



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 recommendations !

- 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 each other
- 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 proceed to these tests

Temperature Check

- Not recommended
- 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 compulsory (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 2nd, employees will be less paid > goal is to invite people to return to work

Thank you for listening !



Judith ADAM-CAUMEIL

Avocat à la Cour de Paris, Rechtsanwältin

2 avenue Trudaine ; 75009 Paris

Tel. Nr.: 00.33.1.42.81.41.51

www.adam-caumeil.com