

PRACTICE DATA SHEET
SPECIAL EMERGENCY MEASURES COVID-19
N°1
Partial activity

Subject: Work - Personnel management

Theme: Partial activity

Date: 04/01/2020

Partial activity (formerly "short-time working" or "technical unemployment") is a mechanism that allows the suspension or reduction of staff activity on a temporary basis.

As the Covid-19 pandemic has a significant impact on companies' activities, recourse to this mechanism may be necessary in many cases.

Emergency measure(s) put in place

Faced with the emergency, the Government has therefore taken steps to adapt the partial activity mechanism (by Decree No. 2020-325 of 25 March 2020 on partial activity and by Order No. 2020-346 of 27 March 2020 on emergency measures relating to partial activity).

In this respect, the current pandemic can be analysed as an exceptional circumstance constituting a case of partial activity, without the need to prove a drop-in economic activity.

➤ **Concerning employees who may be placed in partial employment**

The Decree (Article 1.1.5°) now allows employees with a fixed daily rate to be placed in partial activity in the case of a reduction in working hours in the establishment or part of the establishment (they were already eligible for the reduction in working hours in the case of an establishment closure).

The extension of the scope of application also benefits the following persons, but only for the period of the state of health emergency:

- individual employers and maternity assistants with special conditions (article 7 of the order);



- foreign companies which do not have an establishment in France (this is the case of a French employee working under French legislation being hired by a foreign company, for example in the case of a representative office) => (Article 9 of the order) ;
- employees of public companies (Article 2 of the order);
- employees of ski lifts (Article 10 of the order).

➤ **Concerning the application procedure**

The emergency measures presented may apply to requests for partial activities submitted as of 27 March 2020 for partial activities put in place as of 1 March 2020 (Article 2 of the decree).

In addition, they may apply to applications for opening or renewal until 31 December 2020 (Article 2 of the decree).

It is first of all extremely important to note that, unlike under the previous scheme, protected employees may be placed in partial employment without the need for their prior consent (Article 6 of the Order).

With regard to deadlines, the employer now has 30 days from the start of the partial activity to file his application. This request is made online (Article 1 of the decree).

Similarly, since the meeting of the ESC (“economic and social committee”) is currently difficult, employers are allowed to provide the opinion of the ESC up to two months after the submission of the request, which gives them time to organize the consultation (Article 1 of the decree).

Finally, it is recalled that silence on the part of the administration is equivalent to approval of the request. Thus, it is provided that if the labour inspectorate does not reply within two days, the request for partial activity is deemed to be accepted (Article 1 of the decree).

[See diagram in appendix](#)

➤ **Concerning the application of the partial activity mechanism**

The maximum period of application of the partial activity is increased from 6 to 12 months (Article 1 of the decree).

The rate of pay during periods of partial activity is fixed at 70% of the gross hourly rate. However, this remuneration is limited to 4.5 times the minimum wage and may not be less than EUR 8.03 (Article 1 of the decree).

Then, specific provisions are laid down for pay slips, which must show new compulsory information such as the rate applied, and the number of hours compensated under this mechanism (Article 1 of the decree).



Certain emergency provisions concern employees who are not subject to hourly working hours (Article 8 of the Order).

Thus, employees on daytime contracts who are placed in partial activity will have their working time deducted in hours by equivalence to the days and half-days worked. The order refers the details of this calculation to a decree. However, on this point, the Ministry of Labour's circular of 2013 already specified that, with regard to the closure of establishments, the only partial activity modality then applicable to them, a day of closure was equivalent to 7 hours of work (by reference to 35 hours).

Further clarifications could be added by decree in the coming days as provided for in the Order.

The order also refers to a decree in respect of employees "*who are not subject to legal or conventional provisions relating to working hours*" (sales representatives, freelancers, etc.).

Action plan for the company

- Identify the activity to be restricted and the measures to be implemented (reduced hours or closure of establishment);
- Prepare the ESC consultation;
- Notify each employee of the situation.
- Prepare the application file for the Labour Inspectorate;
- Submit the request to the site: <https://activitepartielle.emploi.gouv.fr/aparts/>.



