



MINISTRY OF LABOUR



GENERAL DIRECTORATE FOR LABOUR

ACTIVITY REPORT 2018 OUTLOOK 2019

Responding to the profound and rapid changes



Globalisation, digital technology, new threats...: the labour market is undergoing increasingly rapid changes and its future has yet to be defined, as was highlighted at the various meetings organised to mark this year's ILO centenary celebrations.

in the labour market

Contributing to the evolution and adoption of legislation

In 2018, the General Directorate for Labour (DGT) drafted, contributed and proposed around ten bills; it was also involved in the negotiation and implementation of an equal number of international instruments and European directives, in order to respond to the new challenges faced by the labour market: gender equality in the workplace, the regulation of the international posting of workers, the protection of workers, occupational risk prevention, value-added sharing, etc.

The bill on strengthening social dialogue — the first reform to be brought in during the president's five-year term — give greater prominence to collective bargaining in order to ensure that social partners are able to accommodate and meet the challenges of a changing world. They were ratified in early 2018. Their implementation — which included the merging of staff representative bodies into one single committee, the restructuring of professional branches, new approaches to collective bargaining and the creation of the Digital Labour Code — necessitated a high level of involvement and an extensive campaign to raise awareness amongst social partners and the Ministry's decentralised services.

Ensuring the effectiveness of the legislation and addressing occupational risks

In conjunction with the ongoing efforts of the Labour Inspection services, the strengthening of the support and steering provided by the Labour Inspectorate — whose central authority is the DGT — has resulted in an increase in the number of interventions carried out in companies, and in the administrative sanctions imposed. This is a critical factor in ensuring the effectiveness of legislation. The inspection targets relating to the posting of workers, illegal labour and occupational risks were exceeded. Efforts to coordinate the most in-depth investigations were also decisive; these included the fraudulent posting of workers in the construction industry, illegal employment by digital platforms, and working conditions within the retail sector. In addition, 507 initiatives were undertaken jointly with prevention organisations and the occupational health services, at both national and regional levels, within the framework of the Occupational Health Plan 2016-2020.

Modernising our organisation

Whilst pursuing these projects, we have endeavoured to modernise our organisation in line with the State reform and its digital transformation. We have instigated a large number of initiatives, which include: enhancing the skills and improving the expertise of DGT officers, whose commitment and professionalism I applaud; acquiring more efficient information systems; and introducing new teleservices in order to simplify the procedures available to users.

Yves Struillou
General Director for Labour

Contents

Chapter 1 : Organisation, key figures and highlights	p. 6
DGT organisational chart	p.7
The DGT's missions and the specific duties of its services	p.8
Operators and partners	p. 10
Key figures	p. 12
Highlights	p. 15
Chapter 2 : Strengthening social dialogue	p. 16
Adopting the Law on strengthening social dialogue and labour relations	p. 17
“The restructuring of branches is gaining momentum”	p. 18
Supporting social partners within companies in the setting up of Social and Economic Committees (CSEs).	p. 19
Value-added sharing.	p. 19
“Eighty Joint committees to facilitate agreements between social partners”	p. 20
Outlook 2019	p. 21
Chapter 3 : Responding to changes in the workplace	p. 22
Working towards equality in the workplace	p. 23
Controlling international labour mobility	p. 24
“Securing legislation to avoid litigation”	p. 25
Addressing the impact of digital technology on labour relations.	p. 26
Strengthening European and international cooperation.	p. 26
Outlook 2019	p. 27
Chapter 4 : Strengthening the support and steering provided by the Labour Inspectorate	p. 28
Support for the DGT in its role of central authority	p. 29
A growing number of interventions	p. 30
The steering of the Labour Inspection System and priorities for action	p. 31
Coordinating the Labour Inspection System's interventions and investigations	p. 32
“Large-scale and complex fraud: support from the National Investigation Group”	p. 33
“We make sure that the dismissal of an employee is not linked to the exercise of a mandate”	p. 34
Support for the Labour Inspectorate	p. 35
“A single desk for major sports events”	p. 36
Outlook 2019	p. 37

