

France: another court order to halt resumption of activity due to failure to sufficiently involve staff representatives

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Following a similar decision taken recently against Amazon France ([see article n°11881](#)), a court in Le Havre ordered Renault on 7 May to halt activity at its plant in Sandouville or face a fine. In order for business at the site to resume, management must start from scratch the information and consultation procedure regarding how the recommencement of activity will be organised, review its risk assessment document and include psychosocial risks, and review the plans and protocols for prevention when it comes to external companies. All this must be done in close cooperation with staff representatives. Finally, before staff come back to work, each employee has to be given practical training on personal protection equipment.

After the case was brought by the CGT trade union, the Le Havre court issued an interim order on Thursday 7 May. It requires the Renault plant in Sandouville, near Le Havre, to suspend its activities, which had resumed on 28 April, until management has fulfilled a series of obligations. Under French law, employee representatives can take urgent legal action for a management decision to be deferred if their rights to information and consultation have not been respected. It is on this same legal basis that trade unions managed to get business brought to a halt at Amazon France ([see article n°11881](#)).

This latest case, which concerns a plant of automobile group Renault, was brought by the CGT trade union active at the site (in direct opposition with the other trade unions present, some of which were very critical of this legal action), as it sought successfully to have a decision by the company management suspended. Besides several issues of non-compliance with procedural rules (timeframes, nature of invitations) and other facts (insufficient information provided), the order demands that the recommencement of business be suspended, underlining and harnessing the following arguments:

- The plan for organisational arrangements for the resumption of production during the Covid-19 epidemic is a significant one, which modifies working conditions and requires consultation with staff representative bodies, not merely information thereof.
- The documents submitted in preparation for the meeting (“a Powerpoint presentation devoted to the organisational arrangements for resuming activity, such as timetables and transport, which does not mention aspects relating to the health and safety of workers”) are not sufficient to allow the body to give an informed opinion on all the organisational arrangements for the gradual resumption of the site’s activity since “no document was submitted concerning the organisational arrangements relating to the health and safety of workers specifically concerning the plant”. On the issue of prevention, relevance to the on-the-ground situation is important.
- In relation to this last point, the judgement criticises management for having taken “general” prevention measures intended to be applied on all group sites, whereas the “single risk assessment document must be adapted to the specific situation of the plant”.
- Risk assessment and prevention measures are a subject of social dialogue which, the judges underline, must be the subject of exchanges with employee representation. The order states that, even though the company claims that it has set up “ad hoc joint committees to manage this health crisis and involve

employee representatives”, these committees “do not replace the works council” (CSE, social and economic committee) which, in the judges’ view, was not sufficiently involved in the prevention process.

– The tools set up by the car manufacturer to guarantee the protection of employee mental health and to limit the psychosocial risks related to Covid-19 (setting up hotlines, etc.) are insufficient, since “nothing is included in the risk assessment, which must mention all the Covid-19 related risks to which employees are exposed”. Meanwhile the biological risk should not be specifically assessed because this is only required “for professionals systematically exposed to the risk of Covid-19 infection due to the nature of their usual activities”.

– The judges point out that the use of personal protective equipment must be the subject of information and consultation with staff representatives, and that the latter must be involved in the devising of health and safety training.

– Each employee, before they return to work, must receive practical and appropriate safety training, including on personal protective equipment.

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