

Information on Covid-19

Friday, March 27th, 2020

FREQUENTLY ASKED QUESTIONS

— Is it possible to increase employees' working hours during this health crisis? (exceptional circumstances)

The Law n°2020-290 declaring a public health emergency entered into force on March 23, 2020 and gives the government permission to use ordinances to deal with the consequences of the spread of COVID-19 on employment. A draft ordinance was submitted to the Council of Ministers of France on March 25, 2020 and includes the following:

How can working hours be changed to respond to an increase in activity?

Companies providing essential services, especially to the security of the nation or the continuity of economic and social life will be able to derogate from the rules on working hours and rest periods (decree listing the sectors concerned to be published). The following sectors have been mentioned: agri-food; logistics; transport; telecommunications.

From March 26 until December 31, 2020, companies operating in the listed sectors may provide (decree to be published):

- a maximum daily working time of 12 hours.
- a daily rest period of nine consecutive hours (instead of 11 hours).
- a maximum working week of 60 hours.
- a weekly working week calculated over 12 consecutive weeks of 48 hours.
- a 44-hour night working week over 12 consecutive weeks.
- derogations from Sunday rest days by allocating weekly rest in shifts.

A company which implements one of these derogations must inform without delay and by any means the DIRECCTE and the CSE (where one exists).

How to derogate from paid leave?

The employer may move leave days already requested by the employee to another future period to cover the 14-day period, due to exceptional circumstances. Although, if the employee has not requested leave, the employer cannot require that any be taken. However, due to exceptional circumstances, the draft ordinance plans on authorizing the employer to impose one week's paid leave (six working days) subject to a company-wide agreement.

With regard to leave under the RTT (reduced work week) system: employers wishing to change their policy during this period may do so, provided they fulfil the deadline provided for in the collective agreement. However, due to exceptional circumstances, the draft ordinance plans on authorizing the employer to unilaterally impose RTT, if this is justified by the interests of the company and within the overall limit of 10 days.

The Ministry of Labor has announced that companies will be able to require their employees to take one week of leave during the COVID-19 crisis subject to an agreement with employee representatives.

For more information, please visit:

- [coronavirus-questions-reponses-pour-les-entreprises-et-les-salaries](https://www.coronavirus-questions-reponses-pour-les-entreprises-et-les-salaries.gouvernement.fr/info-coronavirus)
- [gouvernement.fr/info-coronavirus](https://www.gouvernement.fr/info-coronavirus)
- [code.travail.fr/ministere-du-travail-notre-dossier-sur-le-coronavirus](https://www.code.travail.fr/ministere-du-travail-notre-dossier-sur-le-coronavirus)