



Newsletter Employment Law | January 2020

Harlay Law firm - Employment law Department

FOCUS ON GENDER EQUALITY INDEX:

Companies with 50 to 250 employees must publish their first gender equality index by **1 March 2020 at the latest**.

The index will highlight any pay gaps between women and men over a **reference period of 12 consecutive months**.

It is calculated on the basis of **4 indicators** defined by the Labour Code for a maximum total of 100 points (a tool for calculating each indicator and the overall index is available on the government website (in French only for now) at index-egapro.travail.gouv.fr).

The company must then make its index public (on its website, on the BDES and by tele-declaration to the DIRECCTE).

If the index obtained is less than 75 points out of 100, the company will have to implement corrective measures in order to reach 75 points within 3 years.

Penalty: At the end of the 3-year period, if the index remains below 75 points, a financial penalty may be applied (maximum 1% of the payroll for the calendar year preceding the end of the 3-year period).

FOCUS ON PROFESSIONAL INTERVIEWS:

Every company must organize with each employee:

- **a professional interview every 2 years**, as well as on return from certain leaves (long illness, etc.) on the employee's professional perspectives,
- **a recap interview every 6 years** to check that over the 6 years the employee has:
 - attended at least one training course,
 - acquired elements of certification through training or by validating their experience,
 - benefited from a salary or professional progression.

Sanction: Companies with 50 employees or more non-compliant with those obligations over the last 6 years will have to pay a penalty of 3,000 Euros per employee at stake (that

sanction may be increased by 100% shall the company fail to pay it spontaneously in the first place).

First penalties will be paid on March 2020 (for the period March 2014 to March 2020); after that, please assess the situation on a monthly basis (depending on the length of service of your employees).



Harlay Avocats