

Good practice guide for securing economic activity and protecting workers' health and safety in the context of a VIDOC pandemic-19

Our country is currently experiencing an unprecedented health crisis due to the covid-19 pandemic. In order to contain this pandemic on French territory, the Government has taken exceptional measures. It is also defining the health and safety rules applicable to the entire population and, consequently, to economic actors.

These measures have an impact on the economic and social life of our country. However, their purpose is not to systematically suspend the activity of companies, but only the activities of establishments expressly prohibited from opening. For the latter, and for companies that suffer a decline in activity, the conditions for using the partial activity system are greatly improved and simplified.

It is vital for our economy and for the maintenance and development of employment that all other companies continue to operate, with due respect for the health and safety of employees, without systematically resorting to short-time working as long as the activity can be maintained.

To this end, for the CFDT, companies must give priority to a quality social dialogue with the trade union organisations and staff representatives in order to draw up a business continuity plan (BCP) and consequently put in place the appropriate means of protection for workers, in order to ensure the continuity of activities and the safety of workers, in accordance with the recommendations issued by the public authorities and this guide to good practice.

This is essential to safeguard the conditions for continuity and recovery of the economy after the crisis.

To this end, in accordance with the recommendations of the public authorities, the use of telework must be organised for all employees whose jobs allow it. In addition, employees whose job does not allow telework, and whose continued employment is impossible (in particular parents of children under 16 years of age, fragile employees as defined by regulations, employees subject to quarantine, etc.) should be encouraged to telework.), may exceptionally be granted a work stoppage under the conditions provided for by the Government.

All other employees of companies whose activities continue to be carried out must go to their place of work in safe and healthy conditions, adapted to the exceptional situation we are going through.

In this context, for the CFDT, the fundamental principles of this guide to good practice must prevail in order to maintain the economic life of the country, while respecting the hygiene, health and safety conditions that are essential for employees and aimed at limiting the spread of COVID-19. These fundamental principles are based on the legal and regulatory provisions, as well as all the measures adopted by the public authorities, which are intended to evolve.

In this period of health crisis, the purpose of this guide to good practice is to recall the fundamental principles that must govern the organisation of activity and labour relations for jobs that do not allow the use of telework. Respect for these fundamental principles will determine the conditions of the post-crisis rebound both from the point of view of the workers (health and safety), the productive tool (mobilisation and maintenance) and social relations.

These principles concern two major issues:

1. the establishment of appropriate hygiene, health and safety conditions in the workplace ;
2. the appropriate organisation of work, working time and social dialogue.

1. The implementation of appropriate health and safety conditions in the workplace

This guide of good practices recalls the rules to be followed by the employer and the employees in terms of health and safety in the workplace in the exceptional context that we know to limit the spread of COVID-19.

1.1 Information

The company shall, by the most appropriate and effective methods, inform all employees and any person entering the company of the behaviour to be adopted, making available by all means and/or displaying at the entrance and in the most visible places of the company premises, the information communicated by the Government and the health authorities, and its application in the company and, if necessary, making it explicit.

1.2 Conditions of entry and movement in the company

The employer shall inform staff, and those intending to enter the company, in advance of the prohibition of access to those who have been in contact with persons who have tested positive for COVID-19 in the last 14 days.

Each employee must ensure, before going to work, that he or she does not manifest symptoms of COVID-19, particularly fever.

Staggering of entrances/exits is encouraged in order to minimise contact in common areas (e.g. entrances, changing rooms, eating areas, sanitary facilities). As far as possible, it is necessary to provide a different entrance and exit door to these premises. Also, the traffic plan in the undertaking may be modified.

The terms and conditions of access to the company by external suppliers take into account any special provisions that may be implemented by the employer, recommendations of the Government and health authorities, in order to prevent the spread of VIDOC-19.

Access to common areas must be limited as much as possible, and conditional on a safety distance of at least one metre between the persons occupying them.

1.3 Personal hygiene instructions

It is mandatory that the people present in the company take all hygiene precautions. Frequent hand washing with soap and water, as recommended by the health authorities, is recommended.

For this purpose, the company provides suitable cleaning agents and disposable single-use hand towels.

The use of gloves is the subject of additional information to ensure that workers do not wear gloved hands on their faces and that hands are systematically washed after removal of gloves.

The company allows, in compliance with the entry and circulation conditions laid down within the company, access to its sanitary facilities in particular to external suppliers who do not have the possibility to wash their hands otherwise, and in particular if they are not equipped with hydro-alcoholic gel.

1.4 Cleaning and sanitizing workplaces

The company provides daily cleaning of premises, environments, workstations and common areas, in accordance with the recommendations of the public authorities, including door handles, handrails and switches.

Following the discovery of the presence of a person with VID-19 inside the company's premises, these are cleaned and sanitized in accordance with the regulations in force.

End-of-service cleaning and disinfection of workstations with suitable products must be guaranteed on the company premises.

