
France

Company

Tax measures (deferrals, reductions)

- The Government previously adopted temporary measures to reduce tax contributions for companies suffering a loss due to the COVID-19 pandemic. However, the normal regime has now resumed.
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Social Security measures (deferrals, reductions)

- For the self-employed whose work is linked to the sectors most affected by COVID-19 (as set out in the Decree of 30 March 2020), Social Security contributions due from January 2021 to August 2021 have not been levied and will be deferred to an (unconfirmed) later date. The Social Security Authority have announced that no such deferral is available in respect of the months following August 2021.
 - Self-employed workers may request, in relation to their Social Security contributions: (i) payment extensions; (ii) an adjustment to their contribution schedule; (iii) the intervention of social action (i.e., payment by the URSSAF of part or all of the contributions due (as a last resort only)); or (iv) the allocation of exceptional financial aid.
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France

Employer

Sick pay (eligibility, obligations to pay, recovery from Government)

- Under Decrees of 8 January 2021 and 16 June 2021, individuals who: (i) are suffering from COVID-19 (including employees and self-employed persons); (ii) have been quarantined due to actual or potential contact with COVID-19; or (iii) have symptoms and are waiting for their COVID-19 test results, may be eligible for daily sickness benefits (without a waiting period).
- In addition to the indemnities paid by the French Social Security, employees who are subject to a “work stoppage” due to COVID-19 (i.e., unable to work because they have been infected with COVID-19) are entitled to additional compensation from their employer to compensate them for any loss of salary.
- These measures will apply from 1 January 2021 until 31 December 2022 at the latest (Decree to be issued).
- Under the Amending Finance Act 2020, an employee who is unable to continue working for one of the following reasons must be placed on “partial reduction of activity” (see “Reduction in pay and/or hours” section below):
 - the employee is one of the vulnerable persons at risk of developing a serious form of COVID-19 listed in a Decree of 8 September 2021; or
 - the employee is facing childcare constraints due to the closure of a childcare facility, a school or a college, or when the child has been in contact with a person suffering from COVID-19.
- Pursuant to a Decree of 27 December 2021, this measure will apply until 31 January 2022 and could be extended, by a subsequent Decree, until 31 July 2022 at the latest.
- The employer must make a request for partial reduction of activity (see “Reduction in pay and/or hours” section below), including where the employer company does not itself benefit from the partial reduction of activity scheme (i.e., where it has not been closed or reduced its working hours under the scheme).
- Any vulnerable person or employee facing childcare constraints who is placed under a partial reduction of activity scheme benefits from a specific indemnity, equal to 70% of his or her gross hourly wage (with a minimum of EUR 8.37 per hour), capped at four and a half times the minimum wage schedule (EUR 5,049 per month for a full-time employee as of 1 October 2021). The employers also receive specific state aid equal to 70% of gross hourly wage, capped at four and a half times the minimum wage schedule (with a minimum of EUR 8.37 per hour).

Enforced leave / use of holiday (paid vs unpaid)

- The Government previously adopted certain temporary measures in relation to the use of holidays due to the COVID-19 pandemic but the normal regime has now resumed.

Temporary layoffs

- No specific temporary layoff measures have been put in place at this time.
- Employers have an obligation to provide their employees with work. If they cannot provide sufficient work, their employees remain eligible for full pay.

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- However, in specific circumstances, an employer may apply for a partial reduction of activity scheme (“*activité partielle*”) subsidized by the State and the “*Union nationale interprofessionnelle pour l’emploi dans l’industrie et le commerce*” (“UNEDIC”) (see “Reduction in pay and/or hours” section below).