Applicable texts (automatic translation of the extracts):

LAW No. 2020-290 of 23 March 2020 as an emergency measure to deal with the covid-19 :

“

Article 11

1. - Under the conditions provided for in Article 38 of the Constitution, the Government is authorised to take, by ordinance, within three months of the publication of this law, any measure, which may come into force, if necessary, as from 12 March 2020, falling within the scope of the law and, where appropriate, to extend and adapt them to the communities mentioned in Article 72-3 of the Constitution:

1° In order to deal with the economic, financial and social consequences of the spread of the covid-19 epidemic and the consequences of the measures taken to limit this spread, and in particular to prevent and limit the cessation of activity of natural and legal persons engaged in economic activity and associations as well as its impact on employment, by taking any measure :

[.]

(b) In the field of labour law, social security law and civil service law, [...]:

- (b) In the field of labour law, social security law and civil service law: to limit the termination of employment contracts and to mitigate the effects of the decline in activity, by facilitating and strengthening the use of partial activity for all enterprises, whatever their size, in particular by temporarily adapting the social regime applicable to allowances paid in this context, by extending it to new categories of beneficiaries, by reducing, in the case of employees, the remaining costs for the employer and, in the case of the self-employed, the loss of income, by adapting its methods of implementation, by promoting better coordination with vocational training and by taking better account of part-time employees; ”

Decree No. 2020-325 of 25 March 2020 on partial activity:

« **Art. 1. – I. -** The labour code is thus changed:

1o Article R. 3243-1 is supplemented by a paragraph worded as follows:

"16o In the case of partial activity:

"(a) The number of hours compensated;

"b) The rate applied for the calculation of the indemnity mentioned in Article R. 5122-18;

"c) The sums paid to the employee for the period in question.";

2o The sixth paragraph of Article R. 5122-2 is replaced by the following provisions:

"It shall be accompanied by the opinion previously delivered by the Social and Economic Committee, if the undertaking has one. By way of derogation, in the cases provided for in the third or fifth paragraph



of Article R. 5122-1, this opinion may be obtained after the request referred to in the first paragraph, and transmitted within a period of not more than two months from the date of that request";

3o Article R. 5122-3 is replaced by the following provisions:

"Article R. 5122-3. - By way of derogation from Article R. 5122-2, the employer shall have a period of thirty days as from the placement of employees in partial employment to send his request by any means giving a definite date of receipt:

"1o In the event of suspension of activity due to an accident or bad weather as provided for in Article R. 5122-1, paragraph 3o;

"2o In the case of exceptional circumstances as provided for in Article R. 5122-1, 5o; 4o In the first paragraph of Article R. 5122-7, the words: "modernization of the installations and buildings of the undertaking" are replaced by the words: "partial activity justified by one of the reasons provided for in Article R. 5122-1.

4o of article R. 5122-1";

5o Article R. 5122-8 is replaced by the following provisions:

"Article R. 5122-8. - Employers and their employees may not benefit from the allowance and partial activity allowance when the reduction or suspension of activity is caused by a collective labour dispute concerning the establishment in which such employees are employed. However, in the case of the closure of an enterprise or service decided by the employer following a strike, the payment of allowances and indemnities may be authorized by decision of the Minister responsible for employment, if the closure lasts for more than three days";

6o In I of Article R. 5122-9, the words: "six months" are replaced by the words: "twelve months";

7o Article R. 5122-12 is replaced by the following provisions:

"Article R. 5122-12. - The hourly rate of the partial activity allowance paid to the employer corresponds, for each employee authorised to be placed in partial activity, to a percentage of the gross previous hourly remuneration calculated under the conditions of II of Article L. 3141-24 and the first paragraph of Article R. 5122-18. A decree shall determine this percentage, as well as the minimum of this hourly rate and the maximum remuneration taken into account for the calculation of the allowance" ;

8o Article D. 5122-13 is replaced by the following provisions:

" Art. D. 5122-13. - The hourly rate of the partial activity allowance is equal for each employee concerned to 70% of the gross hourly remuneration as calculated in Article R. 5122-12, limited to 4.5 times the hourly rate of the minimum interprofessional growth wage.

