



EMPLOYMENT IN FRANCE



The French Labour Laws governs the relationship between employees and employers of all types. France has strict worker protections including contracts, working hours and termination for example. People who work in France can rely upon a minimum set of employment rights. Below is some key information about employment in France, intended to provide a brief overview of employment law in France. It is not intended as a substitute for legal advice and counsel.



WORKING TIME AND OVERTIME

French labour law dictates that the standard working week in France is 35 hours (Temps de travail). However, this can vary depending on the industry and any collective bargaining agreements. Working days are typically Monday to Friday, depending on industry. Employees working more than 6 hours are entitled to a 20 minute break. Employees must be given at least 11 hours of resting time between two working days. Overtime payments are usually fixed by collective agreement, but they have to be paid with at least 25% extra/hour. Some managerial staff classified as “autonome” work more than 35 hours a week, are given additional holiday days.

In 2017, France also implemented a “right to disconnect” mandate, which legally entitles employees to not respond to business correspondence after working hours.

ANNUAL LEAVE

Full-time employees in France are entitled to 2.5 days of annual leave for each month worked. This gives employees 5 weeks annual leave each year. Annual leave is accrued from 1st June to 31st May to then be taken in the following period. This is pro-rated for part time employees and employees who have not worked the full previous 12 months. Employees are required to take 12 days annual leave as their main vacation period. There are 11 days public holidays in France.

TRIAL PERIOD

A probation period in France is typically between 1 - 4 months. The more senior the position the longer the probation period. Fixed term contracts with a duration over 6 months can include a probation period of 1 month.

RESIGNATION AND DISMISSAL

The employee may unilaterally terminate the employment contract by giving the employer a notice in writing. Notice periods will vary depending on the contract of employment and if the employee is still within the probation period. Termination from the employers side during probation is 24 hours notice during the first 7 days of employment 48 hours during the rest of the first month, 2 weeks during the second and third month and one month after the third month of probation until the end. France has strict rules and protocols around termination after probation. A significant file needs to be created to prove that the employer has made all possible efforts to prevent the dismissal. Termination procedures can be lengthy. Employers can dismiss an employee on either personal or economic. Different rules and procedures apply to the type of dismissal. Personal reasons may apply to matters such as conduct, competence, incapacity and refusal to accept changes to a contract of employment.



RESIGNATION AND DISMISSAL CONT...

An employer must have genuine and substantive grounds cause to dismiss an employee with an indefinite-term employment contract for personal reasons. The specific reasons must be recognised by French Law or French case law. Dismissal on the grounds of misconduct cannot take place unless the proper disciplinary procedure has been completed. Before an employer decides to dismiss an employee for personal reasons, it must summon the employee to a pre-dismissal interview. At the interview, the employer must explain its reasons for considering dismissal and ask the employee for explanations. The employer must then write to the employee within one month and no less than two days after confirming dismissal. The notice period will then begin. Notice is not required for gross or serious misconduct.

Any dismissal for economic reasons must be justified by a real and serious cause. The economic motive is defined by the Labour Code as a reason not relating to the employees person. Dismissals for economic reasons are subject to the same procedure as they apply to dismissals for personal reasons, involving an interview, a dismissal letter to the employee. In the case of economic dismissals, the letter cannot be sent until at least seven working days after the interview (15 days in the case of managers and professional staff).

Employees on permanent contracts are entitled to a severance payment (indemnité de licenciement) if they are dismissed, if they have at least eight months service with the employer.

CONTRACT OF EMPLOYMENT

Contracts of employment must be in French but can be translated to an employees native language. The contract should include job title, salary, bonus, location, holidays, probation period, termination procedures. There are two main types of contracts in France, permanent employment contract (contrat de travail à durée indéterminée – CDI) and fixed-term contract (contrat de travail à durée déterminée – CDD).

MATERNITY AND PATERNITY LEAVE

Expectant mothers in France are entitled to 16 weeks of maternity leave (congé maternité). This is usually taken 6 weeks before the expected due date and 10 weeks after the birth. Mothers do not have to take the full 16 weeks but must take at least 8 weeks. To be entitled to maternity leave payments the mother must have been making social security payments for at least 10 months, worked at least 150 hours in the last 3 months or 600 hours in the last 12 months if the work has been intermittent. Maternity leave is usually calculated based on the last 3 salary payments.

From July 2021 paternity leave was being increased to 28 calendar days.

SICKNESS AND LEAVE

If an employee is unable to work due to illness, they are required to provide their employer with a sick note from a health professional such as a doctor. Employees can then claim sick pay from the social security system after the fourth day sick. Employees will usually receive half of their salary based on the last three salary payments.