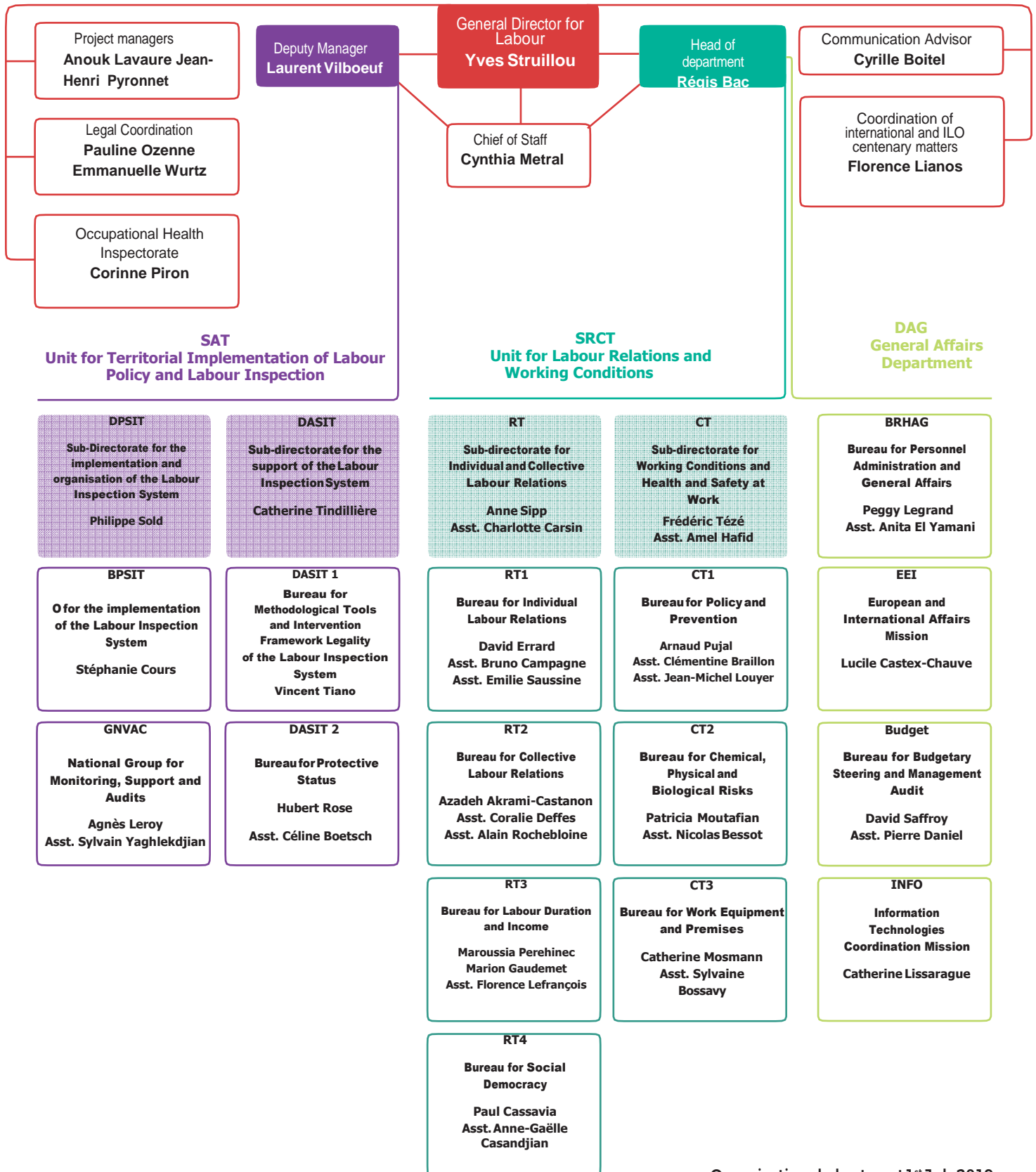
Chapter 5 : Facilitating universal access to the law	p. 38
The introduction of a helpline providing access to information services	p. 39
The creation of the Digital Labour Code	p. 40
Chapter 6 : Developing prevention in the field of Occupational Health and Safety	p. 42
Improved steering of the Occupational Health Plan	p. 43
Simplifying the system to improve prevention	p. 44
Working at height: no room for error	p. 44
“Checking the safety of machinery in the workplace”	p. 45
The implementation of the Interministerial Asbestos Plan	p. 46
The transposition of the European Directive on exposure to ionising radiation	p. 46
The transposition of the Directive on Occupational Exposure Limits	p. 47
Outlook 2019	p. 47
Chapter 7 : Modernising the organisation	p. 48
The implementation of the Plan for the Optimisation of Human Assets	p. 49
The digital transformation of the administration	p. 50
“Mobil’IT: facilitating the work of the inspectors”	p. 51
Outlook 2019	p. 51

