

The role of the SSE in corporate reform in France

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Framework

- Context: corporate reform has an unfinished history in France
 - On the one hand, 'social' issues are dealt with by the State and trade unions have a professional defence rather than a management role.
 - On the other hand, French republicanism has focused more on political institutions than on the economic field.
- Ever since the 19th century, various currents have been experimenting with different approaches: socialists with workers' associations, liberals with profit-sharing, Catholics with corporative models of company management, etc.
- Alternative companies were institutionalised: the Scop in 1915 and the Société Anonyme à Participation Ouvrière (Sapo) – a limited company with worker participation – in 1917.
- In the inter-war period, the theme of workers' control (which was rather vague) flourished within the CGT, but it was not until after the war that several reports, the rapporteurs of which were linked to the SSE (cooperatives, associations), initiated the debate on company reform from the perspective of co-determination.
- While trade unions and employers are opposed to any collaboration between capital and labour, the SSE occupies a special place in the history of company reform, through both experimentation and debate. It is therefore more likely to serve as an intermediary to introduce the Esop in France.
- We will therefore ask ourselves: what role does the SSE play in corporate reform?

Le tournant du rapport Sudreau

- Parallel to the creation of Esop in the United States, the debate on company reform reached a turning point in 1974-1975 with the Sudreau report, commissioned by the President of the Republic.
- Background: laws on profit-sharing (1959, 1967) and the Lip self-management experiment (1973)
- The Sudreau report proposed introducing co-determination in the company, but came up against opposition from the unions and employers. Only a few secondary proposals (safety at work, company social report) were taken up. It was not until the Auroux laws of 1982 on the right of workers to express themselves and their representative bodies that a partial outcome was found.
- However, this report has had positive consequences for the SSE:
 - It helped bring together associations on the one hand, and cooperatives and mutual societies on the other, to create a social economy sector in 1981 with the support of Michel Rocard.
 - The renovated 1978 law on Scops is one concrete example.
 - This was also reflected in the debates on the third sector in the 1970s with Jacques Delors, and then on social enterprise in the 2000s, which led to the creation of social cooperatives and the 'solidarity enterprise' accreditation in 2001.

La loi ESS de 2014

- While the B-corp label was being created in the United States, a debate on a 'social enterprise' label was launched in France with the Vercamer report in 2010.
- In an international and European context marked by the adoption of framework laws on the SSE (Spain in 2011, Portugal in 2013), France adopted the SSE law in 2014 to recognise the social and solidarity economy sector, which now includes cooperatives, associations, mutual societies, but also foundations and commercial SSE companies.
- The proposal for a 'social enterprise' label was not adopted, but it was broken down into three measures:
 - The creation of commercial SSE companies
 - The creation of a best practice guide
 - The reorganisation of the 'solidarity enterprise' accreditation into a 'socially useful solidarity enterprise' for access to solidarity finance funds.

Le retour du débat sur la réforme de l'entreprise

- The debate on corporate reform made a comeback in 2018 with the Notat-Senard report and then the Pacte law of 2019, which created mission companies
- They are importing the 'social purpose corporation' debate, as with B-corps. But they are not interested in ownership or co-determination, and for this reason, dismiss the SSE.
- However, SSE companies (cooperative banks, mutual societies, social enterprises, etc.) play an important role in the community of companies with a mission.
- This is strengthening the synergies between SSE and CSR and opening a window of opportunity for Esops in France.
- A SSE bill is currently being prepared by the Ministry of the Economy. Several measures are being considered: social joint ventures, renovation of the SAPO and the introduction of a cooperative Esop.
- It is in fact the Scop movement that is putting forward the proposal in France to organise a continuum with employee shareholding, encourage the transfer of businesses and employee participation, and strengthen productive sovereignty.
- The new political balance in the National Assembly, where the left has a relative majority, could favour the adoption of such a law, with the Esop becoming a common denominator.