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## Pension in France

### 1. Introduction

#### Overview

The public pension system:

- The pension system in France is fragmented and complex, but clearly dominated by compulsory pay-as-you-go schemes which make up 98 per cent of total pension expenditure (Conceição-Heldt 2007: 167-168).
- It is a tradition in France that pensions have been state centered (Pension Funds Online 2010: Pension System Design).
- In general, the following types of pensions can be identified:
  - Mandatory general or basic scheme: benefits that correspond to wages below the social security ceiling are offered. It is a pay-as-you-go scheme with defined benefit contributions (Conceição-Heldt 2007: 168).
  - Mandatory supplementary schemes: these schemes supplement the basic schemes. Generally, the schemes are organized on socio professional basis; in the private sector, most of them are federated in the AGIRC (*Association générale des institutions de retraite des cadres*, General Association of Management Employees Pension Plan Institutions) and the ARRCO (*Association pour le régime de retraite complémentaire des salaires*, Association of Supplementary Pension Schemes for Non-Executive

Employees) (Conceição-Heldt 2007: 168).<sup>1</sup> Both AGIRC and ARRCO are based on collective labor agreements (CLAs). Together with the basic schemes, the mandatory supplementary pensions have been very important in France (Pension Funds Online 2010).

- AGIRC is the older scheme and covers executives only (Pension Funds Online 2010). Executives in France (*cadres* in French) can be defined as the group of employees that covers managerial and senior technical staff in the private sector (Reynaud 1997: 67-68).
- ARRCO has been established for all employees (Pension Funds Online 2010).
- Optional supplementary occupational schemes: they are voluntary, offered within a professional framework, and financed only through funding. There are individual membership schemes in the public sector and group insurance schemes in the private sector. The plans are usually established at company level and they are subsidized by the government (Conceição-Heldt 2007: 168). According to Pension Funds Online (2010), voluntary occupational pension schemes only play a small role in the French pension system.
- Private pensions: There are also schemes that enable additional private pensions or individual pension saving (Conceição-Heldt 2007: 170).
- Finally, it is important to note that for most types of pensions, there is a socio occupational division. This means that each pension type has different schemes for employees in the private sector, employees in the public sector, employees in the farm sector, and for non-salaried and self-employed persons. Often, there are even further divisions (Conceição-Heldt 2007: 168), but these are not considered within this research.

The role of collective labor agreements (CLAs):

- The role of social partners and of sectoral or cross-sectoral CLAs is not easily described because the state always plays an important role as well. Generally, CLAs are of most importance for the AGIRC and ARRCO schemes: the rules, implementation and the supervision of the pension institutions are regulated in CLAs (ISSA 2008: Pension Plans (Mandatory)).
- Nevertheless, compared to schemes in other Western European countries, AGIRC and ARRCO may be interpreted different than typical CLA based pension schemes. Two

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<sup>1</sup> Both terms AGIRC and ARRCO have two meanings: first, AGIRC and ARRCO stand for the two different schemes of compulsory occupational pensions. Second, the two terms also stand for the two national umbrella associations that control the many different pension institutions that implement the two schemes (see also section 4).

points are worth mentioning here. First, even though the state cannot directly change the organization and administration of the schemes, all changes concerning the two schemes agreed in CLAs must be approved by the Minister of Social Affairs, Labour and Solidarity (ISSA 2008: Pension Plans (Mandatory)).

- Furthermore, in 1972 the state made the schemes mandatory for all private sectors. This means that scheme access is not determined by CLAs but by the state (Trampusch 2010: 110). Therefore, Trampusch (2010: 110) concludes that 'in France, the state has co-opted a functional redistribution model and transformed it into a territorial one'.