Reduction in pay and/or hours

- Unilateral reduction of pay or hours by companies is prohibited.
- Businesses whose activity is affected by the COVID-19 pandemic may be eligible for the partial reduction of activity scheme which is implemented by reducing employee working time or closing all or part of the company.
- Except for protected employees, employee consent is not required. However, an Ordinance of 26 March 2020 reinforces the powers of the company *vis-à-vis* protected employees: partial activity may be compulsory for a protected employee without their employer having to obtain their consent when it affects all employees of the company, establishment, service or workshop to which the protected employee is assigned or attached.
- Foreign companies with no place of business in France (i.e., where no company or branch is registered with the French Commercial Registry) can benefit from the partial reduction of activity scheme for any of its employees working permanently in France who are registered with the French Social Security system.
- Requests must be submitted on <https://activitepartielle.emploi.gouv.fr/> within 30 days of the partial reduction of activity, with retroactive effect, and implementation may require consultation with the company’s Social and Economic Committee (the “SEC”).
- The application must specify: (i) the reasons justifying recourse to the partial reduction of activity scheme (e.g., administrative closure of the establishment, decrease in activity, supply difficulties or the impossibility of implementing the preventive measures necessary for the protection of the employees); and (ii) its expected duration.
- If the company has already had recourse to the partial reduction of activity scheme during the 36 months preceding its application (initial or renewal, whether due to COVID-19 or not), it must subscribe to specific commitments specified in its application which will be definitively fixed by the labour administration.
- The maximum total duration of the administrative authorisation (including renewals) is, in principle, six months, but this duration has been extended to 12 months by Decrees dated 25 March 2020 and 31 March 2020.
- During the partial activity period, the company will pay employees (whose employment contract is suspended due to the company’s closure) 70% of their monthly gross remuneration. The State and Unemployment Fund will co-finance reimbursement of all or part of this to companies at EUR 7.74 per hour (for companies with fewer than 250 employees) or EUR 7.23 per hour (for companies with more than 250 employees).
- A Decree dated 25 March 2020 increased the reimbursement allowance to 70% of gross hourly wage, limited to four and a half times the minimum wage schedule (EUR 5,049 per month for a full-time employee as of 1 January 2022).
- Under a Decree dated 29 June 2020, certain conditions for the partial activity allowance have been modified. The state reimbursement allowance has been reduced to 60% of gross hourly wage, capped at four and a half times the minimum wage schedule (except for employers in sectors subject to special

statutory or regulatory restrictions due to the COVID-19 pandemic (e.g., tourism)). The indemnity paid to the employee, the treatment of this indemnity within the applicable social security framework, and any supplement paid by the employer remain unchanged.

- Pursuant to a Decree dated 28 May 2021, from 1 June 2021 to 30 June 2021, the state aid was reduced to 52% of the compensation paid to employees.
- Pursuant to a Decree dated 28 May 2021, the following rules are applicable, as of 1 July 2021:
 - the indemnities paid to employees will be reduced to 60% of their gross hourly wage limited to four and a half times the minimum wage schedule (EUR 4,328 per month for a full-time employee as of 1 January 2022);
 - the state aid will be reduced to 36% of the compensation paid to employees;
 - the SEC should be informed on the expiry of each authorisation and, where appropriate, prior to each application for renewal of authorisation; and
 - employers are recommended to encourage employees who are placed on the partial activity scheme to take paid leave whilst on the scheme. However, employers cannot force employees to take paid leave.
- However, specific rules will apply to companies operating in certain sectors (as set out in the Decree of 28 April 2021 and Decree of 27 December 2021):
 - (i) companies which operate in one of the sectors most affected by COVID-19 (listed in Appendix 1 of the Decree of 27 January 2021), provided, that they have experienced a very significant decrease in turnover (of at least 65% compared to the same month in 2021, 2020, or 2019); (ii) companies whose activity is closely linked to the above-mentioned sectors (listed in Appendix 2 of the Decree of 23 July 2021), provided that they have experienced a very significant decrease in turnover; and (iii) companies subject to administrative closure:
 - from 1 April 2021 until 31 January 2022 (and could be extended, by a subsequent Decree until 31 July 2022 at the latest): employees benefit from an indemnity, equal to 70% of gross hourly wage, capped at four and a half times the minimum wage schedule (EUR 5,049 per month for a full-time employee as of 1 January 2022) and the employers receive a state aid equal to 70% of gross hourly wage, capped at four and a half times the minimum wage schedule.
 - other companies (such as companies whose activity is listed in Appendix 1 of the Decree of 27 January 2021 and in Appendix 2 of the Decree of 23 July 2021 and have not experienced a significant decrease in turnover):
 - from 1 September 2021: (i) the indemnities paid to employees will be reduced to 60% of gross hourly wage, capped at four and a half times the minimum wage schedule; and (ii) the state aid will be reduced to 36% of the compensation paid to employees, capped at four and a half times the minimum wage schedule.
- Pursuant to a Decree dated 26 February 2021, as of 1 July 2021, companies will only be able to benefit from the partial reduction of activity scheme for an initial period of up to three months, but this can subsequently be renewed for up to a maximum overall period of six months.
- The Law of 17 June 2020 has created an additional specific partial activity scheme. This scheme makes it possible to ensure, pursuant to an in-house collective agreement or a unilateral decision (i.e., where the employer's decision

