1997. The evolution of the contract of employment, 1900-1950: the influence of the welfare state. *Governance, industry and labour markets in Britain and France: The modernising state in the mid-twentieth century*. ed. Noel Whiteside and Robert Salais, 212-230. London: Routledge.
- Didry, Claude. 2001. La convention collective en 1936, les deux registres d'une institution légale dans les conflits sociaux du Front Populaire. *Cahiers de l'Institut Régional du Travail d'Aix en Provence* 9 (March) : 147-162.
- . 2002. *Naissance de la convention collective, débats juridiques et luttes sociales en France au début du XXe siècle*. Paris: Editions de l'Ecole des Hautes Etudes en Sciences Sociales.
- . 2006. Droit, histoire et politique dans la sociologie du droit de Max Weber. in *La légitimité de l'État et du droit, autour de Max Weber*, ed. Michel Coutu, 91-114. Paris Québec : Presses Universitaires de Laval and LGDJ.
- . 2016. *L'institution du travail. Droit et salariat dans l'histoire*. Paris: La Dispute.
- . 2019. Béatrice et Sidney Webb: de l'institution syndicale à l'institution du travail. Une sociohistoire de la législation sociale britannique. *Les théories du travail. Les classiques*, ed. Daniel Mercure and Jan Spurk : 213-234. Québec : Presses Universitaires de Laval.

———. 2022. Weber et le droit du travail. Les voies d'une autre histoire sociale. *Travailler avec Max Weber*, ed. Jean-Pierre Grossein et Béatrice Hibou : 75-103. Paris : Ed. de la Maison des Sciences de l'Homme.

Didry, Claude and Denis Giordano. 2023. Extension du domaine de la négociation d'entreprise. La négociation d'entreprise sous l'emprise du groupe ? *Revue de l'IREES* 107 : 41-70. <https://doi.org/10.3917/rqli.107.0041>

Didry, Claude, Florent Le Bot, Corine Maitte and Michela Barbot. 2019. Introduction. Aux sources du capitalisme: un encastrement social du commerce ? *L'Homme & la Société*. 211 : 15-26. <https://doi.org/10.3917/lhs.211.0015>

Didry, Claude and Laure Machu 2014. Ambroise Croizat et la convention collective : de la lutte des classes aux "luttres de classement" (1936-1947), *Ambroise Croizat, le ministre (1945-1947)*, 29-44. Paris-Montreuil: Institut d'Histoire Sociale de la CGT/Mairie de Paris.

Didry, Claude and Arnaud Mias. 2005. *Le moment Delors, les syndicats au cœur de l'Europe sociale*. Brussels : PIE-Peter Lang.

Didry, Claude and Robert Salais. 1993. L'écriture des conventions du travail. Entre le métier et l'industrie, un moment critique : les conventions collectives de 1936-1937. *Etudes (Revue du CEREP)* 65 : 77-90.

Didry, Claude and Robert Salais. 1995. Troubles sur les produits d'Etat et écriture des conventions collectives. *L'inscription sociale du marché*, ed. Annie Jacob and Hélène Verin, 110–134. Paris: L'Harmattan.

Didry, Claude, and Luc Tessier. 1996. La cause de l'emploi, les usages du droit dans la contestation des plans sociaux. *Travail et Emploi* 69: 23–35.

Didry, Claude and Dima Younès. 2016. La recherche au sein d'un groupe en restructuration. Entre logique scientifique et logique de marché. *Les travailleurs de l'innovation, de l'entrepreneur aux salariés*, ed. Pierre Boisard, Rennes, 165-184. Presses Universitaires de Rennes.

Dodier, Nicolas. 1989. Le travail d'accommodation des inspecteurs du travail en matière de sécurité. *Cahiers du centre d'études de l'emploi* 33: 281–306.

Dunlop, John T.. 1993 [1958]. *Industrial Relations Systems [Revised Edition]*. Boston: Harvard Business School classics.

Erne, Roland, Sabina Stan, Darragh Golden, Imre Szabó, Vincenzo Maccarrone. 2024. *Politicising Commodification. European Governance and Labour Politics from the Financial Crisis to the Covid Emergency*. Cambridge. Cambridge University Press. <https://doi.org/10.1017/9781009053433>

Eymard-Duvernay, François. 1989. Conventions de qualité et formes de coordination. *Revue Economique* 40 (2): 329–361.

Favereau, Olivier. 1989. Marchés internes, marchés externes. *Revue Economique* 40 (2): 273–328.

Fisher, Eran, and Ben Fisher. 2019. Shifting Capitalist Critiques: The Discourse about Unionisation in the Hi-Tech Sector. *Triple C* 17 (2): 308-326. <https://doi.org/10.31269/triplec.v17i2.1107>

Gillepsie, James. 1998. State regulation and industrial organization: the London workshop trades, 1911-1960, *Governance, industry and labour markets in Britain and France: The modernising state in the mid-twentieth century*, ed. Noel Whiteside and Robert Salais, 249-266. London: Routledge.

Homburg, Heidrun. 1999. Autodétermination sociale ou État interventionniste? La régulation collective des conditions de travail en Allemagne, 1890-1933. *Le travail et la nation. Histoire croisée de la France et de l'Allemagne*, ed. Bénédicte Zimmermann, Claude Didry et Peter Wagner, 223-252. Paris: Éditions de la Maison des Sciences de l'Homme.

Hwang, Jun-Wook. 1999. *Travail et formes de coordination sur la chaîne de production: comparaison de trois usines coréennes implantées en Europe*. PhD in Economy, Nanterre-Paris X University.

Jeammaud, Antoine. 1989. Les polyvalences du contrat de travail. *Les transformations du droit du travail. Études offertes à Gérard Lyon-Caen*, 299-316. Paris : Dalloz.

