

PARTIAL ACTIVITY SCHEME :RELAXATION OF THE ORDINANCE OF MARCH 27,2020.

Employment and Social Security Law | 31/03/20 | Marie-Hélène Bensadoun Sonia Moreau Mary-Daphné Fishelson Laetitia-Marie Jamet

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The day after the publication in the Official Journal of the decree of march 25,2020,the partial activity scheme has been softened by the Ordinance on emergency measures relating to partial activity.

The provisions of said Ordinance came into force on its publication date march 28,2020 and will remain applicable until December 31,2020 at the latest.

The following measures concern the eligibility of the scheme to new categories of employees and determine how to calculate the indemnities and grants paid for the partial activity scheme:

- Adaptation of the scheme to employees paid though not working while on their place of work. The hours paid to these employees ("heures d'équivalence")will be taken into account to calculate the indemnities and the grant for partial activity.The scheme will retain to appreciate the reduction of working time in the framework of the partial activity the working time considered as equivalent and not the legal working time.

- Eligibility to the scheme of public companies.

Public companies self assuring their private employees against unemployment will be eligible to claim under the scheme .The scheme will benefit too to employees of the professional branch of the Electric and Gas Industries.The concerned companies will benefit from the grant payments for partial activity but will have to reimburse the amounts paid by the entity managing the Unemployment Insurance system under conditions to be defined by decree.

- Guarantee for employees working part -time.

Employees working part-time will be eligible to an hourly rate indemnity for partial activity at least equal to the hourly minimum wage rate ("SMIC")except if said employees hourly rate is below the SMIC hourly rate; in this case the hourly rate indemnity will be equal to the employee's regular hourly rate paid.

- Guarantee for apprentices and employees under professional contracts.

They will be eligible to an hourly indemnity for partial activity equal to the rate of "SMIC" applied to their regular salary (between 55% to 70% of the "SMIC" depending on the apprentice age).

- Training courses agreed by employers after march 28,2020 will no longer benefit from the payment of the additional indemnity for partial activity from 70% to 100% applied to this date.

- Possibility for employers to impose partial activity to protected employee without requiring his/her approval, provided the partial activity measures apply to all employees of the company, the establishment,the department, the workshop to which the employee concerned is posted or attached.

- Exceptional and temporary eligibility to the scheme to private employers of personnel and precision on the specificity of the scheme applied.

The private employers are exempted from requiring an authorization of the administration authority to benefit from the partial activity scheme.

- The assessment for employees on a working time per day basis of the number of hours taken into account for the indemnity and the grant for partial activity is determined by converting in hours a number of days and half-days.A decree will precise the methods to convert as well as that of calculating the indemnity and the grant to be paid for employees under the status ofsenior executive.

- Eligibility to the scheme for foreign companies.

Foreign companies with no establishment in France ans employing one employee at least on the French territory will be eligible to the scheme provided said employer contributes for said employee(s) to the French National Insurance system and to the Unemployment Insurance system.

- Eligibility of the scheme to employees of a state owned company with financial autonomy only managing an industrial and commercial activity of skilifts and ski slopes, provided they are subject to the labour code and their employers are contributing to the French National Insurance system.

- Implementation of a rate of 6,2% of CSG on the indemnities for partial activity paid to employees (except for employees of individual employers and nursery assistant who benefit from a specific regime)including on the additional indemnities paid according to a collective agreement or an unilateral undertaking of the employer.



UPDATED ON 03/04/2020

Publication, on April 3, 2020, of a decree providing for an increase in the maximum number of hours that can be compensated by a partial activity allowance from 1,000 to 1,607 hours per employee until December 31, 2020

