

French regulation on TELEWORK

By Me. Eric Pouliquen
Partner specialised in Labor Law
Willway Avocats

THE TELEWORK:

What does it cover?

- Telework is "any form of work organisation in which work which could also have been carried out on the employer's premises is carried out by an employee outside these premises on a voluntary basis using information and communication technologies".
- So it's:
 - Working from home, but not only...
 - Working in collective spaces (company owned telecenters , coworking spaces),
 - The work of the homeless (this is discussed), or...
 - A little bit of everything of that.



It is therefore particularly useful to agree on what we are going to talk about.

TELEWORK :

Main points to be considered in a company agreement or other...

Preamble : Which kinds of telework do we want to talk about ? Why don't we ask the employees by questionnaire their opinion ? Why not to do a RETEX of the confinement period (telework in BCP situation is not the same as in regular period).

Defining telework : What do we want to talk about?

Organising telework : 4 types of a priori identifiable situations:
None/Occasional/Regular/Specific Reminder that apart from exceptional situations, it is voluntary both for the employee and for the employer.

Installation conditions (if at home) : dedicated area or not, electrical installation in accordance with the regulations, operational internet connection, agreement of the co ownership, home insurance covering the risk...





TELEWORK :

Main points to be considered in a company agreement or other... (continued)

Conditions of acceptance of telework by the company : verification of eligibility/seniority conditions/technical possibilities/ HSE security and/or confidentiality issues (RGPD) but not only ... /absence of disorganisation of the company's activity ... and conditions of reversibility: return to work on site.

Information/training of the employee : before the implementation of telework ... and training of the manager! Formalization of the employee's agreement for a telework solution.

Teleworker's obligation to take care : of the equipment made available to him/her.

TELEWORK :

Main points to be considered in a company agreement or other... (continued)

Number of days dedicated to telework :
Sensitive subject

Working time and workload : be careful with requests for overtime callbacks. Respect for working time : Company obligation: Obligation to monitor it . **Respect of the workload :** Make the manager and the employee both responsible of said control.



Scheduling of teleworking days and respect of time slots.

Regulation and monitoring of workload : Organisation of the right to disconnection and the time slots in which to contact the employee; annual telework monitoring interview; protection of the employee's privacy (question of the right of access to the home).

Employee health and safety : accident du travail / arrêt de travail / question des salariés handicapés / formation et information.

The question of the coverage of professional expenses : luncheon vouchers; compensation for the use of a dedicated room; purchase of equipment, additional subscription costs, etc.

Consultation of Labor representatives (French CSE) on monitoring of telework/support for teleworkers

What form should the consensus reached should take?



TELEWORK:

How to set it up?

Negotiate a company agreement?

Setting up a company charter?

Recruiting employees for telework (employment contract) or negotiating a contractual amendment?

Don't contract? A mutual agreement between employer and employee...

How to materialize volunteering and ...

... Be careful to the respect of equal treatment (in order to avoid the head of the customer").

Set up the device for a limited or indefinite period of time?

TELEWORK :

What is the quality of life at work?

Be aware of the real conditions under which the teleworker is teleworking, especially when working from home. **Taking telework into account in the DUERP + Action Plan** [documents to be established by the employer, which identifies professional risks (DUERP) and identifies solutions to prevent them (Action Plan)].

Beware of musculoskeletal disorders (e.g. working on the couch with the laptop on your knees and the mobile phone stuck between your ear and shoulder).

Beware of the stress of the teleworker (RPS: psychological risks), **but also** of the stressed manager at the idea of not having his or her employee at hand, or even of the **possible remote harassment of the manager**.

Pay attention to the declarations of work accidents at home and their control.

Consider how to organise a possible inspection/accident investigation by the Labor representatives (CSSCT or CSE) **at the employee's home** / respect for the employee's privacy?

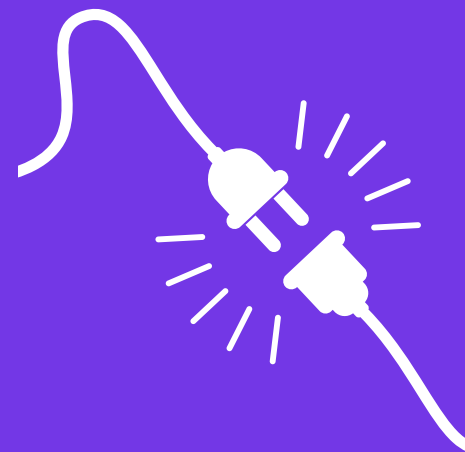


TELEWORK :

Schedule control and right to disconnect

The control of the schedules is imperative and it is the employer's responsibility :

- The employer must draw up **the documents necessary for the counting of working time**.
- Individual time accounting is performed when employees are not employed at the same collective working time :
 - **Daily** by recording by any means the start and end times of each work period,
or by recording the number of hours completed
 - **Each week** by summary according to all means of the number of hours worked
 - **Question of day packages** and hour packages by collective agreement.



The right to disconnection (not specific to telework) : **Main issues to be considered** : Training and awareness raising on digital tools and disconnection. Conditions of use of the tools. Limitation of messaging. Stress management. Right to disconnection outside working hours. Alert procedure in case of suspected abuse. Conditions for monitoring the device.



TELEWORK :

Mutual agreement is needed in case of telework (both employer and employee)

Telework requires employer's approval :

- French Supreme Court (Cour de Cassation) has ruled that any employee willing to telework needs to agree on its conditions with his employer (Cass. Soc., 17 février 2021, n°19-13.783). If there is no mutual agreement, there is no telework.
- Once the parties have agreed to perform all or part of the employment contract teleworking, both parties need to look at said agreement to see at which conditions, they may modify the rules.





TELEWORK AND PARENTHOOD:

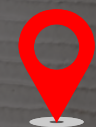
How to link the two?

French law n°2023-622 dated July 19th, 2023 has enacted the principle, for employees helping a seriously ill or disabled child, parent or close relative, the possibility to telework.

- This Law aims to enable these parents to better reconcile their professional and personal lives.
- Normally, as from July 21st, 2023, collective agreements or policies dealing with telework, should include a new clause precisng "terms under which employees caring for a child, a parent or a close relative, "seriously ill or disabled" may have access to telework".



LAWERS



2 rue des Colonels Renard, 75017 PARIS



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www.willwayavocats.com