is solely based on the specific provisions of an industry-wide collective agreement) which is validated by the labour administration, the continuation of employment relationships in companies faced with a lasting reduction in activity, where a company's placement in the scheme does not jeopardise its survival. In exchange for Government support, the employer undertakes to maintain the employment of the affected employees. A Decree of 28 July 2020 provides further details, including the following:

- the scheme is implemented retroactively from 1 July 2020 and will be available until 30 June 2022;
 - the scheme enables the Government to support employers experiencing a long-term decline in activity for six months (renewable up to two years), in exchange for the company committing to maintain employment relationships;
 - the industry-wide or in-house collective agreement must define the start date and duration of the scheme, the activities and employees to which the scheme applies, the maximum number of non-working hours, the commitments made (in terms of employment and training), and the procedures for informing the employee representatives;
 - the maximum duration of the scheme is 24 months in a period of 36 months (excluding any time in the period from 1 November 2020 to 30 June 2021, pursuant to a Ministerial Order dated 9 April 2021);
 - the maximum number of non-working hours may not exceed 40% of working time (or 50% in exceptional circumstances). Therefore, it would not be possible to benefit from the scheme if the company's activity ceases completely; and
 - employees will receive from their employer at least the same gross hourly wage they would have received if they had been placed in classic partial activity and the Government will pay the employer the same amount it would have paid if employees had been placed in classic partial activity.
- Note that an employee may not be placed in partial activity under both the classic partial reduction of activity scheme and the additional specific partial activity scheme. An employer may, however, make use of both schemes for different employees.

Working hours and Sunday work

- Certain companies (to be specified by a forthcoming decree) may depart from public policy rules on maximum daily and weekly working hours and daily rest periods. However, the weekly rest period of 24 consecutive hours per week remains unchanged.
- Companies in “sectors of activity particularly necessary for the security of the Nation and for the continuity of economic and social life” (which will be fixed by decree), may also derogate from the principle of Sunday rest and have their employees work on Sundays.
- Any use of these exemptions should be immediately reported to the employee representative bodies (but also to the labour administration for the working time exemption). The employee representative bodies will deliver a non-binding opinion on these exemptions within a one-month period.

Terminations

- Redundancies are not prohibited, but the Government encourages companies to implement partial activity as a remedy.

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- If redundancies must be implemented, the company must comply with all French redundancy rules, including a valid economic justification, research of redeployment positions, and payment of severance indemnities. Notably, in the event of an ongoing economic dismissal procedure, the confinement situation will make it difficult, if not impossible, to comply with the prior internal redeployment obligation. If the company decides to make redundancies in this context, affected employees may seek damages in the labour court for non-compliance with this obligation.
 - The Government has not announced any measures relating to ongoing dismissals. However, it is very likely that the ongoing procedures may be delayed due to the continuing issues.

