

HR PRACTICAL INFORMATION

Labor Act: What's new for employees?

Certain measures of the Labor Act, also called the El Khomri Law, became effective on 1 January 2017. They result in changes for employees with immediate impact. Here are some of them.

LEAVE

Paid vacation days

As from 1 January 2017, the employer may authorize his employee to take paid vacation days as soon as he is hired, provided that he has an adequate number of days.

Leave for disabled child and adult

An employee who cares for a disabled child or adult (or a dependent elderly person) can take more than four consecutive weeks of vacation without the employer being able to oppose it.

Special leave

On the death of a child, the parent is now entitled to five days of family-related leave instead of two days before.

For the death of a parent, step-parent, brother or sister, the duration of the special leave increases from one to three days.

AUP has traditionally granted special leave in excess of the legal minima in some cases. A new internal agreement will need to be negotiated and signed in light of these new legal measures.

Caregiver's leave

Caregiving leave now replaces family support leave. The 3-month renewable leave will allow all employees with one year's seniority (instead of two before) to devote themselves full time to a dependent parent, a disabled child or a spouse suffering from a serious illness. Like the previous leave, the caregiver's leave is not paid.

See our Newsletter on Leave: <https://www.aup.edu/faculty-staff/human-resources/practical-information/informational-handouts>

RIGHT TO DISCONNECTION

The purpose of this new right is to ensure respect of rest periods and leave and the balance between work and private life. It concerns companies with more than 50 employees which, within the framework of the *Négociations Annuelles Obligatoires*, will have to delimit more precisely the boundary between work and personal life, while smartphones, tablets and laptops are increasingly used outside working hours. In the absence of a company agreement, the employer must draw up a charter defining the modalities of exercising the right to disconnect.

OCCUPATIONAL MEDICINE

Medical examination on recruitment

The medical examination on recruitment disappears. It is replaced by individual follow-up of the employee's health (except for risk positions). It is the occupational doctor who determines the periodicity of follow-up visits according to age, health status and working conditions. This visit is not intended to verify the employee's ability but to inform him of the risks associated with his position. It will not necessarily be done by the occupational doctor but by a health professional. However, the employee must carry out a medical examination at least every 5 years as opposed to 2 years previously. The medical aptitude test is maintained for employees in risk positions.

TRAINING

Compte Personnel Formation (CPF)

The feeding of CPF hours is increased for the less qualified employees¹ (those who hold neither a CEP, a CAP nor a CQP) to 48 hours a year instead of 24 and a ceiling of 400 hours instead of 150 hours.

The employee wishing to benefit from his rights to the CPF will have to make his declaration on the site <http://www.moncompteformation.gouv.fr>

See our Newsletter on Compte Personnel Formation : <https://www.aup.edu/faculty-staff/human-resources/practical-information/informational-handouts>

The CPF is also enriched with new trainings which are now eligible. This is particularly the case with the Skills Assessment.

¹ Employees who have not attained a level of education attested by a diploma classified at level V (CAP, BEP), a registered professional title and classified at level V of the national register of professional qualifications or a certification recognized by a collective national agreement.

Compte Personnel d'Activité (CPA)

The Compte Personnel d'Activité allows each employee to collect and access all the rights acquired throughout his career, both in terms of training, unemployment and harsh working conditions. It is open as soon as the employee enters the labor market. This account centralizes the information contained in the Compte Personnel Formation (CPF), the Compte Pénibilité² and the Compte Engagement Citoyen (CEC). The account holder can also benefit from advice and support to exercise his rights in order to implement his professional project.

Any active person who is at least 16 years old (or 15 years for apprentices) can open a CPA whenever one of the following occurs:

- being employed
- looking for a job or being accompanied in a career orientation and integration project;
- being welcomed in an establishment and help service through work

The rights recorded on the CPA and not used disappear only upon the death of the account holder. They are thus preserved throughout life, including in case of departure abroad. The employee retains his rights even when he changes jobs or region.

Compte Engagement Citoyen

Creation of the Compte Engagement Citoyen within the Compte Personnel d'Activité. It will identify all voluntary activities and will facilitate the recognition of the skills acquired through these activities. The young people who have accomplished a civic service mission, people who enter on reserves (military, health, civil security, citizen ...) and apprenticeship masters will benefit from additional points on their CPA to enhance their commitment and give rise to rights on training.

For more information on the Labor Act

<http://travail-emploi.gouv.fr/grands-dossiers/LoiTravail/que-va-changer-la-loi-travail>

You still have questions? Do not hesitate to contact Human Resources.

² Effective in July 2016, the Compte Pénibilité was put in place to grant new rights to employees faced with harsh working conditions. This new system introduces a Compte Personnel de Prévention de la Pénibilité (CPPP) for these employees, who can thus accumulate points. The use of these points will notably enable them to benefit from training, to reduce their working time at the end of their career (via a part-time pass) or to facilitate their early retirement. The creation of the Compte Pénibilité is mainly intended to take into account the deterioration in health of employees exposed to difficult working conditions during their career and who often arrive at retirement age under degraded physical conditions.