

Roles and responsibilities of a union representative (RSS)

We feel it is important for everyone to understand the role and responsibilities of a union representative (Représentant de la section syndicale- RSS) as set out by French labour law.

A union representative is **mandated by a union** when there are at least two union members present in the school/company; this person is not required to be an elected employee representative (CSE).

The mandate is sent out by registered post to the director of the company and the local work inspector.

Communication

First and foremost, the union representative facilitates communication between staff and the union.

In order to do this, a union representative is given a bulletin board by the director to put up information about local and national union activities. The bulletin board should be situated in an area not frequented by students or parents.

A copy of all communication posted on the bulletin board must be sent to HR/management immediately. The posters or information presented must refrain from slanderous or perjurious remarks and should also respect the values of the French Republic.

A separate bulletin board is given to each union represented in the school/company.

The union representative may also address any demands (*reclamations* ou *revendications*) directly to the employer by email or letter.

Accompanying employees

A union representative can accompany employees to meetings concerning the release from their contract (*rupture conventionnelle*) or in the case of a dismissal (*entretien préalable au licenciement*) or a disciplinary action.

Negotiation

As a general rule, a union representative, unlike a union delegate, does not engage in negotiations with the employer. However, in the absence of any union representation in the school/company, a union representative can be mandated for certain negotiations.

Hours

A union representative in a company of over 50 employees is allocated **4 hours a month**. These hours are paid at the end of each month at a normal hourly rate or as overtime depending on the circumstances.

Protection

Under French labour law, a union representative is considered a *protected employee* meaning that the termination of his/her contract for any reason must first be confirmed by the work inspector.

Preparing the upcoming elections

The union representative seeks to promote the union in the school/company with the goal of creating a list of candidates for the next elections.

End of Mandate

A union representative's mandate automatically comes to an end during the first round of CSE elections. If the union fails to meet the requirements to name a union delegate (Déléguée syndicale), then another employee can be named RSS for the following electoral cycle.

A school/company cannot have both a union representative and a union delegate in the same union.

References:

<https://www.service-public.fr/particuliers/vosdroits/F32078>

(This government page does provide an automatic translation service) *Représentant de la section syndicale* (Code du travail : articles L2142-1-1 à L2142-1-4); *Dérogation à l'interdiction de négociation d'accord d'entreprise* Code du travail : article L2143-23.

For more information in English concerning labour laws and unions in France, please contact Emmanuel Doucet :
by email emmanuel.doucet@efp-cgt.org or by phone +33 6 86 13 36 14.