

ARTICLE

PARTIAL ACTIVITY – THE DECREE IS FINALLY PUBLISHED !

Employment and Social Security Law | 26/03/20 | Marie-Hélène Bensadoun Virginie Devos Lucie Constant Laetitia-Marie Jamet



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The decree relating to partial activity has finally been published on March 25, 2020. It is immediately enforceable and applicable to the requests that has been filed - as from today - regarding the implementation of partial activity for all employees as of March 1, 2020.

The changes resulting from this decree confirm the Government's announcements, as follows :

1- The possibility for the company to receive the opinion of the CSE (*Comité Social et Economique*) after the authorization request and to provide such opinion to the French labor authorities within two months following the online application on the dedicated website.

2- The possibility for the company to file the request for partial activity within 30 days following the actual implementation of such partial activity. The request may be filed electronically or by any other mean in order to certify the date of filing.

3- Employees subject to specific working time schemes computed in days or in hours on a yearly basis (so-called "*forfait en heures sur l'année*" or "*forfait-jours*") are also entitled to partial activity in case of reduction of the usual business hours and not only in case of temporary shutdown of the business. For these employees, the days of reduction of the working time must be taken into account on a pro rata basis.

4- The extension of the maximum duration of the partial activity to a 12 month-period instead of the 6-month period previously applicable. The initial request can be renewed but will be subject to specific additional requirements as provided by the labor code concerning companies which have implemented partial activity within the 36 months preceding partial activity request. These requirements are not outlined in this high level note.

5- The same calculation of partial activity allowances for all companies, disregarding the number of employees, and the allowance of an hourly rate of the allowance set at 70% of gross hourly pay, limited to 4.5 times the mandatory minimum hourly wage (SMIC). Such allowance shall not be less than EUR 8.03 ;

As of today and until December 31, 2020, in the absence of response within 2 days from filing the request for partial activity with the French, the request is considered valid

