

France

On 22 March, the French parliament adopted an “emergency bill to deal with the Covid-19 outbreak” which empowered the government to take various measures by decree, including in the area of labour and social security law. One of the three decrees adopted on 26th March gives employers greater means both to impose or modify paid leave and the taking of rest-days, as well as to derogate from the Labor Code and collective conventions as regards the right to rest periods and duration of working time. The measures adopted by decree clearly break the rules of the Labour Code:

- the maximum daily working time is increased to 12 hours instead of 10 hours, and night work to 12 hours instead of 8 hours;
- the rest period between two working days is reduced to 9 hours instead of the current minimum of 11 hours;
- the maximum weekly working time goes up to 60 hours instead of 48 hours as at present and also increases weekly working hours in the agricultural sector and night work;
- an extension of work on Sundays is introduced.

The decree provides that the conditions under which employers can derogate from the legal and conventional provisions over work time duration and the taking of paid leave periods shall be decided by sector or company agreements. However, ‘when it is in the interest of the business due to economic difficulties’ employers can unilaterally impose or modify, after one full day’s notice, the taking of rest days that employees have acquired in the form of reduced working days, as well as days or half-days for employees with reference to an annual number of working days (forfait jours). This measure is to be capped at a maximum of 10 days.

The decree shall apply from 26 March 2020 and derogations shall be authorised until 31 December 2020.

All the French trade union expressed their concerns over this unprecedented challenge on the labor code. They demand clear guarantees on the conditions under which certain sectors will be able to derogate from the current working time limits. Similarly, as the French government intends to decide on its own on the definition of “essential sectors” and on which activities must be maintained, they call on the government to take into account the opinion of the trade unions that defend the interests of workers.

Edited by industriAll Europe, 30 March 2020