



ARTICLE

EMPLOYERS: THE IMPORTANT THING IS TO ANTICIPATE!

Employment and Social Security Law | 22/05/24 | Boris Léone-Robin Ghislaine Zaidi



S P O R T S

As the Olympic and Paralympic Games are fast approaching, the government has put the website “anticiperlesjeux.gouv.fr” online with the slogan: the important thing is to anticipate! As such, what topics are currently of interest to employers?

Implementing remote work

In less than a month, several metro and RER stations located around the Olympic event venues will be closed from June 17 to September 21. If it has not been done already, employers must anticipate the difficulties their employees might face in commuting to work. Primarily, this means favoring remote work. However, it's important to pay attention to the rules for implementing this arrangement and to any potential compensation for it!

Adjusting work organization during the event

To minimize the impact of the Games on business activities and operations, the French Ministry of Labor published a guide on May 2, 2024, outlining the adjustments employers can implement for this occasion[1].

This guide describes several methods that employers can apply during the Games:

- **Adjust work schedules according to public transportation and its peak traffic times**
- **Prioritize the use of paid leave, rest days under working time reduction agreements, and remote work**
- **Adjust working hours to accommodate the constraints of businesses contributing to the Games.**

However, their implementation may require compliance with specific procedures, otherwise penalties may apply.

Identify financial compensations for increased activity

It has been one of the most discussed topics in companies for several weeks now. Should there be compensation for employees who are mobilized during the Olympics? If so, in what form? Individual or collective bonus? Value-sharing bonus? Project profit-sharing agreement? Simple increase in overtime pay?

Addressing a need for labor

Several initiatives are currently underway to anticipate potential labor shortages during the Games period, particularly in the already understaffed hospitality and restaurant sectors.

Alongside the use of fixed-term employment contracts, which are possible in certain professions, the employment of independent or freelance workers has been growing in recent years. A recent interministerial meeting specifically addressed this issue. The Groupement des Hôtelleries et Restaurations de France (GHR) has expressed a desire for the Urssaf's guidelines on the use of independent workers in this sector to be clarified.

This is a potential regulatory change that employers across all sectors will need to monitor closely, as the use of independent workers – particularly self-employed individuals – has become increasingly common in France.

Managing the administrative procedures related to foreign labor

As soon as an employee—whether a sports player or not—carries out their activity on French territory, they are subject to French employment law, even if it is for a limited period. The fact that their employer is foreign is irrelevant.

The rules that may apply are numerous, and the penalties for non-compliance – ranging from simple administrative fines to criminal penalties for undeclared work – are very severe. Therefore, it is essential to anticipate the arrival of this foreign labor now and to address the following issues on a case-by-case basis:

- What administrative procedures need to be completed before the arrival of foreign employees in France?
- What French legal rules should be applied to employees during the Games?
- What social security coverage will employees have during their stay in France? Are social security contributions required to be paid in France?



A case-by-case analysis is required to determine the necessary administrative procedures. To support businesses, the government published a "*guide des grands événements sportifs*" in December 2023, specifically targeting, but not limited to, the period of the Games. This guide is now available in English "Guide to Major Sporting Events"[2].

[1] https://travail-emploi.gouv.fr/IMG/pdf/dgt_fiche_jop_0804.pdf

[2] <https://travail-emploi.gouv.fr/actualites/l-actualite-du-ministere/article/guide-des-grands-evenements-sportifs>
