

## Covid-19 Crisis: Anticipating the Return to Normal Operations

Here are a few tools to prepare for an effective return to normal operations, with a view towards the end of the lockdown:

*Angéline Duffour; Anna Milleret-Godet*

### 1. Organise personal business activity during the summer period and until the end of the year

- ➔ Without prejudice to an employee's right to take paid leave during this period and depending on the company's needs, limit paid leave during the summer period and extend the time frame in which employees can take leave.
- ➔ Depending on uses applicable to the company, limit the deferment of paid leave **not taken as of 31 May 2020**.
- ➔ In the absence of an industry-level agreement, negotiate a company agreement in order to:
  - require employees to take accrued paid leave;
  - or unilaterally modify the dates on which paid leave is to be taken;
  - up to a maximum of 6 working days.
- ➔ Require employees to take rest days ("RTT") accrued up to a maximum of 10 days.
- ➔ Increase the working time of employees after the lockdown by recovering hours and days of work lost via a company agreement at the latest on the date fixed by the company, depending on needs (e.g. Airbus).

### 2. Motivate/reward employees and improve their working conditions

- ➔ Whenever possible, maintain remuneration at 100% for employees affected by partial activity (mechanism exonerating employers and employees from paying social charges).
- ➔ Train employees during non-worked hours in order to make use of these periods of inactivity to develop their knowledge and improve their employability (Art. L. 5122-2 of the French Labour Code).
- ➔ Pay the Macron bonus:
  - Implementation: by company bargaining agreement or unilateral decision;
  - Amount: Up to €1,000 exonerated from social charges and taxes regardless of whether a non-mandatory profit-sharing agreement has been signed or up to €2,000 exonerated if a non-mandatory profit-sharing agreement has been signed;
  - Deferment of the deadline for payment until 31 August 2020;
  - Possible modulation depending on working conditions related to the pandemic.

- ➔ Establish working from home as a long-term measure:
  - It must be specified in a company bargaining agreement or, in the absence thereof, by a charter drawn up by the employer after the opinion from the Works Council, now called the Social and Economic Committee (SEC) (Art. L. 1222-9 of the Labour Code);
  - The implementation of an IT charter is also recommended.
  - The theme can be incorporated into a more general agreement on the quality of working life.

### 3. Continue with the digitalisation of the company

- ➔ Train managers and employees in **digital matters and cyber security**;
- ➔ Increase fluidity of internal communication by **implementing suitable digital and IT tools**;
- ➔ Incorporate digital metrics into **individual and collective** performance assessment criteria;
- ➔ Make long-term provisions by entering into an agreement regarding the conditions for holding remote meetings and negotiations with employee representative bodies;
- ➔ Renegotiate the agreement on the right to log out ("*droit à la déconnexion*") **in order to incorporate new internal modes of operation (working from home, use of digital tools etc.)**.

### 4. As may be relevant, adapt the employment contracts of employees to business needs

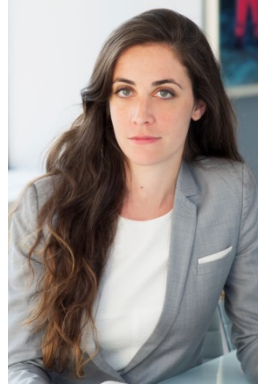
- ➔ Negotiate the implementation of a collective performance agreement (Article L. 2254-2 Labour Code) which makes it possible to:
  - adapt working hours and conditions for the organisation and breakdown thereof;
  - adapt remuneration in accordance with hierarchical minimum wages defined by industry-level agreement;
  - and/or determine the conditions for professional or geographical mobility within the company;
  - even in the absence of current economic difficulties.
- ➔ As may be relevant, provide for a "return to a better financial situation" clause.

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