### **Levels of Bargaining**

- Collective bargaining on occupational pension is highly centralized (Concialdi/Jolivet 2004: 7). AGIRC and ARRCO are negotiated and managed at national level only (Jolivet 29.06.2009, telephone interview).
- However, there are some sectoral CLAs concerning pensions: for example, after the pension reform of 2003 until 2007 the state made it possible to conclude sectoral CLAs that allow employers to put their employees into normal retirement before the latter have reached the official retirement age (Jolivet 2004).

### **Actors**

Trade unions that are involved in the negotiation of AGIRC (Agirc et Arrco 2010: Partenaires Sociaux):

- CFDT *Cadres*: the organization for executives within the CFDT (*Confédération française démocratique du travail*, French Democratic Confederation of Labour). According to EIRO (2007: Main Actors), the CFDT is a reformist trade union with Christian-Democratic origins.
- CFE-CGC (*Confédération française de l'encadrement – Confédération générale des cadres*, French Confederation of Management – General Confederation of Executives).
- FO-*Cadres*: the organization for executives within the FO (*Force ouvrière*, Workers' Force). According to EIRO (2007: Main Actors), the FO is a reformist but radicalized union founded by CGT (*Confédération Générale du Travail*, General Confederation of Labor) dissidents. Sometimes, it is also called CGT-FO.
- UGICA-CFTC (*Union générale des ingénieurs, cadres et assimilés*, no translation found), the organization for executives within the CFTC (*Confédération française des travailleurs chrétiens*, French Christian Workers Confederation) which was founded by dissidents from CFDT, when this union abolished its Christian roots.

- UGICT-CGT (*Union générale des ingénieurs, cadres et techniciens*, no translation found), the organization for executives within the CGT which is an union with communist origins (EIRO 2007: Main Actors).

Trade unions that are involved in the negotiation of ARRCO (Agirc et Arrco 2010: Partenaires Sociaux):

- CFDT (*Confédération française démocratique du travail*, French Democratic Confederation of Labour)
- CFE-CGC (*Confédération française de l'encadrement - Confédération générale des cadres*, French Confederation of Management – General Confederation of Executives)
- CFTC (*Confédération française des travailleurs chrétiens*, French Confederation of Christian Workers)
- CGT (*Confédération générale du travail*, General Confederation of Labor)
- FO (*Force ouvrière*, Workers' Force)

Employers' associations that are involved in the negotiation of AGIRC (Agirc et Arrco 2010: Partenaires Sociaux):

- MEDEF (*Mouvement des entreprises de France*, Movement of the French Enterprises), formerly known as CNPF (*Conseil national du patronat français*, National Council of French Employers)
- CGPME (*Confédération générale des petites et moyennes entreprises*)

Employers' associations that are involved in the negotiation of ARRCO (Agirc et Arrco 2010: Partenaires Sociaux):

- MEDEF (*Mouvement des entreprises de France*, Movement of the French Enterprises), formerly known as CNPF (*Conseil national du patronat français*, National Council of the French Employers)
- CGPME (*Confédération générale des petites et moyennes entreprises*, General Confederation of Small and Medium-Sized Companies)
- UPA (*Union professionnelle artisanale*, Craftwork Employers' Association)

## **Critical Junctures**

Definition: Critical junctures are years or time periods when important decisions on the development of the collectively negotiated pension scheme were made.

It is difficult to give an exact number of critical junctures. But the following events may be considered as important:

- In 1947 AGIRC, the scheme for executives, was created on the basis of voluntary supplementary schemes (Döring 2010: 20; ISSA 2008: Pension Plans (Mandatory)). The scheme experienced major revisions in 1988, 1994, 1996, 2001 and 2003 (ISSA 2008: Pension Plans (Mandatory)).
- In 1961, ARRCO was created. The scheme experienced major revisions in 1988, 1993, 1996, 2001 and 2003 (ISSA 2008: Pension Plans (Mandatory)).
- In 1972, legislation made it mandatory for all private sector employers to join AGIRC and ARRCO and to affiliate all employees to a corresponding pension institution that implements these schemes: ARRCO for all employees, AGIRC for executives (ISSA 2008: Pension Plans (Mandatory)).
- In 1978, the ARRCO scheme was opened for executives (Döring 2010: 20).
- The public pension reform of 2003 also had consequences on AGIRC and ARRCO. For example, the legal age to put employees into retirement was increased from 60 to 65 years (if the decision to retire is made by the employer). However, the parliament also introduced exceptions to this rule (Jolivet 2004: Employer-Instigated Retirement Still Possible before 65). More information on this is given in section 7.