Employee representative bodies

- The Government previously adopted temporary measures to allow for employee representative bodies to use videoconferencing technology beyond the normal legal limit due to the COVID-19 pandemic. However, the normal regime has now resumed.
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France

Workforce

Teleworking

- The new version of the national protocol for health and safety applicable as of 3 January 2022 indicates that teleworking was mandatory for at least three days per week during the three first weeks of January for eligible job positions. The obligation to work remotely for at least three days a week has been extended until 1 February 2022. In general, teleworking is still the recommended approach during the COVID-19 period.
- Since February 2021, the labour administration has increased on-site inspections to ensure compliance with the rules of the national protocol (in particular with regard to teleworking).
- For jobs that are not eligible for teleworking, it is essential to respect social distancing rules: limiting meetings to what is strictly necessary, limiting grouping employees in small spaces, implementing team rotation, cancelling or postponing non-essential travel, and ensuring that the workplace “barrier” measures (see “Preventive actions” section below) are respected.

Travel (business and personal)

- As of 20 June 2021, the national curfew ceased to apply.
- Travelling to France: the restrictions vary according to the country of departure:
 - a distinction is made between individuals arriving from certain “green list countries”:
 - individuals arriving from countries in Europe (i.e., the EU, Andorra, the Holy See, Iceland, Liechtenstein, Monaco, Norway, San Marino and Switzerland) can enter Metropolitan France. However, before boarding, individuals have to present a proof of vaccination status or a negative test (PCR or antigenic) performed less than 24 hours before the flight; and
 - individuals arriving from Argentina, Bahrain, Hong Kong, Japan, Kuwait, New Zealand, Qatar, Rwanda, Saudi Arabia, Senegal, South Korea, Taiwan, Uruguay and Vanuatu must, before boarding, present the negative result of a COVID-19 test (PCR or antigenic), taken less than 48 hours before the flight, regardless of their vaccination status.
 - individuals arriving from “red list countries” (i.e., from Afghanistan, Belarus, Botswana, Georgia, Malawi, Mauritius, Moldova, Montenegro, Mozambique, Namibia, Nigeria, Pakistan, the Democratic Republic of the Congo, Russia, Serbia, Suriname, Tanzania, Turkey, Ukraine, United States, Zambia and Zimbabwe) are subject to different requirements depending on whether they are vaccinated or not:
 - vaccinated individuals can only enter Metropolitan France subject to the presentation of (i) a proof of vaccination status before boarding and (ii) a negative test performed less than 48 hours before the flight; but
 - individuals who are not vaccinated can only enter France if their journey meets one of the criteria listed on the travel certificate (available [here](#)). Before boarding, individuals have to present: (i) a sworn undertaking to self-isolate for ten days and to accept that an

antigenic test will be performed upon arrival in France; and (ii) a negative PCR test result or a negative antigenic test result, carried out no more than 48 hours before boarding;

- individuals arriving from “amber list countries” (i.e., from a country not featured on the “green” and “red” lists) are subject to different requirements depending on whether they are vaccinated or not:
 - vaccinated individuals can only enter Metropolitan France subject to the presentation of: (i) a proof of vaccination status before boarding; and (ii) a negative test, taken less than 48 hours before the flight; but
 - individuals who are not vaccinated can only enter France if their journey meets one of the criteria listed on the travel certificate (available [here](#)). Before boarding, individuals have to present: (i) a sworn undertaking to self-isolate for seven days and to accept that an antigenic test may be performed upon arrival in France; and (ii) a negative PCR test result, carried out no more than 72 hours before boarding, or a negative antigenic test result, carried out no more than 48 hours before boarding (except for the United Kingdom, where these tests must be performed less than 24 hours before boarding).

Preventive actions (reception policy, public interactions, management of infected employees)

