

Cabinet Adam-Caumeil

Avocats · Rechtsanwälte

The impact of Covid-19 in French Labor Law

Practice Group in Employment Law Vitual Meeting May 8th 2020







Huge French State Intervention

- French Economy is supported thanks to:
 - ➤ Short time working to avoid redundancy and the rise of unemployment rate > 84% of the salary is actually taken over by the French state which costs 1 billion euros per day.
 - More than 12 millions employees benefit from this measure
 - ➤ As the quarantine will end on Monday May 11th the risk is the collapse of the French economy.







Security obligation and employer's liability

- To protect the employees from the risk of contamination: this is not professional risk, but a biological one. Covid-19 is a disease transmitted by contact with infected people.
- NOT connected to the company's business







NOT A PROFESSIONAL DISEASE but...

With an exception for the medical staff!

The French State made an exception for the public health care service > considered as a professional disease







At the end of quarantine... National recommandations!

- Keep the home office work as far as possible
- If not possible, the employees have to operate in **shifts** around the clock 5 days a week.
- In addition the employer has to establish a movement plan to avoid people to cross eachother
- Moreover social distancing measures has to be taken = Keep 1
 meter, and 4 square meters per person







If the employer cannot apply these measures...

- Wear a mask! (but the FFP2 mask is only worn by the medical staff)
- FFP1 or self made masks for the employees
- Gloves are not recommended because they might be infected







Diagnostic Tests

Virological tests and serological tests are forbidden in the companies

➤ Only the state can procede to these tests







Temperature Check

- Not recommanded
- Can be done in big companies
 - ➤ If the employee refuses > impossible to access in the company
 - ➤ But the employer has to pay the salary







Take care of a sick employee

- → Management Protocole has to be written down by the HR
- → Isolate the affected employee and call for an emergency







If the employer respects all these security measures...

- CONSEQUENCE
- The employee is not allowed to preventive withdrawal from work
- Amazon Case > the court estimated that Amazon didn't respect the security and has to pay 1 million euros per day







In case of non observance of the security roles

 Disciplinary measures can be taken against the employee

which may lead to a dismissal for a serious misconduct







Keeping of Home Office

In an epidemic time, french law considers that Home
 Office is compulsary (L1222-11 of french labor code)



Before Coronacrisis = 17%

TODAY = 60%

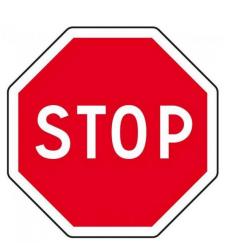
After crisis = estimation about 30%







Short Time Working



- As the french state takes over 84% of the costs of short time working the employer is not allowed:
 - To break the trial or probationary period because of the lack of activity
 - Economic lay off (redundancy plan)







Short Time Working less generous!

 The french labor minister told us that after June 2^{nd,} employees will be less paid > goal is to invite people to return to work







Thank you for listening!









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