



Discover (or rediscover)  
French employment law  
Your questions, our answers  
2017 edition

# Editorial

**The world changes.**

**Technologies transform businesses.**

In order to adapt to our ever-shifting and hyperconnected environment, French employment law continues to evolve, offering employers new tools to help respond to changes in work habits.

Despite this evolution, France continues to have legal rules as complex as the world around it.

Our role at Dechert is to guide you and thus help you to limit your risks and avoid surprises.

The third edition of this guide, put together by Dechert's dedicated labor and employment lawyers in France, aims to explain the main rules an employer needs to know to manage staff effectively in France. We prepared it for you because we know that it can be of great help.

We wish you a terrific learning experience!



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# Table of contents

1	Terms and conditions of employment	05
2	Remuneration	06
3	Working time	07
4	Discrimination	08
5	Maternity and family leave rights	09
6	Termination of employment	10
7	Protecting business interests following termination	15
8	Employee representation and industrial relations	16
9	Business sales	18
10	Court practice and procedure	20

# 1 Terms and conditions of employment

## 1.1 What are the main sources of employment law?

The main sources that govern the employment relationship, in order of importance, are: the French Constitution, EU law, the French Labor Code, case law, collective bargaining agreements at industry-sector/group/multiple companies/single company level, the employment contract, internal rules and regulations and company practices.

However, recent reforms tend to increase the importance of collective bargaining. As a result, legal provisions that do not constitute public policies are only applied in the absence of collective bargaining agreements.

## 1.2 What types of workers are protected by employment law? How are different types of workers distinguished?

There are two main types of workers under French employment law:

- employees, and
- self-employed.

The employment relationship derives from the performance of duties for an employer in a relationship where the employee is subordinate to the employer and for which the employee is paid. Employees are more protected and benefit, for instance, from provisions regarding remuneration, work duration, paid leave or termination of their employment contract. They are also entitled to unemployment allowances in the event of dismissal.

Self-employed persons are not subject to an employer's control and instructions but tend to be less protected since they do not benefit from the provisions of the French Labor Code.

## 1.3 Do employment contracts have to be in writing? If not, do employees have to be provided with specific information in writing?

While it is generally advised to have all contracts in writing, it is not a legal requirement to have written

employment contracts

- when an application requires it, or
- when the contract is a fixed-term contract, or an

However, oral fixed-term or indefinite-term contracts are re

Moreover, EU law protects an employee with the employment contract in the workplace, particularly applicable to working time

## 1.4 Is it possible to have a collective bargaining agreement?

No, but there is a legal obligation for employers with more than 50 employees to have

## 1.5

EU law

Do not hesitate to contact us to request the full version of our guide *Discover (or Rediscover) French Employment Law 2017*

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