- Precautionary measures: in order to protect employees and the public, it is recommended to implement “barrier” measures such as regular hand washing, the use of hand sanitiser, the installation of a one-metre courtesy zone, the cleaning of high-touch surfaces with an appropriate product, and regular ventilation of rooms. On 28 April 2020, the Government asked companies to provide their employees with masks, if they have the means to do so. All precautionary measures are set out in the national protocol for health and safety available on the Labour Ministry website (available [here](#)).
- On 23 July 2020, the Labour Ministry recommended that companies begin stockpiling enough masks to last 10 weeks.
- From 20 July 2020, the wearing of masks has become compulsory in enclosed public spaces pursuant to a Decree of 10 July 2020.
- From 1 September 2020, it is also mandatory for employers to require their staff to wear masks in shared work places (e.g., open spaces, meeting rooms and corridors) under the national protocol for the resumption of activity (see “Teleworking” section above). As an exception, employees do not have to wear the mask whilst alone in their office. Wearing a mask does not exempt the employees from complying with social distancing and “barrier” measures (see “Preventive actions” section above).
- As of 3 January 2022, the national protocol for health and safety prohibits employees from wearing homemade fabric masks.
- A person infected (or suspected to be) with COVID-19 must remain at home and as such, benefits from a work stoppage and daily Social Security benefits without waiting periods. The persons in charge of cleaning the workplace must then be equipped with single-use gowns and household gloves. The cleaning of floors and surfaces must be carried out according to the strict conditions mentioned in the Labour Ministry Q&A (<https://travail-emploi.gouv.fr/actualites/l-actualite-du-ministere/article/coronavirus-questions-reponses-pour-les-entreprises-et-les-salaries>).
- On 3 February 2021, the Labour Ministry published a guide for good practice for employers. This guide provides that if a “cluster” appears in the company (i.e., if three employees have tested positive for COVID-19 within seven days), the employer must alert the regional health agency (ARS) and the labour inspector.

The employer must then follow any instructions and notify the SEC of the cluster. However, the identity of the COVID-19 positive employees should not be notified. Under no circumstances shall the employer: (i) create a list of employees who have tested positive for COVID-19; publish the names of any such employees; keep a record of an employee's COVID-19 positive result; or (ii) force a COVID-19 positive employee to come to work.

- The national protocol for health and safety provides that the employer must inform the employee of the existence of the "TousAntiCovid" smartphone application and encourage the use of the application during working hours. However, employers cannot require employees to use the application.
- In addition to the testing facilities organised by the health authorities, employers can now offer optional COVID-19 testing to consenting employees, including self-tests. To this end, a list of authorised tests (found in pharmacies), together with any conditions of use, has been made available by the health authorities (available [here](#)). Testing must be paid for, in full, by the employer and carried out so as to guarantee proper performance and the strict preservation of confidentiality. In particular, no results may be communicated to the employer or its employees. An Order dated 16 November 2020 and a Ministerial Circular dated 14 December 2020 state that employers organising COVID-19 tests should only do so where they suspect a cluster of infections or particularly active circulation of the COVID-19 virus. The employer must declare its intention to carry out COVID-19 tests to the Prefect ("*Préfet de Région*") prior to carrying them out. These tests must also be carried out by a health professional (doctor, occupational physician, nurse, pharmacist or other authorised medical staff), with a strict protocol adhered to. This means: recording the employee's consent; ensuring that the test can be carried out confidentially; and providing facilities for handwashing/sanitising. Any test results must be recorded on the same day in the computer system set up by the Health Ministry.
- From 25 February 2021, companies may organise a vaccination campaign of employees aged from 55 to 64, provided that: (i) the occupational medicine is in charge; (ii) the principle of medical secrecy is applied (i.e., the employer cannot be informed of the identity of the employees who have (not) been volunteered); and (iii) employees can freely refuse to participate. Costs of the medical intervention are covered by the annual contribution to occupational medicine; and costs of the vaccine doses are funded by the Government.
- On 30 June 2021, the Ministry of Labour published a guide for good practice for employers relating to a company's canteen options (available [here](#)). Companies must now give priority to the implementation and use of take-away food baskets, particularly in situations where the employee can eat lunch alone at his or her workstation, or, in a space set up in compliance with health regulations.
- Since 21 July 2021, a health pass ("*passe sanitaire*") is mandatory to access leisure and culture venues and events (such as swimming pools, theatres, amusement parks, sports halls and museums). This requirement was extended to bars, restaurants (except for takeaway and staff canteens), malls, hospitals (except if you are admitted for urgent care), retirement homes, residential care homes and for long-distance domestic travel by plane, train or coach as of 9 August 2021. Failure to provide a health pass may trigger a fine of up to EUR 135.
- Since 30 August 2021, a health pass is also mandatory for employees working within the aforementioned premises. If an employee fails to submit a health pass to his/her employer, he/she can, with the approval of the employer, take paid holiday. Otherwise, the employee will be immediately notified by the employer of their suspension from employment, without pay. The suspension

