



Discover (or rediscover)  
French employment law  
Your questions, our answers  
2018 edition

# About us

## **Dechert is a global law firm.**

Focused on sectors with the greatest complexities, legal intricacies and highest regulatory demands, we excel at delivering practical commercial judgment and deep legal expertise for high-stakes matters.

In an increasingly challenging environment, clients look to us to serve them in ways that are faster, sharper and leaner without compromising excellence.

We are relentless in serving our clients – delivering the best of the firm to them with entrepreneurial energy and seamless collaboration.

**Dechert's labor and employment team has the ability to provide rapid, integrated solutions to any employment, benefits or labor matter.** We work closely with companies of all sizes in virtually every industry to assure that their interests are protected.

Our lawyers navigate clients through the ever-changing landscape of federal, state and local laws and regulations governing the workplace, assisting them with structuring and implementing effective workplace policies and procedures, preserving their intellectual property, addressing the full range of labor and employment law issues, and guiding them through the challenges of litigation.

**In France, our growing labor and employment practice** handles urgent, complex or sensitive employment law issues. We provide assistance in a collaborative and pragmatic way, frequently in an international or multi-disciplinary context.

Our clients, including boards of directors, legal departments and human resources departments, seek our expertise on transitions, group reorganizations, high-profile litigation, and compensation and benefits issues. We also handle sensitive and crisis cases such as plant closures, reorganizations, social plans, executive departures, health and safety issues at work, and strikes.

# Editorial

## **New president, new government, new parliament.**

The first reform of President Macron has been in the field of labor and employment law. The priority given to this reform and the number of subjects being dealt with are a testament to the importance of the changes.

One of the main objectives has been to make France more attractive to employers.

Despite this objective, 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 fourth 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!



## **Philippe Thomas**

Partner

Head of labor and employment in France

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# 1 Terms and conditions of

## 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 in writing, it is not a requirement for an employment contract to be in writing.

- when an applicable collective bargaining agreement requires it, or
- when the contract is for a fixed-term, or

However, oral fixed-term contracts are prohibited.

Moreover, EU law requires that an employee with a fixed-term contract be provided with the employment contract at the workplace, plus information on applicable collective bargaining agreements and working time arrangements.

## 1.4 Is it possible to have an oral agreement?

No, but a collective bargaining agreement may recommend an oral agreement without penalty. However, oral agreements do not have legal effect.

## 1.5 Are there any exceptions to the rule that employment contracts must be in writing?

Employment contracts must be in writing for all employees, with the exception of those who are employed in the agricultural sector.

Employment contracts for self-employed persons are not subject to the same requirements.

Do not hesitate to contact us to request the full version of our guide *Discover (or Rediscover) French Employment Law 2018*

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