HR obligations for SMEs in France

According to the size of your organisation

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Introduction

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

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Contents

- Employee lifecycle
- Day-to-day admin and management
- Employee representation
- Size related obligations: summary

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Employee lifecycle

No size requirement: it applies to every organisation

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Recruitment

- Discrimination protection
- Some interview questions are prohibited
- Background checks
- Occupational health
- DPAE
- Addition to the personnel register
- Probationary period

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Employment contracts

- Source of law
- Duration
- Fixed term contracts specificities
  - Renewal rules
  - Prime de précarité
- Written form, in French
- Changing contract terms?
- Salary/bonus/commission
- Health & Safety

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Termination of employment

- Dismissal procedure
- Protection
- Dismissal compensation

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Any questions?

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Day-to-day admin and management

No size requirement: it applies to every organisation

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Working time

- Working hours are restricted
- No “opting out” but different rules for executives:
  - “autonomous” executives
  - “senior” executives
- Holidays and time off
- Night work
- Sick leave
- Implication

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Career management L&D

- Performance appraisal interviews
- “Entretien de parcours professionnel” : first year then every 4 years
- “Etat récapitulatif“: every 8 years
  - Training
  - Certification or VAE
  - Progression in role or salary
- Training

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Employee representation

Organisation size is important

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Employee representation

- Comité social et économique (CSE)
- “Delegation hours”
- Regular meetings – every 1 or 2 months generally
- Training
- Union delegates

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CSE
Over 50 employees

- Ensures that the collective voice of employees is heard in company decisions
- Is consulted on general organisational and managerial topics
- Participates in the analysis of professional risks
- Suggests ideas for harassment and sexism prevention
- Manages all social and cultural activities for employees

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Any questions?

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Size related obligations

Summary

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Employer obligations by size

From 1 employee

- Contribution to funding vocational training – 0.55%
- Mandatory displays
- Contribution to the national housing fund
- Disabled employees report
- DUERP

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Employer obligations by size

From 1 employee

- Entretien de parcours professionnel
- Monitoring of working hours
- Monitoring of occupational health visits
- Health insurance (“mutuelle” or “frais de santé ») and “prévoyance”

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Employer obligations by size

- 11+ employees
  - CSE
  - Contribution to funding vocational training – 1%
  - “Versement mobilité”
- 20+ employees
  - Minimum 6% of disabled employees

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Employer obligations by size

From 50 employees

- BDESE
- Règlement intérieur
- CSE with section dedicated to Health, Safety and Working Conditions.

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Employer obligations by size

From 50 employees

- Unions can nominate:
  - a représentant de section syndicale
  - a délégué syndical
- Mandatory negotiations (if DS):
  - Remuneration
  - Duration and organisation of working time
  - Professional gender equality
  - Employee savings schemes
  - Quality of life at work

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Any questions?

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Key takeaways

- Respect procedures
- Be mindful of the differences in discrimination and D&I approaches

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Thank you

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