"This hourly rate may not be less than 8.03 euros. This minimum is not applicable in the cases mentioned in the third paragraph of article R. 5122-18" ;

9o Article R. 5122-17 is replaced by the following provisions:



" Article R. 5122-17. - In the cases provided for in Article R. 5122-16, a document containing the information provided for in Article R. 3243-1, paragraph 16, shall be given to the employee by the Services and Payment Agency" ;

10o In the second paragraph of Article R. 5122-19, after the words: "corresponding to the days on which the establishment is closed", the words: "or to the days on which the working hours practiced in the establishment are reduced, in due proportion to this reduction" are inserted;

11o The 1o and 2o of Article R. 5122-21 are each supplemented by a paragraph thus drafted: " g) The data entered on the pay slip mentioned in the 4o to 7o, 10o to 12o and 14o and 16o of Article R. 3243-1.";

12o Article D. 5522-87 is repealed.

Art. 2. – I. - The provisions of this decree shall apply to claims for compensation addressed or renewed to the Services and Payment Agency pursuant to Article R. 5122-5 of the French Labour Code from the date of entry into force of this decree, in respect of the placement of employees in a partial activity position since 1 March 2020.

II. – By derogation to I, for a period of twelve months from the entry into force of this decree, employers may continue to apply the provisions of article R. 5122-17 of the same code, in their previous reaction to this decree, in place of the provisions of 16o of article R. 3243-1 of the same code.

III. – Until 31 December 2020, the period mentioned in the first and third paragraphs of Article R. 5122-4 of the Labour Code at the end of which silence constitutes implicit acceptance of the prior request for a partial activity authorisation is reduced to two days.»

Order No. 2020-346 of 27 March 2020 on emergency measures for partial activity:

“

Article 2

The private law employees of companies listed in the national directory of companies with majority State control mentioned in 3° of Article L. 5424-1 of the Labour Code and the employees mentioned in 6° of the same article are placed in partial activity under the conditions provided for in Chapter II of Title II of Book I of Part Five of the same Code. In this case, these employers shall benefit from a partial activity allowance in accordance with the terms and conditions provided for by these same provisions.

By way of derogation from II of Article L. 5122-1 of the same Code, the sums charged to the body administering the unemployment insurance scheme in respect of the staff mentioned in the first paragraph shall be reimbursed to it by the undertakings concerned under the conditions laid down by decree.

[.]

Article 6

The partial activity is binding on the protected employee within the meaning of the provisions of Title II of Book IV of the Labour Code, without the employer's agreement, if it affects all employees of the



undertaking, establishment, department or workshop to which the person concerned is assigned or attached.

Article 7

I. - When they suffer a loss of pay as a result of a temporary cessation of their professional activity following the covid-19 epidemic, home-based employees mentioned in Article L. 7221-1 of the Labour Code and maternal assistants mentioned in Articles L. 421-1 and L. 424-1 of the Social Action and Families Code are placed in a position of partial activity with the private individual who employs them.

The provisions of Chapter II of Title II of Book I of Part Five of the Labour Code are applicable, subject to the provisions of this article.

II. - Individual employers are exempted from the obligation to have the express or implicit authorization of the administrative authority.

III. - The hourly allowance paid by the employer is equal to 80 per cent of the net remuneration corresponding to the remuneration provided for in the contract without being :

1° Neither less than the net amount corresponding, for home-based employees, to the minimum wage provided for in the national collective agreement for employees of the private employer and, for childcare assistants, to the minimum amount of remuneration set pursuant to Article L. 423-19 of the Social Action and Family Code ;

2° Nor higher than the ceilings set by the regulatory provisions of Chapter II of Title II of Book I of Part Five of the Labour Code.

A decree shall determine the terms of application of this III.

IV. - Partial activity allowances due by individual employers in application of I shall be fully reimbursed on behalf of the State and, by way of derogation from Article L. 213-1 of the Social Security Code, by the unions responsible for collecting social security contributions and family allowances. The State shall ensure compensation in accordance with the procedures laid down by decree of the ministers responsible for social security, the budget and employment.

Individual employers shall keep at the disposal of the unions mentioned in the preceding paragraph, for control purposes, a certificate on their honour, drawn up by their employees, certifying that the hours giving rise to compensation have not been worked.

The social security and family allowance contribution recovery unions shall, where appropriate, offset the amount of social security contributions and contributions still due by the individual employer for periods prior to 12 March 2020 against the reimbursement made in respect of the partial activity allowance.

V. - The indemnities mentioned in this article are excluded from the basis of the contribution provided for in Article L. 136-1 of the Social Security Code and from the basis of the contribution provided for in 2° of I of Article L. 242-13 of the same Code.



Article 8

For the employer of employees whose working time is counted in days, the number of hours taken into account for partial activity allowance and partial activity allowance is determined by converting a number of days or half-days into hours. The terms of this conversion are determined by decree.