will cease when the employee provides a health pass to the employer. If the employee fails to provide a health pass within three business days, the employer shall summon him/her to an interview in order to discuss the possibility of assigning the employee to a position not requiring a health pass (if any). It has been suggested by the Ministry of Labour that in the absence of such a position, it is possible that the employee may be dismissed according to the usual procedure for absence disrupting the company.

- The health pass must prove one of the three following items:
 - that the individual is fully vaccinated (with an EMA-approved vaccine or similar):
 - seven days after the second shot for two-shot vaccines (Pfizer, Moderna, AstraZeneca);
 - four weeks after the shot for one-shot vaccines (Johnson & Johnson);
 - seven days after the shot for vaccines administered to people who have already had COVID-19 (only one dose is necessary).
 - that the individual has been tested (PCR or antigen) with a negative result within the last 72 hours; or
 - that the individual has recovered from COVID-19, attested by a positive PCR or antigen test result, which is at least 11 days and no more than six months old.
- On 16 January 2022, the Parliament voted to modify the health pass into a “vaccination pass” for specific activities (e.g., long distance transportation, leisure, restaurants). This law is currently being examined by the French Supreme Court.
- Failure by the employer to verify the health passes of its employees or clients may trigger an administrative closure of up to seven days.
- The health pass can be digital (on the TousAntiCovid app) or in paper form (proof of vaccination or test result). It includes a QR code that will be scanned on entry into the venue or event. The French health pass is interoperable with the EU Digital COVID Certificate scheme for travel within the European Union, Iceland, Lichtenstein, Norway, San Marino, Switzerland and the Vatican.
- In companies with more than 50 employees, the company shall immediately inform the SEC by any means on the methods used to verify the health passes of its employees. The SEC shall then be formally informed and consulted and must issue an opinion within one month. The company can start implementing the measures before the SEC has rendered its opinion.
- From 15 September 2021, vaccination against COVID-19 is mandatory for healthcare professionals (as set out in Article 12 of the Law of 5 August 2021). Professionals who are not vaccinated will no longer be able to practice their vocation. The vaccination requirement is similar to the procedure for suspending activity as for the health pass. In addition, failure to provide a vaccination certificate may trigger a fine of up to EUR 135.
- Failure to verify the vaccination certificate may trigger a fine of up to EUR 7,500 for the legal entity (plus a possible fine of up to EUR 1,500 for the legal representative).

Employees with children or older dependants

- From 1 September 2020, employers are able to place employees with childcare constraints in the classic partial reduction of activity scheme (see “Sick pay” section above). Only one parent per household can benefit from this measure.

Adaptation of the Macron Merit Premium

- For the year 2020, the “Macron Merit Premium” (“*prime exceptionnelle de pouvoir d’achat*”) regime initiated by the Law of 24 December 2019 had been adapted in consideration of the health crisis.
 - On 15 March 2021 and on 28 April 2021, the French Government announced that the Macron Merit Premium would be renewed for 2021.
 - The Amending Finance Law 2021 provides that the amount of the Macron Merit Premium paid by the employer could be up to EUR 1,000 per employee. However, the amount of the Merit Premium could be increased to EUR 2,000, provided that the company: (i) employs less than 50 employees; (ii) had implemented a voluntary profit-sharing scheme; or (iii) commits to implement actions promoting workers particularly exposed to COVID-19 (e.g., delivery staff, drivers, food sellers). This measure would only benefit employees who earn up to a maximum of three times the minimum wage (EUR 4,663.74 per month, for a full-time employee in 2021).
 - Pursuant to the Amending Finance Law 2021, the Macron Merit Premium should be paid between 1 June 2021 and 31 March 2022.
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