

NEWSLETTER

What to know about the handling of the coronavirus in the French workplace

February 2020

With a view to containing the spreading of the coronavirus in France, quarantine and isolation may become an issue involving also your French employees. This newsletter is destined to inform foreign employers of the situations they may face and the measures the French government has introduced to cope with such situation and alleviate the impact on the workplace.

Please keep in mind that in France the employer has a general obligation to grant the employee's health. Appropriate measures of limiting business trips or providing specific arrangements for home office can be helpful and may prevent employees from invoking their right to withdraw (see point 2).

We also advice to check and update your business continuity plan ("*plan de continuité d'activité*").

1 – Immediate measures to implement

In compliance with the article L. 4121-1 of the French labour code, the employer must take all necessary measures to protect the health of his employees in coordination with the occupational health service (more particularly "the médecin de travail" and the staff representative body).

Advisable measures to implement:

- inform employees who are likely to be exposed or who have been exposed to the coronavirus by email, website or display in the premises or organize training actions,
- restrict business trips of the employees, in particular to the affected areas,
- introduce teleworking wherever possible, propose a teleworking period to employees who travelled recently to affected areas or who have been in contact with infected persons or release such employees from performing their duties while maintaining their salary for a period corresponding to the incubation period of the coronavirus,
- organize the return of expatriates, posted employees or employees on business trips in affected areas or such areas likely to be affected in short notice, in the absence of specific measures put in place by the government,

- put at the disposal of the staff members individual protection devises (masks, soap, hydro-alcoholic gel etc.),
- organize the regular disinfection of the premises and the work devices if a potential infected person was present,
- organize a psychological help for employees who are likely to be exposed or who have been exposed to the coronavirus.

2 – Right to withdraw (“*Droit de retrait*”)

In France, any employee who considers being exposed to an immediate life-threatening or health hazard benefits from the right to withdraw from his/her employee’s duties.

In the current context, this may be the case for meetings set up with colleagues/negotiators/partners who were exposed to a possible infection by returning from an affected area or by contact with infected persons or for business trips planned to an affected area. In such cases, the employee may invoke the right to withdraw. As a result, the employer cannot force the employee to participate in such a meeting or undertake such trips, neither can the employer take any disciplinary action against the employee, nor reduce his payment entitlements.

In the case an employee invokes his right to withdraw from his work duties, we can assist you in assessing the validity of such right under the given circumstances and to undertake the necessary measures granting good working conditions for your employees.

3 – Specific provisions for employees put into quarantine or in isolation

A decree published earlier this month in the French official journal introduces the following specific provisions for employees put into quarantine or in isolation with no possibility to perform their work duties to benefit from the daily sick allowances of the French social security. These provisions may also extend to the parents who have to care of their child put into isolation, which prevents them from performing their work duties.

These derogatory provisions apply for example, if your employee travelled abroad in a risk area or if he was in direct contact with a person infected by the coronavirus.

In such cases and contrary to the usual handling of the French social security:

- the sick leave notification must be issued by the regional health agency (“*Agence régionale de santé*”) and not the employee’s general practitioner,

- no waiting period applies for the payment of such allowances,
- any employee is covered even those who have not yet contributed sufficiently to the health system (no minimum prior activity or contribution applies),
- the maximum duration of entitlement under these circumstances is 20 days.

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If there is a real outbreak of the coronavirus in France, the employer should contemplate to update the risk assessment document (« *Document unique d'évaluation des risques* ») to the various situations he might be confronted with and to adopt or update the business continuity plan accordingly ("*Plan de Continuité d'Activité*").

As the situation evolves regularly, the government seems to decide further measures which will be put into place under short notice. We will adapt our newsletter accordingly and keep you posted.

Naturally, we remain at your disposal to answer any questions you may have.

Kind regards,

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