For the employer of employees who are not subject to the legal or conventional provisions relating to working hours, the methods for calculating the indemnity and allowance are determined by decree.

Article 9

The employees mentioned in Article L. 243-1-2 of the Social Security Code who are employed by a company with no establishment in France may be placed in a position of partial activity and as such benefit from the hourly indemnity provided for in Article L. 5122-1 of the Labour Code, when the employer is subject, for these employees, to the social contributions and contributions of legal or conventional origin and to the obligations of insurance against the risk of deprivation of employment under French legislation.

Article 10

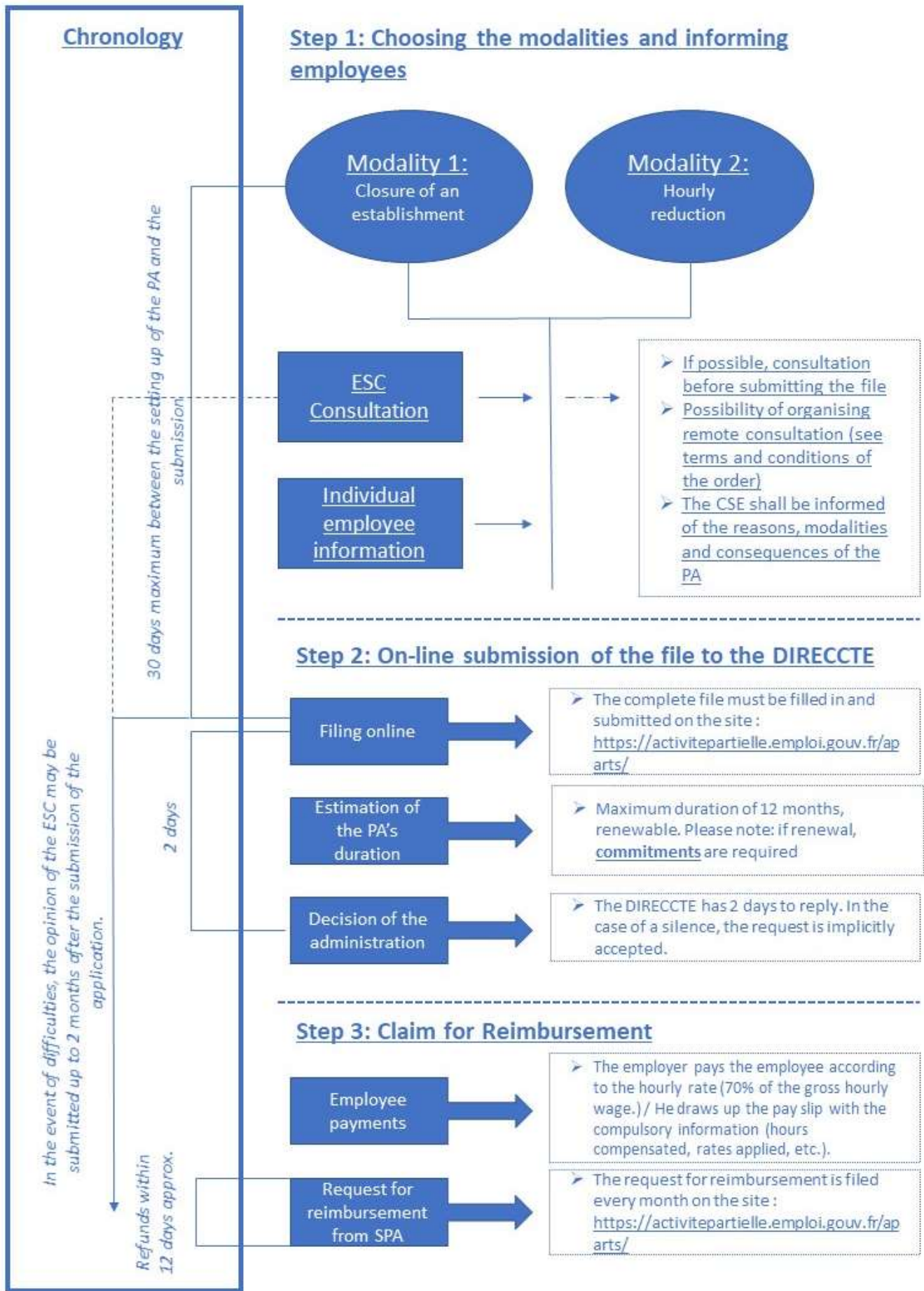
The employees employed by companies with sole financial autonomy that manage a public service of an industrial and commercial nature of ski lifts or ski runs meeting the conditions mentioned in article L. 2221-1 and 2° of article L. 2221-4 of the General Code for Local Authorities may be placed in partial activity under the conditions laid down in Chapter II of Title II of Book I of Part Five of the Labour Code, provided that they are subject to the provisions of the Labour Code and that their employer has joined the unemployment insurance scheme pursuant to 1° of Article L. 5424-2 of the same Code. In this case, these employers are entitled to a partial activity allowance in accordance with the terms and conditions laid down in those same provisions.”

