

Summary of the French government's measures to mitigate COVID-19's adverse effects

CONFINEMENT MEASURES		
Date of implementation	Measure and related source	Content of the measure
17/03/2020	Strict confinement measures in France <i>(Decree 2020-260 dated 16 March 2020)</i>	Exceptions to the confinement : <ul style="list-style-type: none">- Travel reduced to the strict minimum and justified only in limited defined cases: food shopping, health reasons, go to work (only in the case of impossibility to work from home) and light sport activities;- Citizens are required to fill in, date and sign a pre-drafted form specifying the reason, time and duration of the travel away from home, and- Citizens required to produce such a form upon demand of the police forces.
17/03/2020	Shutdown of EU and Schengen borders	The EU Commission announced the shutdown of the Schengen borders for an initial 30 day-period, potentially renewable.

MAIN SOCIAL AND ECONOMIC MEASURES		
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26/03/2020	<p>Management of paid leave and rest days</p> <p>(Legislative order n°52 of 26 March 2020)</p>	<p>Employers are permitted to:</p> <ul style="list-style-type: none"> - unilaterally set or postpone the taking of up to 6 days of paid leave, with one day advance notice (instead of 4 weeks), subject to the existence or the conclusion of a company-wide or industry-wide collective agreement; and - require employees to take additional rest days (i.e. "RTT" days) and days saved on a Time Saving Plan (i.e. "Compte Epargne Temps"). <p>In total, employer may not require that employees take more than 10 days off (paid vacation days + RTT days)</p>
26/03/2020	<p>Postponement of the deadline for the payment of profit-sharing</p> <p>(Legislative order n°50 of 26 March 2020)</p>	<p>Any payment due in application of a mandatory or voluntary profit-sharing plan for year 2020 may be postponed to 31 December 2020 (instead of 1 June 1 2020 for companies whose accounting year matches the civil year)</p>
26/03/2020	<p>Implementation of a more flexible partial activity scheme (so-called "activité partielle" formerly known as partial unemployment "chômage partiel")</p> <p>Decree n° 2020-325 dated 25 March 2020</p>	<p>The decree softens the rules regarding partial activity and provides that :</p> <ul style="list-style-type: none"> - Employers have 30 days to make a request to the Labor Administration (via a dedicated online platform (https://activitepartielle.emploi.gouv.fr/aparts/)). - Eligible Companies are those that (i) are required by law to shut down activities or (ii) face a drop-in activity, (iii) face supply chain difficulties or (iv) cannot guarantee the employees' health . - The request to benefit from this scheme has retroactive effect. - It is possible to implement partial activity prior to obtaining the works council's opinion and authorization of the Labor Administration. - All types of employees are entitled to the partial activity scheme, even employees subject to a working time arrangement in days ("forfait jours"). - The maximum duration of partial activity is 12 months (as opposed to 6 months under the common law scheme). - The Labor Administration has 48 hours (vs. 15 days normally) to approve a request for partial activity, silence at the expiration of the 48 days periode is deemed as approval.

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		<ul style="list-style-type: none"> - The use of trainings during the partial activity period is encouraged. - During partial activity, impacted employees are paid 70% of their gross salary (i.e. approximately 84% of the net salary) capped to 4.5 the French minimum wage (i.e. EUR 6,927.39 per month) and which cannot be lower than EUR 8.03 per hour, by employers. Employers may be reimbursed by the French State fund.
26/03/2020	<p>Exemption from working time legal requirements</p> <p><i>(Legislative order n°52 of 26 March 2020)</i></p>	<p>Some categories of employers critical for national security or economy, such as transport, logistic, agribusiness, energy, telecommunication, will benefit from the following measures (until 31 December 2020):</p> <ul style="list-style-type: none"> - Daily working time may be increased up to 12 hours/day; - Working time for night shift employees maybe increased up to 12 hours/day (subject to employees benefiting from the corresponding compensatory rest). - Increase of the average ceiling (over 12 consecutive weeks) to 48 hours (as opposed to 44 hours under common law); - Increase of the weekly working time ceiling to 60 hours (as opposed to 48 hours under common law), subject to the Labor Authority's approval; - Authorization to work on Sunday; - Reduction of the daily resting time from 11 hours to 9 hours (provided employees benefiting from the corresponding hours in compensatory rest). <p>Prior to the implementation of any such measures, the Labor Inspection and the Social and Economic Committee must be informed.</p>
26/03/2020	<p>Payment of the supplemental indemnity in case of sick leave (or simplified sick leave for employees forced to stay at home due to the closing of schools/nurseries etc.)</p> <p><i>(Legislative order n°50 of 26 March, 2020)</i></p>	<p>All employees on sick leave (irrespective of their length of service) may now benefit from the supplemental indemnity (in addition to the payment of daily allowances by the social security) as prescribed by article L. 1226-1 of the French. Such indemnity is usually paid by the employer but a decree could be issued to adapt the payment modalities and deadlines.</p>

