

# France

Last update: April 2013

## PART 1 – NATIONAL FRAMEWORK

### Overview

National social dialogue	Principal Level of Collective Bargaining	Industry and enterprise
	Workplace Representation	Union and works council (union dominates)
	Board-level Representation	Yes for state-owned and privatised enterprises
National worker representation	<p>France has a complex system of employee representation at workplace level, through both the unions and structures directly elected by the whole of the workforce. Where trade unions are present, the key figure will be the trade union delegate. There are a large number of structures which provide representation for employees in France, both for trade unionists and for the whole of the workforce.</p> <p>The representation of the whole of the workforce on most issues is provided by two separate elected bodies, which have specific legal rights and duties. These are the employee delegates (DP) and the works council (CE) – either at enterprise level or at plant level. Normally the employee delegates and the works council are separate, though the same individuals can be elected to both. However, in enterprises with fewer than 200 employees, the employer can decide that the functions of the two bodies should be combined in a single common representative body (DUP).</p>	
Principal legal documents on H&S	<p>Occupational health and safety is governed principally by the Labour Code (1982). Article L236 relates to comités d'hygiène, de sécurité et des conditions de travail (CHSCT – committees on health, safety and working conditions). The Labour Code undergoes regular amendments. The Law of 31 December 1991 amended the Labour Code and the Public Health Code with a view to fostering the prevention of occupational risks and transposing the European health and safety Directives (of 1989). An Order of 24 June 1998 has amended the provisions on health, safety and working conditions.</p> <p>In establishments with more than 10 and fewer than 50 employees, staff representatives are given the functions assigned to members of the CHSCT. A CHSCT must be set up in all establishments falling under the Labour Code and employing 50 or more workers. Undertakings with fewer than 50 employees may likewise get together on an occupational or inter-occupational basis in order to set up a CHSCT. The CHSCT is composed of the general manager of the establishment, its chairman, and a staff delegation, one member of which is appointed secretary. The number of staff representatives depends on the size of the workforce at the establishment.</p> <p>Prevention at local level is organised with the participation of labour inspectors, (CRAM [Caisse Régionale d'Assurance Maladie – the French regional health insurance fund] and MSA [Mutualité Sociale Agricole – Agricultural social protection scheme] etc.), inspectors from the DRIRE [Direction Régionale de l'Industrie, de la Recherche et de l'Environnement – regional directorate for industry, research and the environment] and the union-linked prevention bodies (Emergences, CIDEOS, etc.).</p> <p>Trade union reps participate in regional organisations such as the local information and communication committees for 'SEVESO high risk' undertakings, although these reps are appointed by Prefects. It should be added that in public authorities, in exceptional cases, inspection agents (ACFI – agents chargés de la fonction d'inspection) represent workers' health and safety interests. In SMEs with fewer than 10 employees, temporary workers have no health and safety representation.</p> <p>In undertakings which include one or more specific high risk industrial facility (undertakings classified as 'SEVESO high risk' and undertakings engaged in the underground storage of natural gas, hydrocarbons or chemical products), the CHSCT has had new powers since entry into force of the Law of 30 July 2003. Representatives on the CHSCT are given ad hoc training and are kept informed of applications for Prefecture authorisation for classification as SEVESO sites, with access to the entire application file. The CHSCT is consulted on, amongst other matters, new outsourcing to an undertaking called upon to do work potentially</p>	