CHAPTER 1

ORGANISATION,
KEY FIGURES AND
HIGHLIGHTS

ORGANISATION, KEY FIGURES AND HIGHLIGHTS

1 // DGT organisational chart



Organisational chart as at 1st July 2019

2 // The DGT's missions and the specific duties of its services

The General Directorate for Labour (DGT) prepares, organises and coordinates labour policy. It drafts laws and regulations on collective and individual relations, working conditions and the protection of the health and safety of workers.

The DGT develops initiatives that foster social dialogue, promote quality of life in the workplace and ensure the effectiveness of legislation.

It contributes to the elaboration of France's position on these issues within international and European institutions.

The DGT acts as the central authority for the Labour Inspection System. As such, it is in charge of the application of International Labour Organisation (ILO) Convention No. 81 dated 11 July 1947.

DAG

General Affairs Department

- Undertakes cross-cutting management missions in European and international affairs.
- Manages support functions (human resources; logistics; budget) in association with the social ministries' general secretariat.
- Provides support for the implementation of cross-curriculum IT projects.

SRCT

Unit for Labour Relations and Working Conditions

Sub-directorate for Individual and Collective Labour Relations (RT)

- Develops and monitors the rules relating to employment contracts, cross-border labour relations, combating illegal labour and the fraudulent posting of workers.
- Provides support for social dialogue.
- Guarantees access to collective agreement legislation and processes requests for the extension of collective agreements.
- Organises the restructuring of professional branches.
- Develops and monitors the rules relating to working hours, employees savings schemes, minimum wages and salaries, and equal pay for women and men.
- Develops and monitors the rules relating to staff representative bodies and trade union rights and remedies.
- Measures the audience of professional employers' organisations and employee trade union organisations and establishes their representativeness.
- Drafts and monitors the application of Labour Tribunal rules and organises the appointment of Labour Tribunal members, in association with the Ministry of Justice.

Sub-directorate for Working Conditions (CT)

- Establishes guidelines, rules and action plans relating to working conditions, preventing and protecting against occupational hazards.
- Drafts rules relating to occupational medicine.
- Supervises the National Agency for the Improvement of Working Conditions (ANACT) and the French Agency for Food, Environmental and Occupational Health and Safety (ANSES).
- Develops and monitors the guidelines and rules relating to compensation for risks (chart of occupational diseases; asbestos workers), in association with the Department of Social Security (DSS).
- Drafts rules relating to the workplace and to the manufacture and use of work equipment.
- Monitors the personal safety equipment market.
- Approves expert bodies.

SAT

**Unit for Territorial Implementation of Labour Policy and
Labour Inspection**

**Sub-directorate for the
support of the Labour
Inspection System**

- Provides technical and methodological support to regional services.
- Professional conduct.
- Ensures the maintenance of information systems.
- Prepares hierarchical appeals and appeals relating to the dismissal of protected employees.

**Sub-directorate for the
implementation and
organisation of the Labour
Inspection System**

Manages the implementation of labour policy by regional services.

- Schedules and coordinates inspections.
- Leads national inspections and investigations.
- Liaises with other European Labour Inspectorates.
- Coordinates and provides monitoring and support in the handling of complex cases and those with national and international dimensions.