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26/03/2020	Deferral of payment of rent, electricity and gas invoices <i>(Legislative order n° 2020-316 dated 25 March 2020)</i>	This order provides, for small and medium size companies (i.e. companies with a turnover of less than EUR1 million and an annual taxable profit of less than EUR600K) and which are either subject to administrative closure or to a loss of turnover of 70% in March 2020 compared to March 2019) the possibility to defer the payment of rent and of electricity and gas invoices.
25/03/2020	Possibility of deferring the payment of social contributions and taxes <i>(Commitment from the French social security authorities ("URSSAF"))</i>	Companies that are supposed to pay their social security contribution for March (at least) on 5 April 2020 are able to ask for a postponement of such payment without justification nor late penalties. The postponement may be applicable for up to three months and the request should be submitted before the 5 April 2020-deadline.
ASAP	Financial supporting plan <i>(Decree to be published)</i>	The French state will support and/or defer bank maturities and will guarantees up to 300 billion euros for all bank loans concluded by companies.
28/02/2020	General use of teleworking <i>(Ministry of Labor circular of 28 February 2020, as updated on 09/03/2020, on 16/03/2020 and on 17/03/2020)</i>	<p>Teleworking is the standard way to work when possible, to ensure business continuity while containing the Covid-19 spread.</p> <p>It does not require the employees' prior consent and can be set up as a conservative measure before launching the CSE's consultation that remains mandatory.</p> <p>An upcoming decree might define which type of employees are concerned by teleworking.</p>

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23/03/2020	Emergency Law implementing exceptional provisions to mitigate COVID-19	<p>French Parliament voted on 22 March and enacted the law on March 23.</p> <p>It provides for the following exceptional measures:</p> <ul style="list-style-type: none"> - Creation of a state of health emergency ("<i>Etat d'urgence sanitaire</i>") for a 2 month-period as of the enactment of the law; and - Possibility for the Government to take legislative orders during a 3-month period as of the enactment of the law and, if need be, retroactively as of 12 March 2020, in order to: <ul style="list-style-type: none"> o Promote partial activity in order to limit the number of terminations of employment contracts (see above); o Encourage the recourse to the professional training; o Require that employees take paid holidays (see above); o Require working time reduction days (JRTT) (see above); o Derogate to the maximum working time durations and weekly rest for companies performing in industries critical for the nation security, the continuation of the economic and social life (see above); <p>Change the deadline and ways of paying voluntary and mandatory profit-sharing (see above); and facilitate the information-consultation efforts of the works council ("CSE").</p>
18/03/2020	Self-declared sick leave for fragile employees who present higher risk to develop a severe form of Covid-19	Employees subject to specific health issues may request to be placed on sick leave for a period of 21 days by submission through the French national health administration website.
17/03/2020	Organization of the Labor Administration during the lockdown <i>(Instructions from the French General Director of Labor dated March 17 2020)</i>	<p>The Labor Authority will prioritize the followings matters:</p> <ul style="list-style-type: none"> - investigations related to a serious or fatal occupational accident; - investigations related to an alert for serious and imminent danger or upon the exercise of the right of withdrawal; - investigations related to physical injuries, moral harassment or violation of fundamental rights. <p>The Labor Authority must provide its decision on a request for a working time exemption within 5 days. Other pending matters should be put on hold and/or postponed.</p>

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28/02/2020	Possibility to move planned paid leaves (Ministry of Labor circular of 28 February 2020, as updated on 09/03/2020 and on 16/03/2020)	Employers have been entitled to validly advance already-planned paid leaves to manage absence for confinement.
28/02/2020	General use of teleworking (Ministry of Labor circular of 28 February 2020, as updated on 09/03/2020, on 16/03/2020 and on 17/03/2020)	Teleworking is the standard way to work when possible, to ensure business continuity while containing the COVID-19 spread. Teleworking does not require the employees' prior consent and can be set up as a conservative measure before launching the CSE's consultation that remains mandatory. An upcoming decree might define which type of employees are concerned by teleworking.
31/01/2020	Simplified sick leave ("arrêt maladie") (Decrees of 31 January and of 9 March 2020)	Possibility for employers to declare as sick leave certain special circumstances (e.g. child care when the employee is unable to work from home). Such declaration will be considered as a sick leave, enabling concerned employees to be paid daily allowances from the national health insurance.

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