



Newsletter Employment Law | December 2019

Harlay Law firm - Employment law Department

RTT DAYS WORKING TIME AGREEMENT : BE AWARE

The French Labor Supreme Court issued a ruling on October 16th 2019 regarding the validity of the RTT days working time agreements according to the date of their conclusions and their applicable collective bargaining agreements (CBA).

Employers, please check the following to avoid overtime disputes such as :

- The date your RTT working time agreement came into effect and the date on which CBAs have provided for one.
- If necessary, update the individual RTT days working time agreement of the employees at stake.
- And as always, comply with your obligations regarding the monitoring of working time, specific annual interviews, and the respect of professional and private life balance.

Keywords : RTT days working time agreement, be careful, Cass.soc., 16 October 2019, n°18-16539.

THE PSE-RCC PLATFORM IS ABOUT TO BE REPLACED

The transmission of information in the event of redundancy or collective termination (economic redundancy proposal, application for validation or certification of the collective redundancy, etc.) will be carried out through a new platform entitled «RUPCO» on December 2nd 2019. This new platform replaces the old one «PSE-RCC». From January 1st 2020, the employer will also be able to inform the DIRECCTE through the platform, of the dismissals notified in the scope of a «small» collective economic dismissal (less than 10 employees).

Keywords : contractual collective termination, redundancy, new platform

ESTABLISHMENT OF THE CSE : Last days !

Ministry of Labor rejected unions request to postpone deadline to postpone deadline to elect a CSE. The deadline of January 1st 2020 is still on. If there is no election of the CSE within a company with more than 11 employees (over 12 consecutive months) on January 1st 2020, those companies could be prosecuted for obstruction.

If you have not proceeded yet, take that as a priority to minimize your risks.

Keywords : CSE, time is running out

CSE ELECTION'S RESULTS AVAILABLE ONLINE

The results of the elections at the CSE (election minutes, including record of shortcomings) can be sent from now on electronically to the Ministry of Labor. Each employer must enter the results of the election via a teleservice accessible at the following address : www.elections-professionnelles.travail.gouv.fr. Tutorials are available on the website of the Ministry of Labor to assist you.

Keywords : CSE elections results, dematerialization

TEAM BUILDING : DON'T BE EXCESSIVE

Organizing team building allows teams to get to know each other. However, not all activities are welcome. In a recent judgment of the Court of Cassation dated October 23rd, 2019, a manager asked his colleagues to walk barefoot on broken glass. Everyone participated except one of the associates who decided to notify the HR Services. The manager was dismissed for serious misconduct - breach of his obligation of security.

Employers, you are warned. Do not be too bold when organizing your team building activities.

Keywords : Team Building, be careful, Cass.soc., 23 October 2019, n°18-14260



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