Communications

- Manages press relations.
- Develops and implements external and internal communications initiatives, in association with the Social Ministries' Communications Delegation.

**The Occupational Health
Inspectorate**

- Defines and implements Occupational Health policy.
- Manages and organises the network of regional occupational health doctors.
- Participates in the French National Medical Council.

Legal Coordination

- Provides expert appraisal and legal support, particularly during disputes.

**Projects associated with
combating illegal labour and
cross-border fraud**

**Steering and coordination of
international matters
ILO Centenary**

**Projects associated with the
evolution of the Labour
Inspection System**

3 // Operators and partners

ADVISORY BOARDS

The French National Commission on Collective Bargaining, Employment and Vocational Training (CNNCEFP)

- Chaired by the Minister of Labour. Composed of representatives from the administration, the Council of State, employee trade union organisations, and representative employers' organisations at a national level.
- Gives its opinion on the setting of the minimum wage, the evolution of effective wages, the principles of gender equality in the workplace, and on draft bills and decrees relating to collective bargaining.
- Promotes the development of collective bargaining.
- Consists of three sub- committees: Conventions and Agreements; Wages; and the Restructuring of Professional Branches.

High Council for Social Dialogue

- Comprised of representatives from national and general employee trade union organisations, from national-level representative employers' organisations and from the Ministry of Labour, and suitably qualified individuals.
- Delivers its opinion on the list of representative trade union organisations per professional branch and trade union organisations which are recognised as being representative at a national and inter-branch level.

The Steering Committee on Participation and Interest, Employee Savings and Employee Share-holding (COPIESAS)

- Comprised of members representing social partners, the administration, Social Security, the Retirement Advisory Council and the Financial Market Authority; Members of Parliament and senators; and experts.
- Promotes employee savings and share ownership, assesses mechanisms, and puts forward suggestions to foster their dissemination.

National Working Conditions Advisory Board (COCT)

- Chaired by the Minister of Labour. Comprised of members representing social partners and the administration, Social Security organisations, experts and prevention bodies, and suitably qualified individuals.
- Participates in public policy-making relating to Occupational Health and Safety, the improvement of working conditions, and the coordination of stakeholders in these fields.
- Delivers opinions on draft legislation and regulations.

Higher Council for Labour Tribunals (CSP)

- Comprised of representatives from the Ministries of Labour, Justice and Agriculture, and from the most representative employee trade union organisations and employers' organisations.
- Provides advice and suggestions regarding the organisation and operation of Labour Tribunals.
- Is consulted on draft legislation and regulations relating to Labour Tribunals.

General Directorate for Labour

- Prepares, organises and coordinates labour policy.

Regional Directorates for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment (DIRECCTE and DIECCTE)

- Relay and implement public labour policies at a national level.

Regional Committees (CROCT)

- Chaired by the regional Prefect. Composed of representatives from the DIRECCTE, social partners, and social security and prevention bodies.
- Directs regional policy on Occupational Health and delivers opinions in the context of the regional governance of Occupational Health services (accreditation policy, and multiannual contracts of objectives and resources).

ORGANISATION, KEY FIGURES AND HIGHLIGHTS

OPERATORS

Organisation for the Prevention of Occupational Hazards in the Construction and Public Works Industry (OPPBTP)

- Works to raise awareness amongst workers in the construction and public works industry regarding the prevention of occupational accidents and the improvement of working conditions.

French Agency for Food, Environmental and Occupational Health and Safety (ANSES)

- Assesses health risks (chemical, biological, physical, etc.) in order to clarify public decision-making regarding food, the environment, work, health, animal welfare and plant health.

The National Agency for the Improvement of Working Conditions (ANACT)

- Develops and disseminates methods and tools to reconcile the quality of working life and economic performance.

The French Institute for Research and Security for the Prevention of Occupational Accidents and Diseases (INRS)

- Develops and promotes a culture of prevention of occupational accidents and diseases.
- Provides tools and services to companies and employees covered by the general Social Security regime.

