



*CHRONICLE OF THREE
YEARS OF STRUGGLE OF
THE SOCIALIST DEPUTIES*

FOR A NEW BUSINESS AND NEW
GOVERNANCE

BY DOMINIQUE POTTER, THE 18 . 01 . 2018
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CHRONICLE OF THREE YEARS OF STRUGGLE OF THE SOCIALIST DEPUTIES:

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Dominique POTIER, Thursday, January 18, 2018, intervention in Public Session.

"For Olivier Abel, not owing anything to anyone is one of life' s great misfortunes. I would therefore like to begin the presentation of my report on this bill proposed by the Nouvelle Gauche group by recalling a few filiations and legacies.

This morning, I thought about our political group, its situation with regard to the history of the Left and the French Republic. I thought about the strength of our ideas and my conviction that if we are survivors, we have the vocation to be scouts today and tomorrow. Of these scouts, we will find some rather brilliant figures in history through the Rochdale Fair Trade pioneers: in 1848, a handful of men from this English town, thanks to the strength of their convictions, were to lay the foundations of the cooperative movement in the company, which would then irrigate all of Europe. In the peasant world, where I come from, I saw all the benefits.

I also wish to recall the working class roots of my territory. At this moment, the name of Paul Lhuillier comes to mind, to whom we recently paid tribute for ninety years of involvement in unionism in the Neuves-Maisons mining basin. When he received his medal of the National Order of Merit, he reminded us that all of his training and his many civic commitments had been based on the faith, transmitted by the YCW - the Young Christian Workers - that a young worker is worth more than all the gold in the world.

I am also thinking at this moment of another great militant of the working class world, to whom I would like to pay tribute: Jacques Chérèque, who passed away a few days before Christmas. For our family, the family on the left, he was an ethical figure in the service of business and the State.

My gratitude goes to the representatives of civil society who joined our group to produce this text. I would like to pay tribute to the trade unionists, entrepreneurs, business people, and the

NGO, to the many academics of think tanks such as the Jean-Jaurès Foundation, Esprit civique or Terra Nova, who accompanied us. But above all, I want to pay tribute to the work, aimed at rethinking the company in the 21st century, begun nearly ten years ago by the Collège des Bernardins - they were the first to lay the foundations of what brings us together today.

To think the company is to play politics. To think the company is perhaps to put an end to the golden calf and this sort of ban on criticism of the company that has taken root in our consciences because of neoliberal thinking. We need to think of the company as a framework and a crucible. As a framework, in order to limit its excesses and what has been called the "great deformation" in the distribution of added value, in favor of shareholder supremacy, and to provide limits to the large groups, which, by their power, can compete with the State in the allocation of resources and the manufacture of the norm. But it is also necessary to think of the company as a melting pot, capable of social, economic and technological innovation, providing innovative solutions to the challenges of the world, alongside and in balance with public power.

I like to think of the law as the banks of a river that prevents it from becoming a swamp. Yes, public power, in its capacity to regulate and enact the law, is both a framework and the condition of the company's strength: in the absence of banks, the river turns into a swamp.

Our bill is structured around four blocks, the first two of which are foundational.

First of all, the revision of article 1833 of the Civil Code is now obviously necessary, because who still thinks that this article, which stems from the Napoleonic Code, can reflect the current reality and vitality of the company? To name things wrongly, Camus said, is to add to the misfortunes of the world. So, let's do something useful, let's have the courage to revise article 1833, to say: "The company is managed in accordance with the interests of the company, taking into account the economic, social and environmental consequences of its activity. "This would be a founding act; it is not a question of paying for words, but of laying the first stone of what could reconcile us.

Article 2 of the proposed law tends to consider employees, the world of work, as a constituent part of the company rather than simply a stakeholder. This French-style co-determination, which we propose as a first step, would be in line with an initiative that is almost in the majority in Northern Europe and which has proved its worth. With two salaried directors in companies with 500 to 1,000 employees, a third of salaried directors in companies with 1,000 to 5 000 employees, and a half in companies with more than 5,000 employees, and with participation extended to companies with more than 20 employees, we would have the basis for French-style co-determination, co-management, which would both guarantee efficiency and recognition of the labor force.

Sections 3 to 8 are based on the principle of loyalty. They aim to introduce triple voting for long-term shareholders, a control on the transfer of values, tax reporting to IORPs - the institutions representing employees - which would circumvent the constitutional censure of the Sapin 2 law, a new territorial pact and a maximum income gap.

Articles 9 to 11 open new fields: a reinforcement of the guarantee offered to companies with a social purpose, allowing their recognition and the development of the social economy; the creation of companies with a mission and their supervision, by sharing their mission; the introduction of a double rating.

On this last measure, I have high hopes, because it is an idea for the future: alongside the economic listing of the CAC 40, we absolutely need visibility that the current extra-financial reporting does not give - it only gives a blurred vision. We need a public standard to establish what CSR - corporate social responsibility - is all about and, in a responsible social market economy, to enable every citizen, in his or her capacity as saver, consumer and possibly employee, to have an idea of the company they are dealing with.

These are the main proposals of our text, which take the form either of precisely written articles or of requests for reports to the Government, to set the stage, because we wanted to remain cautious in this matter.

The adversity that this bill could experience, under the pretext of postponing the debate to later dates, we unfortunately know it by heart if we reread our history.

"Impossible!" said the opponents of progress in 1898, when MP Nadaud, after ten years of struggle, succeeded in passing the first laws on industrial accidents. Was it the end of the world? No, it was the birth of a new world, that of accident prevention and insurance funds, as well as the birth of a technological revolution, the development of a new economy and a new prosperity.

"Impossible to reform accounting!" offended the conservatives a century ago, in 1915, when initiatives for new governance were taken through the creation of auditors and modern accounting. Accounting had remained obscure until then, while modern accounting would be the pledge of a trade that would intensify, because we know the value of contractualization. It was the opening, there too, of a new prosperity.

"We were told, "It is impossible, on an international scale, to make the world's factories and plants move backwards. But in March 2017, civil society and the international community succeeded.

Parliament, after a four-year struggle, to impose the passing of a law on the duty of vigilance, in order to limit environmental impacts, prevent child labor and ensure respect for human dignity at the end of the value chains of our multinationals. »