## 2. Important Collective Agreements (Examples)

List of national CLAs on ARRCO and AGIRC (Arrco.fr 2010: Documentation, Agirc.fr 2010: Documentation):

- *Convention collective nationale du 14 mars 1947* (beginning of AGIRC)
- *Accord national interprofessionnel du 8 décembre 1961* (beginning of ARRCO)
- *Accord Arrco du 10 février 1993*
- *Accord Agirc du 9 février 1994*
- *Accord Agirc et Arrco du 25 avril 1996*
- *Accord Arrco du 25 avril 1996*
- *Accord Agirc du 25 avril 1996*
- *Accord Agirc et Arrco du 10 février 2001*
- *Accord Agirc et Arrco du 13 novembre 2003*
- *Accord Agirc et Arrco du 16 juillet 2008*
- *Accord Agirc et Arrco du 23 mars 2009*

### 3. Important Sectors

All private sectors are covered by the AGIRC and ARRCO schemes because of the 1972 law (Concialdi/Jolivet 2004: 3).

### 4. Structure, Organization and Mode of Administration

Structure and organization of AGIRC and ARRCO:

- ARRCO and AGIRC schemes are implemented by pension institutions which are private non-profit organizations established by collective agreements. The only aim of these institutions is to implement either AGIRC or ARRCO. Thus, the institutions implementing AGIRC are not the same as those that implement ARRCO, but in order to reduce administrative costs the different pension institutions may be members of common groups that are responsible for both schemes. These groups are known as *groupes de protection sociale* (social protection groups) (ISSA 2008: Pension Plans (Mandatory)). Today, there are 27 institutions that implement ARRCO (Arrco.fr 2010: Organisation) and 18 institutions that implement AGIRC (Agirc.fr 2010: Organisation). The pension institutions that implement AGIRC and ARRCO may be established on a strict sectoral basis. But most pension institutions have been created as open pension institutions which cover employees of any employer without regard to the sector. Nevertheless, geographical restrictions have been introduced (ISSA 2008: Pension Plans (Mandatory)).
- Each of these pension institutions is a member of the appropriate national umbrella association of pension institutions. These two national umbrella institutions are called AGIRC and ARRCO. Thus, the names designate both the schemes and the national associations (ISSA 2008: Pension Plans (Mandatory)). The national umbrella institutions AGIRC and ARRCO are private non-profit-making institutions with the following main functions:
  - supervising pension institutions and retirement groups,
  - controlling the financial statements of pension institutions,
  - issuing regulations concerning the implementation of the two pension schemes,
  - organizing a system of financial compensation between pension institutions to ensure solidarity between employers, regions and industry sectors,
  - and administering an arbitration procedure for complaints (ISSA 2008: Pension Plans (Mandatory)).
- Furthermore, on the top level, the two national umbrella organizations have formed a group relationship called GIE (*Groupement d'intérêt économique*, Economic Interest

Group) AGIRC – ARRCO. At this level, AGIRC and ARRCO have, to some degree, aligned management and services. Both associations, however, keep their own legal status and internal governance structure (ISSA 2008: Pension Plans (Mandatory)).

