

France: emergency draft legislation containing work-related measures to cope with the Covid-19 crisis

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On 18 March the Council of Ministers adopted an 'Emergency bill to deal with the Covid-19 epidemic', that empowers the government by way of ordinances to take interim measures that will 'limit the cessation of business activities (...) and employment dismissal,' which concern not only part-time unemployment, but also give employers more resources to impose or modify the taking of leave periods and also to derogate from the Labour Code and collective agreements as concerns the right to rest periods. The arrangements for informing and consulting WCs could also be provisionally revised, in particular by facilitating the use of videoconferencing, so as not to slow down procedures.

Within three months of emergency bill's publication, the government will be able to use ordinances to take interim measures in both labour and social security legislation. The bill will likely be passed on 19 March by the Senate and on 20 March by the National Assembly.

The legislation will intend for the following measures:

A- Limiting the termination of employment contracts and mitigating the effects of the decline in activity by raising recourse to partial activity. To this end, the bill will enable the government to put in place:

- an extension to new categories of beneficiaries,
- a reduction in income losses for employees (with the remainder borne by employers), and the self-employed, via different arrangements for implementing the legislation
- improved connectivity with vocational training;
- improved assessment of part-time employees.

B- Giving employers greater unilateral powers over leave as well as a derogation from Labor Code and collective agreement related rights to rest periods. The government will also be able to modify the conditions for acquiring and taking up paid leave periods in order to facilitate how work is organized in the event of reduced or increased activity. Ordinances will enable employers to unilaterally impose or modify dates for taking portions of paid leave, reduced working days, and rest days from employees' time-saving accounts, by derogating from the notice periods and other relevant arrangements provided for in the Labour Code and collective agreements.

Companies in 'front-line' sectors, i.e. required for the security of the nation and the continuity of economic and social life, may legally derogate from public order regulations and conventional stipulations relating to working hours, weekly rest, and Sunday rest, in order to cope with an exceptional increase in activity.

Ordinances may also be used to modify deadlines and procedures for profit sharing and incentive schemes payments, as well as for WC information and consultation procedures to 'enable them to deliver (their) opinion(s) within the time limits that are laid down.' The explanatory memorandum refers to facilitating the use of paperless consultation, which currently requires an agreement and without which the use is otherwise only limited.

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Par Marie-Noëlle Lopez