	presenting particular risks.			
Public authorities on H&S	<ul style="list-style-type: none"> <li>– The Ministry of Labour, Employment and Health;</li> <li>– Social insurance organisations, through the ATMP (Caisse Nationale pour les Accidents du Travail et les Maladies Professionnelles – National Fund for Occupational Accidents and Illnesses). This specialised branch of the Caisse Nationale d'Assurance Maladie des Travailleurs Salariés (National Health Insurance Fund for Salaried Workers) is funded exclusively by employer contributions. The system is managed by the "social partners" (labour and management co-operation). Locally it is supported by regional funds known as CARSATs (Caisses d'assurance retraite et de la santé au travail – Retirement insurance and occupational health funds).</li> <li>– Organisations with a scientific, operational or medical emphasis, responsible for preventing, anticipating, understanding and managing occupational risks. The main organisation is the AFSSETT (Agence Française de Sécurité Sanitaire de l'Environnement et du Travail – French Agency for the Sanitary Safety of the Environment and Workplace). As for the ANACT (Agence nationale pour l'Amélioration des Conditions de Travail – National Agency for the Improvement of Working Conditions), it plays an advisory role to business and addresses the operational aspect of preventing occupational risks. The INRS (Institut Nationale de recherche sur la santé – National Institute for Health Research) issues standards and recommendations.</li> </ul>			
Employers' obligations on H&S	The employer must comply with health and safety standards and regulations. It is held criminally liable. Employees must also have access to an occupational medicine service. Compliance with regulations is verified by the labour inspectorate, which is affiliated with the Ministry of Labour, Employment and Health.			
Worker representative bodies on H&S	There is a separate committee which deals with health and safety issues (Comité d'Hygiène, de Sécurité et des Conditions de Travail – CHSCT) and individual workers have "the right of expression" about their working conditions. The exact form in which this right is organised is left to local negotiations with the unions, but might involve occasional meetings of groups of workers with their supervisors. A H&S Committee (CHSCT) must be set up in all establishments falling under the Labour Code and employing 50 or more workers.			
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>	<i>Their role</i>		<i>Scope of influence</i>
	Social partners (labour union and employer organisations)	Negotiation		National
	State (law)	Decision-making		National
	Works council (CE)	Consultation		Enterprise
	Committee on health, safety and working conditions (CHSCT)	Consultation		Enterprise
	Labour inspectorate	Verification		National and enterprise
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	Agence nationale pour l'amélioration des conditions de travail – National Agency for the Improvement of Working Conditions (ANACT)	N/A	An administrative institution of the French government created in 1973, supervised by the Ministry of Labour, Employment and Health.	The purpose of the ANACT is to improve both the situation of employees and the efficiency of enterprises. Specifically, it helps enterprises develop innovative projects related to working conditions.
	Institut national de recherche et de sécurité pour la prévention des accidents du travail et des maladies professionnelles – National Institute for Research and Safety in the Prevention of Occupational Accidents and Illnesses (INRS)	N/A	It is managed by a joint board of directors comprised of representatives of employer and employee organisations.	An organisation that addresses general matters related to health and safety in the workplace, the INRS works in co-operation with other occupational risk prevention institutions. It offers tools and services to enterprises and to the 18 million employees participating in the social insurance system (Sécurité sociale).

## PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

<b>General organisation and role on H&amp;S issues</b>	<p>–Works Council (CE), particularly if there is an independent health department within the enterprise. The CE must be consulted on any changes in work hours, layout of the premises and more generally on all of the employer's decisions that could have an impact on the employees' conditions of daily life at the enterprise. The CE may receive support from the CHSCT when it is consulted on matters pertaining to working conditions. When making recommendations, the CE may seek the advice of the CHSCT.</p> <p>–The CHSCT (Comité d'Hygiène, Sécurité et Conditions de Travail – Committee on Health, Safety and Working Conditions). Created at every establishment with at least 50 employees, the mission of the CHSCT is to help protect the health and safety of employees and to improve working conditions. The CHSCT has access to certain resources to fulfil its mission (information, hiring an expert, etc.), and employee representatives are credited hours and are protected from termination. These resources are increased at enterprises where there is a high industrial risk. If there is no CHSCT, employee delegates fulfil the roles that would otherwise be entrusted to the committee.</p>
<b>Interaction of H&amp;S representation with the general representation of workers</b>	The CE may receive support from the CHSCT when it is consulted on matters related to working conditions. When issuing recommendations, the CE may seek the advice of the CHSCT.
<b>Worker representation bodies on H&amp;S at work</b>	
<i>Implementation of worker representation in H&amp;S on enterprise level</i>	All employees, regardless union membership or not
<i>Thresholds of implementation</i>	<p>–The CHSCT must be established at any enterprise with more than 50 employees, when this threshold has been reached for 12 consecutive or non-consecutive months in the previous three years. The employer then has 12 months to establish the CHSCT. If the total staff no longer consistently exceeds the threshold of 50 employees as observed over a period of 24 consecutive or non-consecutive months over the previous three years, the establishment is no longer required to maintain a CHSCT.</p> <p>–At establishments with more than 500 employees, multiple CHSCTs may be created.</p> <p>–At establishments with no CHSCT, employee delegates (DPs) fulfil the duties that would otherwise be entrusted to the committee. At these establishments, the labour inspector may require that a CHSCT be created due to the nature of the work, the layout or the equipment on the premises.</p> <p>–In excess of 500 employees, there is the potential to establish an autonomous health department.</p>
<i>Role of the trade unions</i>	The Labour Code does not require the appointment of substitutes or labour union representatives. However, they can be appointed through mutual agreement. In such cases, they do not have the same prerogatives (advisory capacity) or the same protection. The interprofessional framework agreement of 19 March 1975 on the improvement of working conditions stipulates that at all establishments with over 300 employees, any representative labour union organisation can appoint a labour union representative to the CHSCT.
<i>Composition, mode of nomination or election of members</i>	<p>The following individuals have a seat on the CHSCT:</p> <p>–The head of the establishment or his/her representative, filling the role of chairperson;</p> <p>–The employee delegation, the members of which – employees of the enterprise – are appointed for two years (renewable term) by a panel comprised of the elected members of the works council and the employee delegates. Provisions are stipulated in the legislation regarding the number of representatives, the distribution between two personnel categories ("executives and supervisors" and "other categories") and more generally regarding the employer's obligations depending on the size of the staff.</p> <p>–For consultative purposes, the occupational physician, the head of the safety and working conditions department, (or otherwise, the agent responsible for safety and working conditions) and, occasionally, any qualified individual at the establishment appointed by the committee. Employees or managers of external enterprises may be invited to certain meetings.</p> <p>–The labour inspector and an agent from the prevention department of a social insurance (sécurité sociale) agency may attend the meetings.</p> <p>The secretary of the CHSCT must be appointed from among the members of the</p>

