

LEGAL UPDATE IN FRANCE

Harlay Avocats | February 2017 | Employment law | Newsletter N°55

Spotlight on the Internal Regulations: are you up to date ?

Due to recent legislative and jurisprudential developments, some provisions of the internal regulations should be amended, mainly pertaining to the following topics:

“Right to disconnect”:

The Law now implements a yearly compulsory negotiation on: “the terms and conditions through which the employee is entitled to fully exercise his right to disconnect and the implementation by the firm of mechanisms to regulate the use of digital tools, in order to ensure that rest and leave periods, as well as personal and family lives are respected. Failing agreement, the employer establishes a charter, after the opinion of the works council or the employees’ representatives. This charter provides with the terms and conditions for the actual exercise of the right to disconnect and creates training initiatives and measures to raise awareness on the reasonable use of digital tools among employees and management.”

In the absence of any collective agreement, it is recommended to attach the charter to the internal regulations document, in order to make the charter binding for the employees.

Sexist behaviors:

The internal regulations shall now provide with the legal provisions on sexist behaviors:

“No one shall suffer from sexist behaviors, defined as any behavior linked to somebody’s sex, which purpose or effect is to violate somebody’s dignity or to create an intimidating, hostile, degrading or offensive environment.”

Neutrality principle:

It is now stipulated that: “The internal regulations may hold provisions which implement a neutrality principle and restrict the expression of the employees’ convictions, if these restrictions are justified by the exercise of other freedoms and fundamental rights or by the need to ensure a smooth functioning of the firm, and if they are proportionate to the intended goal.”

Anti-corruption program:

In a few months, firms and company groups concerned will be required under Law (depending, among other conditions, on sales revenue and on staff counts), to create an anti-corruption program. This program involves, in particular, the implementation of a code of conduct, which shall then be added to the internal regulations.

Narcotic substances – Saliva tests:

Saliva based drug tests are now allowed without the intervention of health professional. However, some guarantees shall be provided: these guarantees shall be included in the internal regulations.

Equipment made available to the employees:

Technological tools (NICT), new work practices (BYOD) and the use of service and company vehicles are topics to security and discipline that have considerably evolved in the last few years. As a consequence, the stipulations of the internal regulations dealing with these subjects need to be reviewed and possibly amended.

Please do not hesitate to contact us for the review and update of your internal regulations.



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