AND PARTNERS

French Radioprotection and Nuclear Safety Institute (IRSN)

- Ensures the management, exploitation and consolidation of dosimetric data on the 385,000 workers exposed to ionising radiation.
- Participates in the drafting and continuous review of regulations.

Public Health France

- Carries out epidemiological monitoring and monitors the population's state of health.
- Promotes health and the reduction of risks and develops health prevention and education.
- Anticipates health crises and issues warnings.

The French National Health Insurance Fund – Occupational Accidents and Diseases Branch (AT-MP)

- Advises employers, employees and their representatives on occupational risks, monitors the state of workers' health, and follows-up on and contributes towards the traceability of occupational exposure.

Nuclear Safety Authority (ASN)

- Regulates nuclear safety and provides protection from radiation in France on behalf of the State.
- Participates in the drafting of regulations, ensures compliance with the rules and requirements governing nuclear facilities and activities, and provides the public with information.

French National Cancer Institute

- Provides health and scientific expertise in cancer research.
- Coordinates initiatives to fight cancer.
- Is instrumental in strengthening the protection and monitoring of workers exposed to carcinogenic agents, providing better knowledge of situations of risk at work and improving job retention for individuals suffering from cancer.

4 // Key figures

**Strengthening social
dialogue**

4

plenary meetings held by the
**NATIONAL COMMISSION
ON COLLECTIVE
BARGAINING**

9

meetings held by the
**SUB-COMMITTEE FOR
CONVENTIONS AND
AGREEMENTS,**

5 by the sub-committee
for the restructuring of
professional branches

4

meetings held by the
**HIGH COUNCIL FOR
SOCIAL DIALOGUE**
and

9

meetings of the
MONITORING GROUP

3

meetings held by the
**HIGHER COUNCIL FOR
LABOUR TRIBUNALS**

49

**PROFESSIONAL
BRANCHES
RESTRUCTURED**
in 2018, i.e. 203 since 2016

39

meetings held by the
**NATIONAL WORKING
CONDITIONS
ADVISORY BOARD, IN
ITS VARIOUS
CONFIGURATIONS**

6

meetings held by the
**BOARD OF DIRECTION ON
PARTICIPATION, PROFIT-
SHARING, EMPLOYEE
SAVINGS AND EMPLOYEE
SHARE-HOLDING
(COPIESAS)**

1

meeting held by the
**COMMITTEE FOR
THE MONITORING
OF WAGES**

334

TEXTS SIGNED
for

80

PROFESSIONAL BRANCHES
as a result of

630

JOINT APPEALS BOARD
meetings

507

Extension decrees issued



Developing standards and handling
disputes

8

Follow-ups to **DRAFT LEGISLATION:**
the Freedom to Choose One's Professional Future (equality in
the workplace; posting of workers), PACTE (employee savings),
the new Railways deal, legislation on gender-based violence
and sexual offences, Elan, Brexit, ESSOC, and economic and
social emergency measures

5

**EU
REGULATIONS**
or directives negotiated



3

European
DIRECTIVES transposed

2

**INTERNATIONAL
TEXTS**
in the process of being drafted



7

DECREES
and

77

DECREES
issued

1,433

APPEALS
processed including

1,313

on the
protective status of staff
representatives



3

**Priority
RULINGS** on
constitutionality addressed



1,085

**Hierarchical
APPEALS** processed



Steering and supporting the Labour Inspectorate

290

REFERRALS

processed by the National Liaison Bureau within the context of European cooperation regarding the cross-border posting of workers:

74

Legal and inspection **INSTRUCTIONS, FACT SHEETS AND GUIDES** issued to assist services

12

Foreign **DELEGATIONS** received and

178 **SUBMISSIONS,**

the majority of which from the DIRECCTEs and

112 **PETITIONS**

filed by Member States.