	CHSCT representing the employees at the first meeting of the term of office. The secretary will be responsible for writing the minutes of the meetings.
<i>Area of competencies</i>	<p>The CHSCT helps to protect the health and safety of employees and improve their working conditions, particularly by:</p> <ul style="list-style-type: none"> <li>– Analysing the working conditions and occupational risks to which the employees, and particularly pregnant women, are exposed;</li> <li>– Conducting inspections and investigations to verify compliance with legislative and regulatory requirements and the implementation of the recommended preventive measures;</li> <li>– Improving prevention through awareness and information campaigns. For example, it can propose preventive measures to address sexual or emotional harassment;</li> <li>– Conduct investigations to analyse the circumstances and causes of occupational accidents and occupational or occupation-related illnesses.</li> </ul> <p>Specifically, the CHSCT is consulted prior to any significant layout decision that modifies health and safety conditions or working conditions and, in particular:</p> <ul style="list-style-type: none"> <li>– Prior to any significant transformation of the workstations resulting from modifications made to tools or a change in product or labour scheduling;</li> <li>– Prior to any modification of productivity rates and standards whether or not they are related to labour remuneration;</li> <li>– On matters of adaptation, when significant, sudden technological changes are made;</li> <li>– On measures taken in an effort to help individuals who have been victims of an occupational accident go to work, return to work or stay at work.</li> </ul> <p>The CHSCT must be involved, for example, in the search for a solution regarding the following: the concrete aspects of labour scheduling: workload, rate, strenuousness of tasks, broadening and increased complexity of tasks; the physical working environment: temperature, lighting, ventilation, noise, dust, vibrations; the layout of workstations and the workplace; duration of work and working hours, scheduling of work time (night work, shift work); new technologies and their impact on the employees' working conditions.</p> <p>The works committee or an employee delegate may also consult the CHSCT on any matter that falls within its domain.</p>
<i>Functions</i>	Information, consultation
<b>Rights of workers' representatives on H&amp;S</b>	
<i>Right of withdrawal, of production stop in case of immediate danger</i>	<p><b>No (individual right)</b></p> <p>If a member of the CHSCT notices a serious and imminent danger or is informed of one by an employee, he or she immediately notifies the employer or a representative who has been granted proxy, who is the only person who can suspend work; employees can nevertheless exercise their right to withdraw. This notification of serious and imminent danger must be entered in a special record. This notification must be dated, signed and include a description of the workstation(s) in question, with the name(s) of the employee(s) exposed, the nature of the danger and its cause. An obligatory immediate investigation is conducted jointly by the employer or his/her representative and the member of the CHSCT who issued the alert, in order to determine the preventive measures that must be established. In the event of a disagreement between the employer and the employee representative regarding the existence of a serious and imminent danger, its causes or the concrete method of remediation, a meeting of the CHSCT will be organised within 24 hours, and the labour inspector and the agent of the CARSAT will be notified. In the event that a disagreement persists between the employer and the majority of the members of the CHSCT, the employer must submit the matter immediately to the labour inspector, who will take control of the matter.</p>
<i>Right to conduct surveys</i>	<p><b>Yes</b></p> <p>The CHSCT (Comité d'Hygiène, Sécurité et Conditions de Travail – Committee on Health, Safety and Working Conditions) regularly inspects the work premises (minimum of four inspections per year). Regular inspection visits (at least quarterly), the schedule and content of which are determined by the committee, are conducted with respect to the employees and the workstations. The occupational physician and/or the labour inspector may also participate. Upon completion of these inspections, a report is written and attached to the minutes of the following meeting. The CHSCT also conducts investigations, at its discretion, whenever there has been an accident or occupational illness at the enterprise. These investigations are obligatory in the event of a serious accident or illness. The employer must allow the CHSCT to fulfil this mission.</p>
<i>Right to require external</i>	<b>Yes</b>

<i>assessments</i>	<p>The CHSCT may engage the services of an accredited expert, at the expense of the enterprise, if a serious risk is observed or if a project is planned that will significantly modify the health and safety conditions or working conditions.</p> <p>The CHSCT may also engage the services of:</p> <ul style="list-style-type: none"> <li>-An expert to assist the works council when introducing new technology at the enterprise;</li> <li>-An expert in technological risk at enterprises operating a facility or facilities with a particularly high industrial risk.</li> </ul>	
<i>Right to lodge an appeal</i>	<p>Yes</p> <p>N/A</p>	
<i>Right to receive training</i>	<p>Yes</p> <p>N/A</p>	
	<i>Amount of training</i>	At establishments with 300 or more employees, the length of the training programme is five days. It is three days at establishments with fewer than 300 employees, unless more favourable contractual stipulations have been established.
	<i>Frequency of training</i>	As soon as they are appointed, the employee representatives on the CHSCT must receive the training necessary to fulfil their duties. At establishments where there is no CHSCT, and at which the employee delegates are given duties otherwise entrusted to the members of this committee, the employee delegates will receive this training. The purpose of this theoretical and practical training is to develop their ability to detect and assess occupational risks and their ability to analyse working conditions. This training must be repeated after serving a term of four consecutive or non-consecutive years.
	<i>Training providers</i>	<p>The training may be provided:</p> <ul style="list-style-type: none"> <li>-Either by centres that have been qualified at the national level to organise economic, social and labour union training programmes, a list of which is issued each year by ministerial decree (for the year 2008, Decree of 13 December 2007, Official Journal of 18 Dec.);</li> <li>-Or by organisations qualified at the regional level by the Prefect of the region. A list of these organisations is available at each Direction régionale du travail, de l'emploi et de la formation professionnelle (Regional Department for Labour, Employment and Professional Training), or from the CARSAT offices (Caisse d'assurance retraite et de la santé au travail – Fund for retirement insurance and health in the workplace).</li> </ul>
<i>Allocated time during working hours to conduct their role</i>	<p>Yes</p> <p>Employees who represent the personnel on the CHSCT are credited hours for performing their duties, as described in the document on the obligations of the employer as a function of staff size. It is increased by 30% at enterprises with one or more facilities with a high industrial risk. Personnel representatives are completely free to distribute amongst themselves the time that they are allocated; it is preferable to give the employer prior notice in order to avoid any disputes. These credited hours are considered work time.</p>	
<i>Protection against sanctions,</i>	<p>Yes</p>	