———. 1990. La règle du droit comme modèle. *Chronique* 34. *Dalloz Périodique*,: 199-210.

Kädtler, Jürgen. 2022. Gestion soutenable des entreprises et pouvoir soutenable des employés – agir dans plusieurs mondes de production. *L'économie est une science réflexive. Chômage, convention et capacité dans l'œuvre de Robert Salais*, ed. Christian Bessy and Claude Didry, 137-146. Lille: Septentrion

Katz, Tamar. 2007. *La négociation collective de l'emploi*. Paris : Librairie Générale de Droit et de Jurisprudence.

Koukiadaki, Aristeia and Chara Kokkinou. 2016. Deconstructing the Greek industrial relations system. *European Journal of Industrial Relations* 22 (3): 205-209.

Laulom, Sylvaine (ed). 2018. *Collective bargaining developments in times of crisis*, Bulletin of comparative labour relations. Kluwer Law International B.V.

Lefebvre, Philippe. 2003. *L'invention de la grande entreprise. Travail, hiérarchie, marché (France, fin XVIIIe siècle-début XXe siècle)*. Paris : Presses Universitaire de France.

- Lenoble, Jacques et André Berten. 1990. *Dire la norme. Droit, politique et énonciation*. Paris : Librairie Générale de Droit et de Jurisprudence.
- Linhart, Robert. 1981 [1978]. *The Assembly Line*. Amherst: The University of Massachusetts Press.
- Lyon-Caen, Antoine. 2013. Retrouver l'entreprise? *Le droit ouvrier* 776 (March): 196.
- Marshall, Alfred. 2013 [1890]. Industrial Organization, continued. The Concentration of Specialized Industries in Particular Localities. *Principles of Economy*. Book 4, Chap. X, 222-231. Basingstoke : Palgrave Mc Millan.
- Marx, Karl. 1982 [1867]. *Capital. A critique of political economy*. Harmondsworth London: Penguin Books in association with New Left Review.
- Moutet, Aimée. 1997. *Les logiques de l'entreprise. La rationalisation dans l'industrie française de l'entre-deux-guerres*. Paris: Éditions de l'École des hautes études en sciences sociales.
- Naville, Pierre. 1956. *Essai sur la qualification du travail*. Paris : Librairie Marcel Rivière et Cie.
- Rudischauser, Sabine. 2017. *Geregelte Verhältnisse. Eine Geschichte des Tarifvertragsrechts in Deutschland und Frankreich (1890-1918/19)*. Köln: Bohlau.
- Salais, Robert. 2011. Labour-related conventions and configurations of meaning: France, Germany and Great Britain prior to the Second World War. *Historical Social Research* 36, 4: 218-247.
- Salais, Robert and Laurent Thévenot eds. 1986. *Le travail. Marchés, règles, conventions*. Paris: Economica.
- Salais, Robert, Nicolas Baverez, and Bénédicte Reynaud. 1999 [1986]. L'invention du chômage. Histoire et transformations d'une catégorie en France des années 1890 aux années 1980. Paris: PUF.
- Serverin Evelyne. 1985. *De la jurisprudence en droit privé. Théorie d'une pratique*. Lyon: Presses Universitaires de Lyon.
- Sonenscher, Michael. 1989. *Work and Wages. Natural law, politics & the eighteenth-century French trades*. Cambridge: Cambridge University Press.
- Storper, Michael, and Robert Salais. 1997. Worlds of production. The action frameworks of the economy. Cambridge: Harvard University Press.
- Thévenot, Laurent. 2022. Contester une autorité incontestable : quel mouvement critique ? *L'économie est une science réflexive. Chômage, convention et capacité dans l'œuvre de Robert Salais*. ed. Christian Bessy and Claude Didry, 29-38. Lille : Septentrion.

Thompson, Edward P. 1963. *The making of the English working class*. London: Victor Gollancz Ltd.

Webb Beatrice and Sidney. 1920 [1894]. *History of Trade-Unionism. [Revised Edition Extended to 1920]*. New York, London, Calcutta and Madras: Longmans, Green and co.

Weber, Max. 1978. *Economy and society*. Two volumes. Berkeley: University of California Press.

Whiteside, Noel. 1994. Définir le chômage: traditions syndicales et politique nationale en Grande-Bretagne avant la Première Guerre mondiale. *Aux sources du chômage 1880-1914*, ed. Malcolm Mansfield, Robert Salais and Noel Whiteside, 381-411. Paris: Belin.

Whiteside, Noel. 1998. The state and the labour market: reforming employment in the public sector. *Governance, industry and labour markets in Britain and France: The modernising state in the mid-twentieth century*, ed. Noel Whiteside and Robert Salais, 267-285. London: Routledge.

Whiteside, Noel and Robert Salais (eds). 1998. *Governance, industry and labour markets in Britain and France: The modernising state in the mid-twentieth century*. London: Routledge.

Zarca Samuel. 2023. Des artisans du film qui deviennent techniciens de cinéma La reconfiguration conflictuelle de la production cinématographique durant le Front populaire. *Genèses* 130 (1): 35-56. <https://doi.org/10.3917/gen.130.0035>

Zimmermann, Bénédicte. 2000. Logiques de compétences et dialogue social. *Travail et Emploi* 84 (october) : 5-18.

Zimmerman, Bénédicte, Claude Didry, and Peter Wagner (eds). 1999. *Le travail et la nation. Histoire croisée de la France et de l'Allemagne*. Paris: Editions de la MSH.

Index

Employment contract

Union (unionization, unionism)

Strike

Classification

Tariffs (of the price of the pieces)

Qualification

Histoire croisée

Collective agreement

Collective bargain

Industrial Relations

Workplace

Entreprise

Employee

Employer