

French employment system debunked

Introduction

- Expectations?
- Previous knowledge?
- Previous experiences?
- Question when needed!

Contents

- Hierarchy of norms
- Convention Collective
- Overview of the main stakeholders

Hierarchy of norms

French Labour Law

Hierarchy of norms

1/5

- Foundation of French Labour Law
- It is as follows:
 - *Bloc de constitutionnalité*
 - Labour code
 - Collective, Branch & Company agreements
 - Employment contracts
- Each norm must respect the preceding norm(s)

Hierarchy of norms

2/5

- Problem: collective bargaining?
- *Principe de faveur*
- Allows to replace with “stipulations more favourable to employees”
- Creates a space for collective bargaining

Hierarchy of norms

3/5

- El Khomri law = new architecture
 - Provisions of *ordre public*
 - Field of collective bargaining
 - Suppletive provisions
- E.g.: overtime regulations
 - 25% for the first eight hours
 - 50% for the following hours
 - Rates can be lowered via a CBA

Hierarchy of norms

4/5

- El Khomri law = new hierarchy
 - *Ordre public*
 - imperative but no rates
 - Collective bargaining
 - Can set a rate but no less than 10%
 - Supplementary provisions
 - No agreement = 25/50% rates
- Implications
- Encourage collective bargaining

Hierarchy of norms

5/5

- When two texts are in competition in the same field, the one that is more favourable to the employee should be applied
- Agreements must be in line with those at higher levels
 - > Public Policy Provisions (e.g. anti-discrimination provisions, protection of child labour)
 - > Legal or regulatory provisions (constitution, law, regulations, decree, circulars)
 - > Collective agreements
 - > Accords d'entreprise
 - > Employment contracts

Any
questions?

Convention Collective

Convention Collective

1/2

- What is a convention collective?
- What is its role?
 - Adapt generic provisions of the law to specific sectors or activities
 - Supplement the law
 - Guarantee benefits
- Must be applied

Convention Collective

2/2

- Contents:
 - Hiring
 - Performance of the employment contract
 - Termination of the employment contract
 - Social guarantees
 - Etc.
- How to use efficiently your collective agreement?

Any
questions?

Overview of the main stakeholders

and how to interact with them

Goal

- Understand what they are
- What can they do?
- What information should they be given?

CNAM
CPAM



1/3

- Caisse Nationale d'Assurance Maladie (CNAM)
- Caisses Primaires d'Assurance Maladie (CPAM)
- Caisses d'Assurance Retraite et de la Santé Au Travail (CARSAT)
- All provide support to face life's risks

CNAM

CPAM



2/3

- CNAM: lead at national level
- CPAM: regional level
 - Illness and medical expenses
 - Accidents at work
 - Prevention

CNAM
CPAM



3/3

- Interactions with the CNAM?
- And the CPAM?

Any
questions?

- CARSAT: regional level
 - Pension and retirement payments
 - Supporting work accident victims
 - Preventing occupational risks

- They target high risk activities
- They provide training and documentation
- Capacities of the CARSAT agents:
 - Right of entry
 - Right of investigation
 - Right of communication
- They must be taken extremely seriously

URSSAF



1/3

- Unions de Recouvrement des cotisations de Sécurité Sociale et d'Allocations Familiales
- One main purpose
- Interacts with companies

URSSAF



2/3

- URSSAF Inspectors role
- Procedure for an inspection:
 - notice of inspection
 - Advisor
 - Date and time
 - List of documents
 - You must comply
 - Letter of observations
 - Reply to the letter
 - Final notification
 - Potential settlement commission

URSSAF



3/3

- Note about concealed work
- Period covered by controls
- Make yourself available

Any
questions?

DREETS

Labour
Inspection

1/5

- Directions Régionales de l'Economie, de l'Emploi, du Travail et des Solidarités
- Formerly known as DIRECCTE
- Role
- Main missions:
 - Information
 - Control
 - Conciliation

DREETS

Labour
Inspection

2/5

- Who can refer a case to Labour Inspection?
- When should you refer to the Labour Inspection?
- Display of their contact details

DREETS

Labour
Inspection

3/5

- Capacities of the Work Inspectors:
 - Right of entry
 - Anywhere, anytime, without prior information
 - You cannot refuse entry
 - You should accompany them
 - Right to take samples
 - Right of communication
 - Virtually any documents
 - Store and file all documents in case of inspection
 - It can be done remotely
 - Right of enquiry

DREETS

Labour
Inspection

4/5

- Typical controls during an inspection:
 - Mandatory Displays
 - Safety instructions
 - Working hours
 - Employment contracts
 - Working conditions
 - Collective agreements

DREETS

Labour
Inspection

5/5

- What actions after an inspection?
 - No observations
 - Observations
 - Oral
 - Written
 - Preventive aspect
 - Formal notice to comply with a deadline
 - Report of infraction
 - Warning
 - Fine
 - You can appeal

Any
questions?



1/1

- Direction de l'Animation de la Recherche, des Etudes et des Statistiques
- Main missions:
 - Inform the economic and social debate
 - Help design and implement public policies

INSEE

1/1

- Institut national de la statistique et des études économiques
- Compiles the DARES data and gives trends and predictions
- Data used for inflation measures/predictions and salary negotiations

“Prud’hommes”

Employment
courts

1/2

- Conseil de Prud’hommes (CPH)
- Missions:
 - Hear individual disputes arising from employment contracts
 - Conciliation
 - Judgment
- Which CPH for your company?

“Prud’hommes”

Employment
courts

2/2

- How is a procedure conducted?
 - Request
 - Conciliation
 - Specific: dispute about a dismissal legality
 - Judgment
 - Potential appeal

Any
questions?

Thank you

- Baptiste@viridianhr.co.uk
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- We send info in our monthly newsletter – if you'd like to be added, please send a message to Emmanuelle who can add you