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PRACTICE DATA SHEET
SPECIAL EMERGENCY MEASURES COVID-19
N°2
Paid leave and days of rest

Subject : Work - Personnel management

Theme: Paid leave and days of rest

Date: 03/26/2020

One of the personnel management tools to deal with the pandemic situation is the organization of the taking of rest days and paid leaves.

The Government has provided a framework for the modalities of this mechanism.

Emergency measure(s) put in place

A distinction should be made between paid leave and other types of rest (“RTT”, “CET”, flat-rate worktime rest, etc.).

➤ **Paid leaves**

The Government gives enterprises the possibility of negotiating an enterprise or branch agreement (article 1 of Ordinance No. 2020-323 of 25 March 2020 on emergency measures relating to paid leave, working hours and rest days) enabling:

- impose or modify leave dates (even for leave to be earned as of May 2020);
 - within the limit of 6 days of paid leave;
 - subject to a notice period of 1 clear day;
- to split the leave without the employee's agreement;
- derogate from the obligation of simultaneous leave for spouses or partners of PACS in the same company.

➤ **Other days of rest (“RTT”, “CET”, flat-rate worktime)**

The employer may decide unilaterally to take or change the dates of these days of rest (sections 2 to 4 of the Order):

- by observing a notice period of one clear day and ;
- without the period for taking these days of rest being able to exceed 31 December 2020.
- within the limit of 10 days of rest (Article 5 of the Ordinance).

Action plan for the company

- Identify the employees to whom it might be relevant to apply such a measure;
- Take stock of the leave and rest days that these employees accumulates;
- If necessary, organise the negotiation of the collective agreement (N.B.: adjustments could be made by order on the convening of the negotiating bodies, particularly in the case of the CSE);
- Reorganise the dates of leave for these employees in accordance with the rules described above.
- Notify each employee of the reorganization in compliance with the notice period of one clear day.

Applicable texts (automatic translation of the extracts):

LAW No. 2020-290 of 23 March 2020 as an emergency measure to deal with the covid-19 :

“ Article 11

I. - Under the conditions provided for in Article 38 of the Constitution, the Government is authorised to take, by ordinance, within three months of the publication of this law, any measure, which may come into force, if necessary, as from 12 March 2020, falling within the scope of the law and, where appropriate, to extend and adapt them to the communities mentioned in Article 72-3 of the Constitution:

1° In order to deal with the economic, financial and social consequences of the spread of the covid-19 epidemic and the consequences of the measures taken to limit this spread, and in particular to prevent and limit the cessation of activity of natural and legal persons engaged in economic activity and associations as well as its impact on employment, by taking any measure :

[.]



- to allow an enterprise or branch agreement to authorise the employer to impose or modify the dates for taking part of paid leave up to a limit of six working days, by derogating from the periods of notice and the arrangements for taking such leave defined by the provisions of Book I of Part III of the Labour Code and by the collective agreements and arrangements applicable in the enterprise ;
- to allow any employer to unilaterally impose or modify the dates of reduced working hours, rest days provided for in flat-rate agreements and rest days allocated to the employee's time-saving account, by derogating from the notice periods and the procedures for using such days as defined in Book I of Part III of the Labour Code, by collective agreements and conventions and by the general status of the civil service;”

[Order No. 2020-323 of 25 March 2020 on emergency measures relating to paid leave, hours of work and rest days](#)

Article 1

In order to deal with the economic, financial and social consequences of the spread of covid-19, by way of derogation from sections 2 and 3 of Chapter I of Title IV of Book I of Part Three of the Labour Code and the contractual stipulations applicable in the undertaking, establishment or branch, an undertaking agreement or, failing that, a branch agreement may determine the conditions under which the employer is authorised, within the limit of six days' leave and subject to observance of a notice period which may not be reduced to less than one clear day, to decide on the taking of paid leave days acquired by an employee, including before the opening of the period during which they are normally intended to be taken, or to unilaterally modify the dates on which paid leave is taken.