Mode of administration:

- All policy decisions relating to the schemes are taken through collective bargaining procedures (Reynaud 1997: 78). Furthermore, the complementary schemes are managed by the social partners (Concialdi/Jolivet 2004: 5).
- As explained above in this section, both AGIRC and ARRCO are implemented by pension institutions which manage the contribution and benefit administration. These AGIRC and ARRCO pension institutions are governed by boards which are run jointly by employers' and employees' representatives. There is thus equal representation (Reynaud 1997: 78). Pensioners are not represented in the management boards. The unions therefore stress that they represent both the active workers and the pensioners (Concialdi/Jolivet 2004: 5).
- The two umbrella institutions AGIRC and ARRCO are governed in the same way as the pension institutions: by a board, consisting of an equal number of union and employer representatives (ISSA 2008: Pension Plans (Mandatory)).
- Finally, at the top level, GIE AGIRC – ARRCO is also governed by a board consisting of an equal number of representatives of both social partners plus a managing director (ISSA 2008: Pension Plans (Mandatory)).

## **5. Role of the State: Financial Support, Legislation, and Extension Procedures**

- As mentioned in section 1, the state can have quite some influence on AGIRC and ARRCO even though the government does not have a direct influence on the rules, implementation, and administration of AGIRC and ARRCO. First, all revisions of the CLAs creating AGIRC and ARRCO must be approved by the Minister of Social Affairs, Labor and Solidarity (ISSA 2008: Pension Plans (Mandatory)). Second, since the law of 1972, private companies that had not yet been bound by CLAs on AGIRC and ARRCO were now also covered by these supplementary schemes. Therefore, it is the state that defines the membership rules of AGIRC and ARRCO (Trampusch 2010: 110).
- Taxation: Employers' contributions are fully deductible by the employer. Total contributions by both employer and employee are not taxable to the employee as long as they do not exceed 19 per cent of eight times the social security ceiling. Hence, pension

contributions that are taxable to the employee only concern very high salaries. However, the pension benefits are considered as taxable income (Reynaud 1997: 77).

- Concerning extension procedures, it can only be repeated that with the law of 1972, AGIRC and ARRCO became mandatory for all private sectors (Concialdi/Jolivet 2004: 4).
- Furthermore, the possibility of an employer to require an employee to retire before reaching the official retirement age of 65 on the basis of a CLA was introduced with the 2003 public pension reform by the state. Hence, in this specific case it is the state that defines the framework conditions (Jolivet 2004: Employer-Instigated Retirement Still Possible before 65).

## 6. Financial Structure of the Collectively Negotiated Schemes

- Both AGIRC and ARRCO work on a pay-as-you-go basis. Thus, contributions that are paid into to the pension system in a given year finance the benefits paid to pensioners in the same year (Concialdi/Jolivet 2004: 4).
- The schemes can be classified as defined contribution schemes because the social partners regularly adjust the parameters of the benefits. As a consequence, the social partners are free to increase the collectively negotiated contribution rate even if this means that the employees will not get a higher pension. For example, the contribution rate was raised by 25 per cent in 2003 (Concialdi/Jolivet 2004: 4-5).
- ARRCO contributions:
  - The mandatory collectively agreed contribution rate is between 6 per cent of gross salary up to the social security ceiling. Normally, this rate is in fact at 7.5 per cent (Concialdi/Jolivet 2004).
  - Employees contribute one third of total contributions while the employers pay two thirds (ISSA 2008: Pension Plans (Mandatory)).
- AGIRC contributions:
  - For executives, the part of the salary above the social security ceiling is paid to an AGIRC fund. The rate of this contribution is set at 16 per cent but the actual rate is 20 per cent (Concialdi/Jolivet 2004: 5).
  - Contributions paid by employees are 37.5 per cent of total contributions payable on the part of the salary between one and four times the social security ceiling. The employee's contribution share for the part of the salary between four and eight times the social security ceiling must be negotiated between the employer and the employees at company level (ISSA 2008: Pension Plans (Mandatory)).



- Consequently, employers contribute 62.5 per cent of total contributions for the part of the salary between one and four times of the social security ceiling (ISSA 2008: Pension Plans (Mandatory)).