1

NEW European Cooperation AGREEMENT

signed in 2018

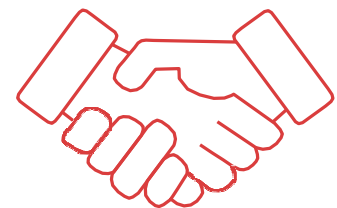
4

AGREEMENTS

under preparation

21

European **MEETINGS** prepared



Financial and human resources

86.5

MILLION euros for Labour Policy (Programme 111) including

38.4 **MILLION**

for social dialogue

and

24.1 **MILLION**

for Occupational Health and Safety

222.8

JOB (FTE)

as of 31 December 2018

130

QUERIES

from journalists addressed



5 // Highlights

12 FEBRUARY 2018: **Meeting of the French National Commission for Combating Illegal Labour (*commission nationale de lutte contre le travail illégal*)**; review of the implementation of the National Plan; announcement of sixteen new measures to help combat the fraudulent posting of workers and undeclared work.

20 MARCH 2018: Signature, by Minister of Labour, of **an administrative cooperation agreement with Luxembourg**, concerning the posting of workers and the prevention of undeclared work.

28 MARCH 2018: **Launch of the website www.teleaccords.travail-emploi.gouv.fr** dedicated to the submission of company agreements to the administration.

31 MARCH 2018: **Publication of the law on the ratification of the bills** to strengthen social dialogue.

19 APRIL 2018: Publication of **100 Q&As relating to the Economic and Social Committee**. Au ser

17 MAY 2018: **3rd National Day for the Prevention of Addictive Behaviour** in the Workplace (*la prévention des conduites addictives en milieu professionnel*), on the theme of alcohol.

FROM 14 — 19 MAY 2018: **Joint Action Days**, a European week of action introduced by Europol and dedicated to combating labour exploitation and human trafficking.

28 JUNE 2018: **Adoption of the European Parliament and Council Directive 2018/957 amending Directive 96/71/CE concerning the posting of workers in the framework of the provision of services.**

4 JULY 2018: Presentation to the High Council for Social Dialogue of the **review of recent trade union and employer representation rounds.**

9 JULY 2018: Launch of the pilot scheme for **a national helpline for information on Labour Law**, hosted by Regions of Brittany and Hauts-de-France.

3 AUGUST 2018: Publication of **legislation strengthening efforts to combat sexual offences and gender-based violence**, alongside a number of provisions to combat harassment in the workplace.

10 AUGUST 2018: Publication of **the Law for a State in the Service of a Society of Trust (*loi pour un État au service d'une société de confiance — ESSOC*)** which gives the administration the option of issuing a warning rather than a fine, once an offender's good faith has been established.

28 AUGUST 2018: Publication of **the Lecocq report on Occupational Health and the Frimat report on the prevention and recognition of workers' exposure to dangerous chemical agents.**

5 SEPTEMBER 2018: Publication of the **Law for the Freedom to Choose One's Professional Future (*loi pour la liberté de choisir son avenir professionnel*)**, alongside a number of measures concerned with equality in the workplace and with combating the fraudulent international posting of workers.

NOVEMBER 2018: Relaunch of **the "Working at Height: no room for error" (*"Travail en hauteur, pas le droit à l'erreur"*)** campaign to prevent falls from a height, one of the leading causes of occupational accidents.

17 NOVEMBER 2017: **Interinstitutional proclamation of the European Pillar of Social Rights** at the Gothenburg Social Summit.

28 NOVEMBER 2018: **National Noise and Health meetings (*Rencontres bruit et santé*)** devoted to noise in the workplace, organised in conjunction with the Noise Information Centre.

CHAPTER 2

STRENGTHENING SOCIAL DIALOGUE

1 // Adopting the Bills on strengthening social dialogue and Labour Relations

The bills on strengthening of collective bargaining and social dialogue were ratified by the Act of 29 March 2018. Decree Nos. 2018-90 and 2018-921 of 26 October 2018 completed the amendments to the provisions of the Economic and Social Committee (*comité économique et social* – CSE), thereby stabilising the legal framework for the merger of staff representative bodies.

