
COVID-19 and Labour Law: France

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Abstract

In France, the main goal of the legislation adopted in response to the health crisis is to avoid dismissals by the development of short-time working and more flexibility in working time. New measures protect also unemployed and independent workers.

Keywords: Covid-19; Labour Law; Short-time work; Working time flexibility.

In France, the impact of containment would be just over 30 points of monthly GDP per month of containment¹.

The government has extended short-time working in order to preserve jobs.

Since the 24th of March, France lives under a new legal regime, called the sanitary state of emergency (*état d'urgence sanitaire*), created by an Act of Parliament of March 23. This peculiar state of emergency may be declared by the government for a month and may be renewed by Parliament without any time-limit. The Act derogates to this procedure and already declares the sanitary state of emergency for two months. During this sanitary state of emergency, the Prime minister is authorized to take a number of decisions in order to protect the health of the population. The Act of Parliament lists ten possible types of decisions, like quarantine, limitations to freedom of enterprise or closure of various public places. The Act also entitles the government to adopt orders based on article 38 of the Constitution (delegation of legislative power to the government) in order to adapt Labor law. This delegation of legislative power is valid for three months.

The government has already published seven orders, which give more flexibility about annual leave, working time, rest period and the information and consultation of the working council².

A government order (*décret*) extends the possibilities of short-time working³. The financial cost for employers is cancelled in most cases. This legislation is extended to new forms of work and the procedure is easier. The indemnity due to the employee covers at

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¹ OFCE, Policy brief, 65, 30 March 2020; www.ofce.sciences-po.fr.

² <https://www.vie-publique.fr/dossier/273985-les-ordonnances-covid-19-du-25-mars-2020-dossier>.

³ <https://travail-emploi.gouv.fr>.

least 70% of his previous gross remuneration. At the end of March, 5 millions of workers were in this situation.

The recent reform of unemployment insurance, which is tougher on the rights of the unemployed, is postponed until September. The rights for unemployed are maintained.

There has been a controversy in the building industry between the government and sectorial federations about health and safety on building sites. The government wants the activity to resume. An agreement has been reached but the construction sites have not reopened.

Unions and workers have warned about risk of infection in the transport sector for deliveries, supermarkets and online sales warehouses. They threatened to exercise their right of withdrawal. Most employers have decided to reinforce measures of health and safety at work.

Government published sectorial guides about Health and Safety.

Teleworking is developed with a flexible procedure, but 18, 8 millions of workers can't be in teleworking⁴.

Parents who stay at home with children under 16 due to school closure have an additional compensation on the model of the workplace accident and occupational disease.

Short-time working is extended to temporary workers, domestic workers, sales representatives and child minder. The resident permits for foreign workers are prolonged. A solidarity fund is created for independent workers.

Since the middle of March, public authorities have teleconferences with Social Partners several times a week. However, they did not play a role in the choice of measures. Some of the new derogations about paid holidays need a collective agreement in the firm, but in several authorised sectors, employers can unilaterally derogate to working time (maximum working hours, weekly rest...).

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⁴ OFCE, Policy brief, 65, 30 March 2020