



LEGAL UPDATE IN FRANCE

Harlay Avocats | April 2015 | Employment law

Simplification and securisation of the part-time work : update through three questions.

The French government rendered an ordinance on January 29th, 2015 in order to make more flexible some provisions of the Employment Securitisation Act of June 14th, 2013 relating to the minimum duration of part-time work.

What working time can be provided in a part-time employment agreement? *

Since July 1st 2014, the minimum working time for part-time employees was set at 24 hours per week or, if applicable, the monthly equivalent of such a duration, i.e. 104 hours or, in case of planning working time over a period longer than a week and up to a year, at the equivalent of 24 hours, calculated over this period.

What are the legal exemptions allowing the employer to hire an employee under a working time lower than 24 hours?

The working time may be lower than 24 hours per week in one of the following legal exemptions:

- In case of written and motivated request of the employee, to enable him/her to face personal constraints or allow him/her to combine several activities to achieve a total duration of activity corresponding to a full-time work or at least 24 hours per week;
- For employees under 26 years old pursuing their studies;
- If provided by an extended industry-wide collective bargaining agreement;
- In case of short contracts, i.e. fixed-term employment contracts that do not exceed 7 days;
- In case of fixed-term employment contracts concluded for the replacement of an absent employee in compliance with the legal specific cases.

Is the employer obliged to modify the part-time employment contracts concluded before July 1st, 2014 and providing with a working time lower than 24 hours or the conventional one?

The Employment Securitisation Act provided with a transitional period until January 1st, 2016, allowing the employees benefiting from a part-time employment contract concluded before January 1st, 2014 and from January 22nd to June 30th, 2014 to request for the modification of their working time to reach 24 hours as a minimum. The employer had to respond favourably, excepting in the event of impossibility due to the company's business.

The ordinance of January 29th, 2015 removed this transitional period and the right of automatic modification of the working time upon the employee's request. In this respect, employees with a part-time contract and who would like their working time to be set up to the legal or conventional minimum benefit from a simple priority of access to available equivalent job positions or positions belonging to the same professional category.

** Note: Without prejudice of the provisions of an industry-wide collective bargaining agreement or a company-wide agreement.*

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