## **7. Benefits and Measures of the Collectively Negotiated Schemes**

- The retirement age depends on who makes the decision to retire: the employee or the employer.
  - Employees may already retire between 60 and 65. Full AGIRC or ARRCO benefits are payable from age of 60 when a member qualifies for a full pension under the publicly managed social security scheme (ISSA 2008: Pension Plans (Mandatory)). An employee qualifies for a full public pension and therefore also for full AGIRC or ARRCO benefits after 160 quarters of coverage under any scheme (ISSA 2008: Scheme Description). The decision that employees can get full benefits at the age of 60 has been reaffirmed in the March 2009 agreement on AGIRC and ARRCO. However, the state would like to postpone the age for complementary pension to 65 (Jolivet 29.06.2009, telephone interview).
  - If the decision to retire is made by the employer and not by the employee, then retirement before the age of 65 is not legal under normal circumstances. This is the case since the pension reform of 2003. Concretely, such a retirement would be considered as a dismissal. However, if the employee fulfills the conditions for full public pension the employer has two possibilities to require the employee to retire between 60 and 65: first, the company is covered by a sectoral CLA providing for compensatory measures for this way of retirement (compensatory measures e.g. in terms of employment and vocational training). In this case the agreement must have been reached prior to 2008 and it must be binding for all employers in the sector by government order. Between 2003 and May 2004 such agreements were concluded in the following sectors: oil, supermarkets and hypermarkets, car repair, rubber, chemicals, metalworking, pharmaceuticals, textiles and waste management. The second possibility can be that the worker is covered by an early retirement scheme put in place before the 2003 pension reform (Jolivet 2004: Employer-Instigated Retirement Still Possible before 65).
- Pension calculation: The employees buy a number of points every year which is equal to the salary divided by the cost of buying one point (that is the reference salary). When the person is retired, the points are converted into pension entitlements. The concrete value is determined by the social partners. This pension is re-assessed every year according to the change in the value of the point. In sum, the benefit level of supplementary pensions

for one person is proportional to the average wage earned in the career (Concialdi/Jolivet 2004: 4). The average total AGIRC pension in 2007 was 8,675 EUR (Agirc.fr 2010: Chiffres Clés). The average total ARRCO pension in 2007 was 3,247 EUR (Arrco.fr 2010: Chiffres Clés).

- Benefits are generally paid as a regular income. Yet, a lump sum is paid if a retiree has accrued less than 500 points (AGIRC) or less than 100 points (ARRCO). Furthermore, the ARRCO scheme allows retirees to choose between pension and lump sum if they have accrued between 100 and 200 points (ISSA 2008: Pension Plans (Mandatory)).
- Portability: Membership in the scheme continues when a member changes employment within the private sector. Consequently, benefits are fully portable (ISSA 2008: Pension Plans (Mandatory)).
- There is a national system of pooling of risks between the different AGIRC and ARRCO funds. Hence, the level of pension is not influenced by difficulties that might be experienced in a specific company, region, or industry. Rather, the pension depends on the national economy. This solidarity between funds also means that workers do not suffer reduction when they change jobs (Reynaud 1997: 76).

## **8. Coverage Rates of the Collectively Negotiated Schemes**

- Concerning ARRCO, all private sector employees are covered because of the 1972 law (Concialdi/Jolivet 2004). In 1995 there was one exception: the airline staff, having almost 18,000 members in 1991, had its own compulsory supplementary pension scheme (Reynaud 1997: 79). In 2007 there were 18,335,000 ARRCO contributors and 11,373,000 pensioners (Arrco.fr 2010: Chiffres Clés).
- The executives not only belong to an ARRCO but also to an AGIRC fund for the part of their earnings above the social security ceiling (Reynaud 1997: 67-68). According to Agirc.fr (2010: Chiffres Clés), 3,826,000 people contributed to AGIRC in 2007, and 2,283,000 retirees received benefits. Hence, approximately 20 per cent of the ARRCO members are also members of AGIRC.