The DGT's services have handled the 44 disputes relating to these texts before the courts, both French (twelve summary judgements, 24 applications for judicial review and three priority rulings on constitutionality) and international (one complaint submitted to the International Labour Organization – the ILO – and four complaints regarding the scale used for Labour Tribunal compensation payments before the

European Committee on Social Rights (ECSR). As of 1st June 2019, no rulings have questioned the legal validity of the texts produced. The French Council of State has yet to reach its verdict on five appeals. An initial complaint filed before the ECSR was declared admissible. The DGT has produced a number of responses, which are currently under consideration.

The DGT is also regularly involved in the committee for the evaluation of bills (*comité d'évaluation des ordonnances*), which is steered by the public think tank *France Stratégie*.



A meeting between the French National Commission on Collective Bargaining (*commission nationale de la négociation collective*) and the social partners.

“ The restructuring of professional branches is gaining momentum ”



The Bill of 22 September 2017 has accelerated the restructuring of the professional branches, initiated in 2016, in order to reach 200 branches by August 2019. This restructuring should enable them to play a full part in social dialogue, and improve the readability and quality of agreement provisions. Azadeh Akrami-Castano, head of the Bureau for Collective Labour Relations (*bureau des relations collectives*), reflects on the project's progress during 2018.

How is restructuring achieved?

We work in conjunction with social partners as regards working method and negotiations. The work is carried out by the restructuring sub-committee of the National Commission on Collective Bargaining (CNCC), whose members include trade unions, professional organisations and the administration. The social partners are primarily responsible for negotiating their rapprochement. The administration plays a subsidiary role in the proposing of mergers, and only when no moves emerge or materialise.

What changes were made to the process during 2018?

A number of texts have signalled the legislator's will to accelerate the restructuring. For example, the date on which the Minister may initiate the merging of regional or unrepresentative branches with a low level of conventional activity and with fewer than 5,000 employees, or which do not fulfil their role as far as training is concerned, was brought forward to 8 August 2018.

How many branches have already been merged?

In 2018, the work of the sub-committee on the restructuring of professional branches focused primarily on branches with fewer than 5,000 employees. Within this context, 40 branches were restructured in 2018, and a further six voluntary merger proposals were successful. As at 31 December 2018, approximately 200 branches in total underwent restructuring. In addition, several branches with significant numbers of employees have engaged in a process, a rapprochement: the metalworking and construction industries, etc

At the same time, we are encouraging all branches — including those that are not subject to scrutiny within the framework of the work currently being undertaken — to begin considering the possibility of rapprochement with other branches. In fact, the restructuring project is to continue after the restructuring of branches of fewer than 5,000 employees.

The social partners are now largely committed to this issue. The professional branches are also beginning to gauge the extent of their legal room for manoeuvre in the construction of their contractual architecture. Legislation on restructuring is flexible and leaves plenty of scope for political agreements.

2 // Assisting social partners within companies in the setting up of CSEs

The DGT has undertaken significant awareness-raising activities in order to facilitate social partners' adoption of the reform on staff representative organisations and their merger with CSEs (participation in forums and the publication of Q&As).

Together with the DIRECCTEs, it has focused on helping company stakeholders (employees, employers and staff representatives) set up their CSEs before 31 December 2019, as required by the law.

3 // Value-added sharing

Providing an incentive in the form of a tax and social security scheme constitutes a key measure in the value-sharing and employee savings component of the Business Growth and Transformation Action Plan (*Plan d'action pour la croissance et la transformation des entreprises* – PACTE), launched in October 2017. The DGT has contributed to the development and monitoring of its measures. The Social Security funding legislation for 2019 abolished social contributions on allocations made for profit-sharing, participation and employee savings schemes within companies with fewer than 250 or 50 employees. Other measures designed to encourage the development of employee savings schemes were included in the PACTE draft legislation, which was debated in Parliament in the second half of 2018 and the first quarter of 2019: the streamlining of measures, the promotion of employee shareholding schemes and the portability of products. In addition, the DGT has published model profit-sharing and participation agreements on the Ministry of Labour's website, to help small and medium-sized businesses (SMEs) negotiate and introduce employee savings agreements.