<i>dismissals in the frame of their mandate</i>	These employees receive the same protection measures in the event of termination as the other personnel representatives. This protection is extended to candidates for positions on the CHSCT, committee members currently serving a term of office and former members, for six years following the expiration of their term of office or the dissolution of the institution. However, contractual representatives serving terms of office that are of not the kind stipulated by law, such as substitute members and labour union representatives on the CHSCT, are excluded from this protection.
<b>Link and the nature of the relations between the employee representatives and the trade unions</b>	CHSCT membership is open to anyone; nothing requires a candidate to be "introduced" by a labour union. Obviously, it is not necessary to be elected to the CE or to have been appointed as an employee delegate in order to be a candidate for a position on the CHSCT, even if it is possible to hold more than one of these different offices. Any employee may be appointed, provided that he or she actually works at the establishment where the CHSCT operates, regardless of seniority or the nature of his or her employment contract (full time or part time, open-ended or fixed-term contract).

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### PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

#### Evolution

<b>Significant changes within the various instruments on H&amp;S issues during the last 5 years</b>	Yes	
	<i>Objectives of these changes</i>	A new law in 2001 aims to participate in health policy; efficacy with respect to workers.
	<i>Management of these changes</i>	Negotiation (resumed by parliamentarians under the impetus of the government)
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	To be seen. For the time being, the matter is rather tense with employers
<b>Assessment of the achievements on H&amp;S issues through social dialogue</b>	Improvement	
	<i>Some important milestones</i>	N/A

#### Perspectives to achieve a good social dialogue and workers' participation on H&S issues

<b>Missing factors</b>	The end of local employers' power over the departments in connection with the management teams
<b>Existing key success factors</b>	The re-involvement of labour union organisations in the CHSCTs and oversight committees. The participation of SSTs (occupational health departments) in a comprehensive labour and health policy.

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### PART 4 – APPENDICES

#### Glossary

<b>CA</b>	<i>Conseil d'administration (Board of Directors)</i>
<b>CC</b>	<i>Commission de contrôle (Oversight Committee)</i>
<b>CE</b>	<i>Comité d'entreprise (Works Council)</i>
<b>CHSCT</b>	<i>Comité Hygiène, Santé et Conditions de Travail (Committee on Health, Safety and Working Conditions)</i>

### Interesting links

[www.anact.fr](http://www.anact.fr) (ANACT)

[www.travailler-mieux.gouv.fr](http://www.travailler-mieux.gouv.fr) (Ministère du Travail)

### Sources

Trade union contacts	Confédération	Naton J-F
Other	<ul style="list-style-type: none"> <li>- <a href="http://www.worker-participation.eu">http://www.worker-participation.eu</a></li> <li>- Questionnaire reply</li> <li>- "Le comité d'hygiène, de sécurité et des conditions de travail", INRS (2008)</li> <li>- "Guide pratique de l'élu de CE et de CHSCT", AuserveduCE (2012)</li> <li>- Ministère du Travail (site web, 2012)</li> </ul>	