The agreement referred to in the first subparagraph may authorise the employer to split up leave without being required to obtain the employee's agreement and to fix the dates of leave without being required to grant simultaneous leave to spouses or partners bound by a civil solidarity pact working in his undertaking.

The period of leave imposed or modified pursuant to this Article may not extend beyond 31 December 2020.

Article 2

When justified in the company's interest in view of the economic difficulties linked to the spread of covid- 19, and by way of derogation from the agreement or the collective bargaining agreement instituting a system of reduced working hours maintained in force pursuant to the aforementioned Act of 20 August 2008 or a system of agreed rest days set up within the framework of the provisions set out in Articles L. 3121-41 to L. 3121-47 of the Labour Code, the employer may, subject to observing a notice period of at least one clear day:



1o Impose the taking, on dates determined by him, of rest days at the choice of the employee acquired by the latter;

(2) Unilaterally modify the dates on which rest days are taken.

The period for taking rest days imposed or modified in application of this article may not extend beyond 31 December 2020.

Article 3

Where the interest of the undertaking justifies it in view of the economic difficulties linked to the spread of covid- 19, and by derogation from Section 5 of Chapter I of Title II of Book I of Part III of the Labour Code, 26 March 2020, in particular Article L. 3121-64 thereof, and from the contractual stipulations applicable to the employee in the undertaking, establishment or branch, the employer may, subject to observing a period of notice of at least one clear day:

1o Decide to take, on dates determined by him, rest days provided for in a lump-sum agreement;

(2) Unilaterally modify the dates on which days of rest provided for in a fixed-price agreement are taken.

The period for taking days of rest imposed or modified in application of this article may not extend beyond 31 December 2020.

Article 4

When justified in the company's interest in view of the economic difficulties linked to the spread of the covid-19, and by derogation from Title V of Book I of Part III of the French Labour Code, in particular Articles L. 3151-3 and L. 3152-2, and from the contractual stipulations applicable in the company, establishment or branch, the employer may require that the rights allocated to the employee's time savings account be used to take rest days, the dates of which he shall determine by observing a period of notice of at least one clear day.

The period for taking rest days imposed pursuant to this Article may not extend beyond 31 December 2020.

Article 5

The total number of rest days which the employer may require the employee to take or whose date may be changed by the employer pursuant to Articles 2 to 4 of this Ordinance may not exceed ten.



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COVID-19
PRACTICLE DATA SHEET 2

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PRACTICE DATA SHEET
SPECIAL EMERGENCY MEASURES COVID-19
N°3
Hours of work, daily and weekly rest

Subject : Work - Personnel management

Theme: Hours of work, daily and weekly rest

Date: 03/26/2020

In order to allow certain sectors of activity "particularly necessary for the security of the nation and the continuity of economic and social life" to operate, certain derogations from the legal provisions on working hours have been adopted.

Emergency measure(s) put in place

The Government provided for the following adjustments in Order No. 2020-323 of 25 March 2020 on emergency measures relating to paid leave, working hours and rest days.

➤ **Modalities of recourse to the derogations provided for**

The derogations are applicable only to certain undertakings in sectors necessary to the nation which will be identified by decree.

Moreover, if the employer makes use of at least one of these derogations, he must immediately inform the ESC.

Finally, these new provisions cannot be applied beyond 31 December 2020.

➤ **Adaptation over the daily duration**

Article 6 of the Ordinance provides for the following adaptations:

- For daytime work, the maximum daily working time may be extended to 12 hours;



- For night work, the maximum daily working time may be extended to 12 hours.
 - o Be careful, in this case, the employee must benefit from a compensatory rest equal to the excess of the initial duration (8 hours);
- The daily rest period may be reduced to 9 consecutive hours.
 - o Be careful, in this case, the employee must benefit from a compensatory rest equal to the hours of rest he was not able to benefit from.

