

Legal Update

France eases COVID-19 restrictions

Given the improvement in the health situation, the French government has made several announcements and published a decree on 12 March 2022 to significantly reduce COVID-19 sanitary measures. The COVID-19 governmental protocol has also been replaced by an indicative reference guide on 15 March 2022. Here is the situation for companies to date.

“Vaccine pass”:

According to the decree of 12 March 2022 (n° 2022-352) which amends the decree of 1st June 2021 (n° 2021-699) prescribing the general measures necessary for the management of the exit from the health crisis, **as of 14 March 2022, the vaccine pass is no longer required in places where it used to be** (e.g. cinemas, museums, restaurants, cafés, public libraries, etc.). Employees of these establishments are therefore no longer subject to the obligation to present a vaccination pass.

However, a health pass, i.e. proof of vaccination, negative PCR or antigen test or certificate of recovery, is still required for access to health and medico-social institutions (e.g. hospitals, nursing homes, institutions for disabled people), except in emergency situations or for access to COVID-19 tests.

Social distancing measures:

The decree of 12 March 2022 **cancel all social distancing measures** (i.e. one meter between two people at least or two meters in the absence of mask). This means notably that **company restaurants may reopen under ordinary conditions**, which the Ministry of Labour, Elisabeth Borne, confirmed in an interview on 8 March 2022.

However, the decree maintains hygiene measures in companies (e.g. ventilation rules, regular cleaning of objects and contact points).

Administrative fine (EUR 500):

As of 14 March 2022, the Labour Inspectorate can no longer impose an administrative fine in case of dangerous situation resulting from a risk of exposure to COVID-19 due to the employer's failure to comply with the general principles of prevention set out in the COVID-19 protocol.

Replacement of the COVID-19 governmental protocol:

On 15 March 2022, the COVID-19 governmental protocol has been replaced by an indicative “reference guide on measures to prevent the risks of COVID-19 contamination out of an epidemic situation”. The reference guide contains the following provisions:

- a reminder of barrier gestures (hand washing, ventilation rules, cleaning of surfaces, etc.);
- an encouragement to continue vaccination;
- a reference to the website of the Health Insurance Fund for the management of contact cases and COVID-19 positive cases;
- an obligation for the employer to ensure that employees are informed of public health recommendations, particularly when they concern vulnerable persons;
- a reminder of the rules concerning vulnerable employees who cannot work from home;
- a reminder of the general principles of risk prevention.

Mask wearing:

The decree of 12 March 2022 also provides for the **end of the obligation to wear a mask in public establishments and areas where this was still required** (except for public transports).

It should be noted that the obligation to wear a mask in companies was not provided by the amended decree of 1st June 2021 but only by the COVID-19 governmental protocol. Therefore the changes in the decree do not directly concern the wearing of mask in companies.

The reference guide, however, takes up the government’s announcements and provides that wearing a mask in the workplace is no longer mandatory. It also specifies that employees may continue to wear a mask if they want to.

Isolation durations:

To date, the isolation durations are the following:

	Individual infected with COVID-19	Contact with an individual infected with COVID-19
Fully vaccinated individual	<ul style="list-style-type: none">• 7-day quarantine<ul style="list-style-type: none">– Possible release from quarantine after 5 days with a negative PCR or antigen test and in the absence of symptoms <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 a PCR or antigen test at D+2
Not fully vaccinated or not vaccinated at all	<ul style="list-style-type: none">• 10-day quarantine• Possible release from quarantine after 7 days with a negative PCR or antigen test and in the absence of symptoms	<ul style="list-style-type: none">• 7-day quarantine• Need to undergo a PCR or antigen test at D+7• Possible release from quarantine with a negative PCR or antigen test at D+7

Vulnerable employees:

In the framework of the health emergency state (which still continues until 31 July 2022), vulnerable employees who are unable to come to their workplace or work remotely may receive allowances under the partial activity scheme.

Our advice: Although legal sanitary measures have been considerably reduced, the employer still has a general duty of health and safety towards its employees and must take all necessary measures to prevent the risks associated with its activity. This may include a number protective measures against the COVID-19 virus even if this is no longer specifically legally required.

In the absence of specific legal provisions, the employer must be vigilant about how sanitary measures are put in place in the company: an annex to the company's internal rules should be drawn, sent to the labor inspectorate and published internally.

Restrictive measures should be justified and proportionate to the objective sought (i.e. protection of the employees' health).

If you have any questions or require specific advice on the matters covered in this Update, please contact your usual Mayer Brown contact.

Régine Goury

Partner, Paris
rgoury@mayerbrown.com
+33 1 53 53 43 40

Fadela Kailech

Associate, Paris
fkailech@mayerbrown.com
+33 1 53 53 36 30

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