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Factsheet for case **FR-2020-13/490**

Temporary derogation from working hours in essential services

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Country	France, applies nationwide
Time period	Temporary, 26 March 2020 - 31 December 2020
Type	Legislation or other statutory regulation
Category	Change of work arrangements to ensure business continuity – Increase of maximum working time
Case created	11 April 2020 (updated 17 April 2020)

Background Information

Following consultation with the social partners, in certain sectors (agri-food, large-scale distribution, undertakings which contribute to the activity of hospitals) particularly necessary for the security of the nation or the continuity of economic and social life, undertakings in these sectors will be able to derogate from the rules on working hours, weekly rest and Sunday rest. The list of these sectors will be fixed on a case-by-case basis by decrees.

Content of measure

The Ordinance provides for many possible exemptions, which may vary according to the sector of activity. Several decrees specify the sectors concerned and the applicable derogation regimes.

The employer may unilaterally derogate from the rules of public policy on working hours and from the applicable contractual stipulations. It may thus do so by

- reduce the daily rest period to 9 consecutive hours, subject to a compensatory rest period equivalent to the length of the rest period not taken. (It is currently set at 11 a.m., unless an exception is made);
- increase the maximum daily working time to 12 hours (it is now set at 10 hours, unless there is a derogation).
- to fix the maximum average weekly working time at 48 hours over 12 consecutive weeks or 12 months for certain farmers or agricultural undertakings (today it is fixed at 44 hours, unless there is a derogation) ;

- set the absolute maximum weekly maximum at 60 hours (currently set at 48 hours, unless there is a derogation) ;
- to set the maximum daily working time of a night worker at 12 noon, subject to the granting of a compensatory rest equivalent to the duration of the overrun (today it is set at 8 a.m. with the right to an equivalent rest, unless there is a derogation);
- to set the maximum average weekly working time of a night worker at 44 hours over 12 consecutive weeks (today it is set at 40 hours, unless there is a derogation).

Use of measure

No data available.

Actors, target groups and funding

Actors	Target groups	Funding
Trade unions Company / Companies	employees Companies providing essential services	No special funding required

Social partners

Role of social partners	Informed
Form of involvement	No involvement

The employer who decide to use on of the possible derogation has to inform its works council (no consultation) and the labour inspectorate (Direccte).

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 25 March 2020: Ordonnance no 2020-323 du 25 mars 2020 portant mesures d'urgence en matière de congés payés, de durée du travail et de jours de repos (www.legifrance.gouv.fr)