➤ **Adjustment to the weekly duration**

Articles 6 and 7 of the Ordinance provide for the following adaptations:

- The maximum weekly working time may be increased to 60 hours.
- The maximum weekly working time for daytime work may be increased to 48 hours, smoothed over twelve consecutive weeks;
- For night work, the maximum weekly working time, smoothed over twelve consecutive weeks, may be increased to 44 hours;
- Weekly rest may be granted in shifts.

Action plan for society

- determine whether the company can benefit from these measures under the Decree ;
- determine the working time arrangements necessary in view of the rules previously set out;
- inform the CSE immediately and by any means;
- Proceed with individual notifications from employees.

Applicable texts (automatic translation of the extracts):

LAW No. 2020-290 of 23 March 2020 as an emergency measure to deal with the covid-19 :

“ Article 11

I. - Under the conditions provided for in Article 38 of the Constitution, the Government is authorised to take, by ordinance, within three months of the publication of this law, any measure, which may come into force, if necessary, as from 12 March 2020, falling within the scope of the law and, where



appropriate, to extend and adapt them to the communities mentioned in Article 72-3 of the Constitution:

1° In order to deal with the economic, financial and social consequences of the spread of the covid-19 epidemic and the consequences of the measures taken to limit this spread, and in particular to prevent and limit the cessation of activity of natural and legal persons engaged in economic activity and associations and its impact on employment, by taking any measure :

[.]

- to allow undertakings in sectors particularly necessary for the security of the Nation or the continuity of economic and social life to derogate from the rules of public policy and from the provisions of agreements relating to working hours, weekly rest and Sunday rest ;”

[Order No. 2020-323 of 25 March 2020 on emergency measures relating to paid leave, hours of work and rest days](#)

Article 6

In companies in sectors of activity particularly necessary for the security of the Nation and the continuity of economic and social life, determined by decree and, where applicable, by derogation from the applicable conventional stipulations:

1o The maximum daily working time set in Article L. 3121-18 of the Labour Code may be extended to twelve hours;

2o The maximum daily working time of a night worker set in Article L. 3122-6 of the Labour Code may be extended to twelve hours, subject to the granting of a compensatory rest period equal to the excess of the period provided for in the same Article;

3o The daily rest period fixed in Article L. 3131-1 of the Labour Code may be reduced to nine consecutive hours, subject to the granting of a compensatory rest period equal to the length of the rest period from which the employee was unable to benefit;

4o The maximum weekly working week laid down in Article L. 3121-20 of the Labour Code may be extended to sixty hours;

5o The weekly working time calculated over any period of twelve consecutive weeks fixed in Article L. 3121-22 of the Labour Code or over a period of twelve months for the farms, undertakings, establishments and employers mentioned in Articles L. 722-1 (1) to (4) and L. 722-20 (2), (3) and (6) of the Rural and Maritime Fishing Code and having an agricultural production activity, may be extended to forty-eight hours.;

6o The weekly working hours of night workers calculated over a period of twelve consecutive weeks as set out in Article L. 3122-7 of the Labour Code may be extended to forty-four hours.



For each of the sectors of activity mentioned in the first paragraph, a decree shall specify, in compliance with the objective of protecting the health of workers, the categories of derogations permitted among those mentioned in 1o to 6o of this article and, in compliance with the limits laid down by these same provisions, the maximum working hours or the minimum rest period that may be set by the employer.

An employer who makes use of at least one of these derogations shall inform the Social and Economic Committee and the Regional Director of Enterprises, Competition, Consumption, Labour and Employment thereof without delay and by any means.

Derogations implemented on the basis of this Article shall cease to have effect on 31 December 2020..

Article 7

Without prejudice to the provisions of Article L. 3132-12 of the Labour Code, undertakings in sectors of activity that are particularly necessary for the security of the Nation and the continuity of economic and social life, as determined by decree, may derogate from the Sunday rest rule laid down in Article L. 3132-3 of the same Code by allocating weekly rest by rotation.

This derogation shall also apply to undertakings which provide those mentioned in the first paragraph with the benefits necessary for the performance of their main activity.

The provisions of this article shall apply in the departments of Moselle, Bas-Rhin and Haut-Rhin by way of derogation from the provisions of articles L. 3134-2 to L. 3134-12 of the Labour Code.

The derogations implemented on the basis of this article shall cease to have effect on 31 December 2020.

Do not hesitate to contact us if you need legal support to adapt your activity to the COVID-19 pandemic.

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