The company can organize specific cleaning and disinfection operations, depending on the evolution of sanitary requirements or proven cases of COVID-19.

1.5 Personal protective equipment to combat the spread of COVID-19

Under the conditions defined by the Government and the health authorities, employees exposed in the course of their duties to a risk of contamination by VIDOC-19 are equipped with specific and adapted personal protective equipment. The company ensures the provision and distribution of this necessary equipment and provides the information necessary for its optimal use.

1.6 Adapted organization of work in the company

The organization of work is based on the company's business continuity plan, which was drawn up in consultation with management and labour. It takes into consideration

all the elements relating to the company's "degraded" mode of operation due to the absence of certain workers, the application and possibilities of application of individual and collective worker protection measures, and the hazards relating to the supply of raw materials and production.

Precise and explicit information shall be provided by the employer in order to enable workers to understand the reasons, meaning and arrangements for adapting the organisation of work. The company's management is mobilised in this respect. It is under these conditions that the mobilization of workers will be efficient during the period of health crisis and at the end of it.

Wherever possible, companies put in place a rotation plan for workers to minimize contact and create autonomous, distinct and recognizable teams.

The risk assessment is updated and formalised in the light of the recommendations of the health authorities and according to the changes in work organisation adopted in the company and their consequences on the health and safety of workers.

1.7 Internal travel, meetings, internal events and training

Travel within the company site must be limited to what is necessary and in accordance with the company's instructions.

Face-to-face meetings are not recommended. If they are characterized by necessity and urgency, if it is impossible to connect remotely, the necessary participation should be reduced to a minimum and, in any case, the minimum interpersonal distance of one metre should be guaranteed. Meetings by digital means (videoconferencing, telephone conferences, etc.) are to be preferred.

1.8 Management of a symptomatic person in the company

If a person present in the company develops the symptoms identified by the health authorities as related to the VIDOC-19 pandemic, he or she must immediately report it to the employer, who will send him or her home.

According to the Government's recommendations, in case of severe symptoms, the employer should contact the 15.

As soon as the undertaking has an ESC, the employee representatives shall be informed of this situation.

1.9 Permanence of occupational medicine

The employer and the employee must continue to be able to benefit from contact with the occupational health services: monitoring the state of health of employees and relaying preventive measures as provided for in the DGT-SST-COVID instruction 19 of 17 March 2020.

The occupational health services and the occupational physician have a role in advising and supporting the company (employer, employees and their representatives) in updating the risk assessment and in the measures to be implemented individually or collectively.

2. An appropriate organisation of work, working time and social dialogue

In view of the exceptional circumstances, it is necessary to adapt temporarily the rules on work organisation, working time and social dialogue to enable undertakings and workers to cope with significant fluctuations in activity generated by the health crisis.

The various professional sectors may be confronted with over-stressing and over-activity during the period, particularly in sectors essential to maintaining social life or to combating covid-19 and its spread, and for others with under-activity or even a total halt to it by decision of the public authorities. Adaptations will have to take account of these different situations and consequently of the different sectors of activity.

These adjustments shall be the subject of a high-quality economic and social dialogue between employers and trade union organisations, employee representatives and staff representative institutions in the branches, companies and, where appropriate, at the level of the regional joint committees, to take account of the economic and social realities of their implementation and the necessary counterparts to be discussed. A collective agreement must be sought in relation to any form of offer for the implementation of these adjustments.

During the period of management of the health crisis, all the measures taken under the Health Emergency Act must systematically be the subject of economic and social dialogue within the framework of the ESCs. Industry and company agreements must also provide a framework for these measures. To do this, videoconferencing is often, at present, the only means of doing so.

In this respect, videoconferencing, currently only provided for Information-Consultation of IORPs, should also be favoured by agreement negotiators. This should only be done during the period of confinement.

With this in mind, the modalities that already exist for CHE videoconferences should also be applied on a temporary basis for agreement negotiators.

In any event, these adjustments shall at least be the subject of information/consultation with staff representative bodies, where they exist.

Such adaptations may concern, in particular, in compliance with the measures adopted by the Government, in particular by ordinance:

- the rules for determining leave ;
- rules on working hours ;
- the rules on rest ;
- overtime rules ;
- the rules on consultations of the CSE, in particular to facilitate less formal and quicker consultations. However, precise and written information must be provided. The relaxation of the time limits for consultations must be accompanied by a relaxation of the arrangements for recourse to the expert financed 100% by the employer for this purpose. The opinion of the ESC will be sought on the modalities and means of adapting the consultations.

The choices thus made must be brought to the attention of the DIRECCTE and framed in time.

These adaptations will take place over a reduced period of time corresponding to the management of the health crisis. A new guide to good practice will be drawn up to help the country emerge from the crisis, revive economic activity and return to normality. Counterparts for workers will have to be integrated in view of the efforts made. They will take into account the improvement of their working conditions and the recognition of their participation in this period of crisis.