

Legal Update

France addresses COVID-19 with Additional Measures

France entered the new year not in the most festive of moods. On December 31, 2021, the country had reached a sad record—262,000 new COVID-19 infections in only 24 hours. To face this unprecedented situation and the extremely fast-spreading new variant, the government has implemented new measures to address the pandemic while a bill to reinforce existing tools for managing the health crisis is being debated in Parliament.

Working from home

The French Labor Minister has published a new COVID-19 Health and Safety Protocol for companies.

As of January 3, 2022, and for 3 weeks, eligible employees (i.e. employees who can perform their work remotely) should work from home at least 3 days (or 4 days, if possible) per week.

In addition, the bill in Parliament could prescribe:

- That homeworking for 3 (or 4) days a week would be mandatory. As a reminder, to date, the government's COVID-19 Health and Safety Protocol ("Health Protocol") has no binding value;
- An administrative fine if an employer fails to comply with its general health and safety obligation when a dangerous situation results from a risk of exposure to COVID-19. The fine could go up to €1000 per employee concerned, capped at €50,000 per company. In practice, this could allow the labor inspector to sanction any employer that does not comply with the recommendations of the Health Protocol regarding homeworking.

Isolation duration

The *Direction Générale de la Santé* has published new guidelines on isolation, which are summarized in the table below:

	Individual infected with COVID-19	Contact with an individual infected with COVID-19
Fully vaccinated individual	<ul style="list-style-type: none"> ○ 7-days quarantine ○ Possible release from quarantine after 5 days with a negative PCR or antigen test <p><i>An exception is made for the medical and health sector</i></p>	<ul style="list-style-type: none"> ○ No quarantine ○ Social distancing ○ Need to undergo: <ul style="list-style-type: none"> - a PCR or antigen test immediately and conducted by a healthcare provider. - a self-test 2 days after the last contact - a self-test 4 days after the last contact.

	Individual infected with COVID-19	Contact with an individual infected with COVID-19
Not fully vaccinated or not vaccinated at all	<ul style="list-style-type: none"> o 10-days quarantine o Possible release from quarantine after 7 days with a negative PCR or antigen test 	<ul style="list-style-type: none"> o 7-days quarantine o Possible release from quarantine with a negative PCR or antigen test

Still, these guidelines are aimed at employees only, since the employer cannot request their employees to share their vaccination status (except in certain sectors, as specified below).

Implementation of a “vaccine pass”

According to the bill in Parliament, the “vaccine pass” would replace the “health pass” (*passé sanitaire*). The bill is still debated, but the government’s objective is for the vaccine pass to be effective as of January 15, 2022. As a result, it would no longer be possible for employees in establishments open to the public (ERP) to return to work in these establishments by presenting a negative PCR or antigen test or a certificate of recovery from COVID-19; instead, these employees would be required to show proof of vaccination. Still, the bill would not make vaccination mandatory for employees of most companies—those that do not operate in specific sectors open to the public, for example, those outside the hospitality and health sectors.

Occupational health

The bill could allow the occupational doctor to access to the list of unvaccinated employees in order to engage in a dialogue with them. This information should not be shared with the employer.



If you have any questions about the issues raised in this legal update, please get in touch with your usual Mayer Brown contact or:

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