Working time in France

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Introduction

- Expectations?
- Previous knowledge?
- Previous experiences?
- Question when needed!

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Contents

- Working time and 35h
- Overtime, weekends and bank holidays
- Journée de solidarité
- RTT
- Conventions de forfait

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Working time

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Employer's responsibility

- Employer's responsibility
- Two key ideas:
  - The employer must control working time
  - The burden of proof never rest on employees
- Employers must have the means to control working time

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Employer's responsibility

- Significant risks:
  - Employment tribunal
  - Administrative fines
  - URSSAF audit (concealed work)

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35 heures

- 1998: “les 35 heures”
- Legal working time reduced…
- … without any salary decrease
- Reduce unemployment
- The issue remains prevalent

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Legal working time

- 35 hours per week
- 151.67 hours per month
- 1607 hours per year
- Conventional provisions?
- Overtime

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Legal working time

Exception

- “Cadre dirigeant”
- Three criteria:
  - Responsibilities
  - Ability to decide on their own
  - Remuneration
- Top level of companies

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Maximum working time

Daily

- Temps de Travail Effectif (TTE)
  - Employee at the disposal of employer
  - Complies with instructions
  - Unable to go freely
- Maximum daily TTE duration = 10 hours
- Exemptions can be granted
  - At the request of the employer (and with the agreement of the labour inspector)
  - Emergency
  - CBA
- In any case, maximum daily TTE = 12 hours

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Maximum working time

Weekly

- The TTE cannot exceed:
  - 48 hours in a single week
  - 44 hours per week on average over a period of 12 consecutive weeks
- Exception:
  - Maximum of 60 hours
  - Exceptional circumstances
  - Subject to labour inspection approval

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Mandatory rest periods

- Legal daily rest: 11 consecutive hours
- Maximum 6 days of work per week
- Weekly rest period: 35 consecutive hours

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Break times

- 6 consecutive hours of work = 20 minute consecutive break time
- During or after the 6 hours
- Lunch break
- Breaks are not TTE and are unpaid
- Except if the employee must stay vigilant

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Commuting time

- Travelling time is not TTE
- No compensation
- No overtime

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Commuting time

- Business trip:
  - Meeting at another location
  - Meeting with a customer at a different location
- Compensation:
  - Rest
  - Payment
- Amount set by agreement / employer
- Travelling salesperson

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Weekends

Bank holidays

- The labour code does not provide for any markup
- But your CBA does usually
- Except on the 1st of May

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Journée de solidarité

- To help the elderly or disabled
- Convention collective, company agreement or defined by the employer
- Additional unpaid day of work:
  - public holiday (other than 1st of May)
  - during a day of RTT
  - any other way
- It is not overtime
- Pro-rata for part-time employees

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Any questions?

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Overtime

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Overtime

Rules

- Anyone can benefit from OT except
  - “Cadre dirigeant”
  - Employees with a “forfait jour”
- At the request of the employer
- Employer’s agreement can be implicit

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Overtime

Quota

- “contingent annuel” – Annual quota
- Defined by CBA or company agreement
- Or by law : 220 hours per year

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Overtime

Quota

- Employees can work beyond the quota
- Maximum weekly working time must be respected
- Calendar week
  - Monday 0 hours to Sunday 24 hours

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Overtime

Payment

- Rate depends according to:
  - CBA
  - Company agreement
- One or more rates of increase
- Each rate is minimum 10%
- “repos compensateur de remplacement” (RCR)
  - Extra rest equivalent to the OT (including the increased pay)

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Overtime

Payment

- Statutory rates
  - 25% for the first 8 hours
  - 50% for the following hours
- Repos compensateur

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Overtime

Payment

- If OT worked over the annual quota
- « contrepartie obligatoire en repos » (COR)
- Statutory rule
- In addition to the salary increase
- Either:
  - 50% of the overtime hours worked in excess of the quota
  - 100% of these hours if the company employs more than 20 people

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Any questions?

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RTT

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RTT

- Réduction du Temps de Travail
- Grants days or half-days off to employees who work more than 35 hours a week
- Company agreement or CBA
- No new agreements

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Conventions de forfait

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Conventions?

- Two types:
  - “en heures”
  - “en jours”
- No need for a company agreement for the convention “en heures”
- The convention “en jour” needs:
  - Either a company agreement
  - Or a CBA that provides for it

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Forfait “jours”

- Number of days worked annually
- Only for:
  - Cadres with autonomy
  - Employees whose working hours cannot be predetermined

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Forfait “jours”

- Working time not measured in hours
- Requirement to work a number of days
- Maximum is 218 days
- It can be lower

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Forfait “jours”

- Not subject to maximum daily and working hours limits
- Still enjoy legal guarantees:
  - Daily and weekly rest periods
  - Paid holidays
  - Public holidays
- No overtime

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Forfait “jours”

- The employer must:
  - Check the workload
  - The distribution of work over time
  - The employee’s work-life balance
- Done via specific interviews

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Forfait “jours”

- Calculation:
  - Number of days in the year
  - maximum number of working days
  - number of weekly rest days
  - number of annual leave days
  - number of public holidays falling during the week
- For 2026:
  - 365 – 218 – 104 – 25 – 9 = 9

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Forfait “jours”

- Employees can choose to renounce part of their rest days
- Increase in salary
- Minimum rate is 10%
- 235 maximum worked days per year

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Any questions?

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Thank you

- Baptiste@viridianhr.co.uk
- We will send you a post-training form
- Thank you in advance for your feedback!
- We send info in our monthly newsletter – if you'd like to be added, please send a message to Emmanuelle who can add you

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