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Factsheet for case **FR-2020-11/741**

Extension of Short-time work to new categories of workers

Factsheet generated on 24 April 2020, 10:46

Country	France, applies nationwide
Time period	Temporary, 12 March 2020 - 31 December 2020
Type	Legislation or other statutory regulation
Category	Employment protection and retention – Working time flexibility
Case created	20 April 2020 (updated 24 April 2020)

Background Information

A decree of 16 April 2020 extends short-time work to new categories of workers who were not covered by the usual scheme. This text sets out the methods for calculating the allowance paid to the employer and benefit paid to workers. These new rules allow for the coverage of: employees with an annual working time account (forfaits jours) in days or hours - i.e. employees whose working hours cannot be fixed in advance (often managers); civil aviation crews, freelance journalists (who are paid for each article ordered); salespeople with the status of sales representatives (VRP); home-based employees paid on a piecework basis; intermittent entertainment workers and models. The text also clarifies the compensation of employees benefiting from variable remuneration elements.

Content of measure

The provisions of the decree make it possible to calculate compensation for certain employees whose work organisation rules required special consideration. This decree is applicable to short-time compensation claims submitted from 12 March 2020 to 31 December 2020. For the two main categories of workers covered, the rules are the following:

1/ Employees with a "forfait jours" in hours and days

For employees whose working hours are fixed by a "forfait-jours" agreement in hours or days over the year, both the allowance and the short-time work allowance are determined by taking into account the number of hours or days or half-days not worked by the employee. The number of hours taken into account is

determined by converting a number of days or half-days into hours according to the following flat-rate periods:

- a half-day not worked corresponds to 3.5 hours not worked;
- a day not worked corresponds to 7 hours not worked;
- a week not worked corresponds to 35 hours not worked.

Days of paid leave and rest taken during the period of suspension or reduction of activity, as well as public holidays not worked which correspond to working days, are converted into hours according to the same procedures.

2/ Civil aviation flight crew

In the case of civil aviation flight crews, whose working hours are organised in the form of alternating days of activity and days of inactivity, the number of hours giving rise to the payment of the allowance and the partial activity allowance shall be determined on the basis of a number of eligible days of inactivity. The latter is determined by taking into account the difference between the number of days of inactivity recorded and the number of days of inactivity normally guaranteed to the employee over the period in question. The number of days of inactivity obtained is converted into hours according to the following rule: each day of inactivity in excess of the number of days of inactivity guaranteed corresponds to 8.75 hours off work, within the limit of the legal weekly duration (35 hours) over the period in question.

Use of measure

No data available.

Actors, target groups and funding

Actors	Target groups	Funding
National government	employees workers in non-standard forms of employment All companies	National funds

Social partners

Role of social partners	Consulted
Form of involvement	Direct consultation

The government has probably consulted social partners in the design phase of the measure.

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 27 March 2020: Ordonnance n° 2020-346 du 27 mars 2020 portant mesures d'urgence en matière d'activité partielle (www.legifrance.gouv.fr)
- 16 April 2020: Décret no 2020-435 du 16 avril 2020 portant mesures d'urgence en matière d'activité partielle (www.legifrance.gouv.fr)