SOCIAL SECURITY

The social security system (sécurité sociale) enrolment is required for all employees in France. This will cover employees for example in sickness benefit, maternity and paternity leave, family benefit, accidents and unemployment.



HEALTHCARE AND INSURANCE

French law stipulates that all residents of France must have health insurance. This can be through the public healthcare system or a private scheme. The social security system generally covers over 70% of treatment costs. To qualify for health benefits the employee must have been employed for 600 hours in the last six months, 200 hours in the last quarter or 120 hours in the last month.

If an employee has a health card (Carte vitale), they won't need to make upfront payments. However, patients without a card will have to pay the appropriate medical fees at the point of service. A reimbursement will be received between five and ten business days later.

EMPLOYMENT OF FOREIGN NATIONALS



Most non-EEA nationals must have an employment permit to work in France. Below are the three most common work permits for France. The process of applying and requirements can vary depending on nationality.

1. LONG STAY WORK VISA

This visa is also a residence permit. If a job offer over 90 days is made the employer draws up a work contract to send to the local division of the French Ministry of Labour. Once approved this is then sent to the French embassy in the applicants home country for the person to attend an invitation appointment. This visa is valid for 12 months but can be extended.

2. TALENT PASSPORT PERMIT

This visa is split into 10 categories of professionals the French authorities believe can make a significant contribution to the French economy. There are varying requirements such as a degree or higher. This is valid for 4 years and can be extended.

3. EU BLUE CARD

The EU Blue Card is a Residence Visa offered to highly qualified professionals from non-EU countries. Applicants must hold a degree or 5 years professional experience in a specific field, a work contract for at least one year and earn over a certain threshold. Applicants must work in the field for which they were approved for the permit for two years before being able to take on any other highly qualified work. The blue card is valid for between 1 to 4 years based on the duration of the work contract of the applicant. The cardholder can apply for renewal.



SALARY AND SALARY TAXES

MINIMUM WAGE

The minimum wage in France from January 2022 is €10.57 per hour. This is usually increased on an annual basis.

INCOME TAX

The French tax year runs from January to December. It is the employers responsibility to ensure taxes are deducted from an employees salary ahead of payment. Below is a list of tax thresholds for 2022. Employee tax liability can also depend on personal circumstances, such as number of dependants and number of people in the household that pay tax.



Salary per annum	€0 - €10,225	€10,225.01 - €26,070	€26,070.01 - €74,545	€74,545.01 - €160,336	€160,336.01+
Tax %	0%	11%	30%	41%	45%

SALARY PAYMENTS

Employees in France are generally paid on a monthly basis, towards the end of the month. Some companies operate a 13th salary which is usually paid at the end of the year or split between June and December.

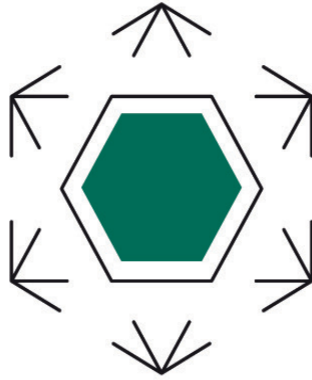


SOCIAL SECURITY CONTRIBUTIONS

Social security contributions in France are the responsibility of the employer to deduct from an employee's salary before payment. France has some of the highest contribution rates in Europe for both employees and employers. There are mandatory contributions to be made by both employee and employer. The social security system is divided into five branches.

- The sickness, maternity, paternity, disability and death branch
- The occupational accidents and diseases branch, managed by the French National Health Insurance Fund (CNAM) (Caisse Nationale d'Assurance Maladie)
- The old-age branch, managed by the French National Old-Age Insurance Fund (CNAV) (Caisse Nationale d'Assurance Vieillesse)
- The family branch, managed by the French National Family Allowance Fund (CNAF); (Caisse Nationale d'Allocations Familiales)
- The contributions and collection branch, managed by the Central Agency of Social Security Bodies (ACOSS) (Agence Centrale des Organismes de Sécurité Sociale)

Some contributions are capped or enter a different percentage from €40,524.00 per annum.



EMERALD TECHNOLOGY

www.emerald-technology.com
info@emerald-technology.com
+44 (0) 870 889 0300

Europe

Somerset House
37 Temple Street
Birmingham
B2 5DP
United Kingdom

Asia Pacific

22 Malacca Street
#03-02
RB Capital Building
Singapore
048980

Middle East

Business Central
Towers
PO BOX 503055 2001A
Dubai Internet City
UAE