## **9. The Politics around the Collectively Negotiated Schemes**

### **Linkages to Public Reform Policies**

Concialdi/Jolivet (2004: 7) state that the pension reform of 2003 increased the role of collective bargaining. An important reason for this is that the social partners have recognized that they should improve the employment level among older employees.

## **Linkages to Wage Agreements and Wage Policy (e.g. Wage Restraint, Tripartite Agreements) and Other Agreements**

- As described in section 1, collective bargaining on occupational pensions is highly centralized. Interestingly, however, CLAs on pay are usually negotiated at company level. Concialdi/Jolivet (2004: 7) thus conclude that there is no direct relationship between these two streams of collective bargaining.
- Sector agreements that allow employers to put their employees into retirement before the age of 65 must include compensatory measures in terms of employment and vocational training. The social partners are free to decide about the concrete measures, the law is not very strict in this respect. In most agreements until May 2004 the social partners agreed on recruitment of new full time jobs on open ended contracts, apprenticeships contracts and several subsidized contracts such as in-house training. Some agreements also have a paragraph about training for older people (Jolivet 2004: Employer-Instigated Retirement Still Possible before 65).

## **Actors' Strategies and Conflicts among and between Them (State, Political Parties, Employers, Trade Unions)**

Positions towards adjustments of the schemes:

- The employers' organizations agree on the idea that the adjustment of pension schemes to funding needs should be done through reducing the level of pensions and/or increasing the contribution period (Concialdi/Jolivet 2004: 7).
- The unions are not willing to accept an increase in the contribution period as long as unemployment remains a large problem in France. However, besides this, there is a general disagreement among the unions regarding the strategy of reforming the pension schemes (Concialdi/Jolivet 2004: 7).

## **10. Recent Developments and Other Interesting Information**

It is still normal in France to retire before having reached the age of 65. However, the state would like to postpone the age for complementary pension to 65 (Jolivet 29.06.2009, telephone interview).

## 11. Contacted Experts

We thank the following expert and colleague for providing information and answering very specific questions:

- Jolivet, Annie, 29.06.2010, researcher at the Institute de Recherches Economiques et Sociales (IRES), telephone interview

## 12. List of Abbreviations

- AGIRC: *Association générale des institutions de retraite des cadres* (General Association of Management Employees Pension Plan Institutions)
- ARRCO: *Association pour le régime de retraite complémentaire des salaires* (Association of Supplementary Pension Schemes for Non-Executive Employees)
- CFDT: *Confédération française démocratique du travail* (French Democratic Confederation of Labour)
- CFE-CGC: *Confédération française de l'encadrement - Confédération générale des cadres* (French Confederation of Management – General Confederation of Executives)
- CFTC: *Confédération française des travailleurs chrétiens* (French Confederation of Christian Workers)
- CGPME: *Confédération générale des petites et moyennes entreprises* (General Confederation of Small and Medium-Sized Companies)
- CGT: *Confédération générale du travail* (General Confederation of Labor)
- CLA: collective labor agreement
- CNPF: *Conseil national du patronat français* (National Council of French Employers)
- EIRO: European Industrial Relations Observatory On-Line
- EUR: Euro
- FO: *Force ouvrière* (Workers' Force)
- GIE: *Groupement d'intérêt économique* (Economic Interest Group)
- IRES: *Institute de Recherches Economiques et Sociales* (Institute for Economic and Social Research)
- ISSA: International Social Security Association
- MEDEF: *Mouvement des entreprises de France* (Movement of the French Enterprises)
- UGICA-CFTC: *Union générale des ingénieurs, cadres et assimilés* (suborganization of the CFTC, no official translation found)
- UGICT-CGT: *Union générale des ingénieurs, cadres et techniciens* (suborganization of the CGT, no official translation found)

- UPA: *Union professionnelle artisanale* (Craftwork Employers' Association)

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