The "Exceptional Purchasing Power Premium" (*prime exceptionnelle de pouvoir d'achat*) established by Act No. 2018-1213 of 24 December 2018, relating to emergency economic and social measures, was introduced to bolster purchasing power in response to the "yellow vest movement". It gives employers the option of paying a premium – which is exempt from all social contributions and charges including income tax – of up to €1,000 Euros to employees whose earnings during 2018 did not exceed three times the minimum wage.

To gain time, the Act introduced the option of awarding the premium solely on the basis of an employer's unilateral decision, on condition that his/her terms be adopted by 31 January 2019 at the latest. This option has been widely taken up concerning payments made at the end of 2018. Beyond this date, the amount and any variation in the premium were subjected to a company agreement to be submitted to a DIRECCTE.

Together with the Department of Social Security, the DGT has supported the implementation of this measure amongst employers and DIRECCTEs, including with the publication of an inter-ministerial Instruction on 4 January 2019.

88 Eighty Joint Appeals Boards to facilitate agreements between social partners 99



Alain Rivoal, from the Office for Collective Labour Relations, and Elsa Houpin, Deputy Manager for Labour in the *département* Val-d'Oise and Chairperson of the Joint Appeals Board (commission mixte paritaire — CMP), present this mechanism which most often succeeds in overcoming disagreements between social partners during professional branch negotiations.



How does a Joint Appeals Board (CMP) operate?

Alain Rivoal: A CMP is convened when a branch's trade union organisations and employers' associations are unable to reach agreement in their negotiations on wages, working hours, job classifications and demands, etc. A CMP is established at the request of the social partners, or on the initiative of the Ministry when, for example, negotiated wage agreements are below the level of the minimum wage. It includes representatives from significant trade union organisations and employers' associations. It is chaired by a government official who generally holds preliminary meeting with social partners in order to determine the issues at stake and ensure that they will take up the challenge. In 2018, 80 CMPs were convened, which represented 630 meetings (lasting a day to a day and a half) and 20,000 convocations. Most negotiations focused on the merging of the Committees for the Negotiation and Interpretation of Conventions (*commissions de négociation et d'interprétation des conventions*), the introduction of Competency Operators (*opérateurs de compétences* — OPCO) and the restructuring of professional branches.

What is your role at the DGT?

AR: I am part of a three-person team whose role is to organise the voluntary network of 68 CPM chairpersons. We recruit them among active and retired Labour Inspectorate, DGT and DGEFP officials. We both train and appoint them. We publish guides and fact sheets to assist them in the performance of their duties. Each year we hold a meeting for their benefit where, together with experts, we present the legislative developments and discuss individual practices. In this regard, we have set up a group where we analyse practices and share the challenges we face and the solutions we employ to address them.

What is the chairperson of the Board's role?

Elsa Houpin: The chairperson is a mediator and third-party facilitator. He/she helps to promote dialogue between professional and trade union organisations in order to overcome disagreements between the different parties present at the table. Even when positions are taken up, these tend to disappear when the substance of issues is addressed. Discussions are sometimes lively and get stuck on specific issues. Often, the solution then lies in reformulating the views

expressed by each individual in order to reach mutual understanding. Suspending meetings is another technique which may enable participants to take part in off-the-record discussions so as to resolve issues or advance negotiations by acting as messengers amongst themselves.

Outlook 2019

- **Continue to support companies in the implementation of the CSE:** quantitative monitoring of their implementation, minutes of elections, conducting business information campaigns, updating the Q&As published in 2018, conferences, qualitative analysis of the agreements implementing CSE, etc.
- **Professionalise stakeholders in collective bargaining:** financial assistance and support to the French National Institute of Labour, Employment and Vocational Training (*Institut national du travail, de l'emploi et de la formation professionnelle* – NTEFP) in the elaboration of trainings on social dialogue for the benefit of employees, employers and their representatives.

CHAPTER 3

RESPONDING TO CHANGES IN THE WORKPLACE

1 // Working towards equality in the workplace

The Professional Equality Index (*Index de l'égalité professionnelle*), established under Act No. 2018-771 of 5 September 2018 on the freedom to choose one's professional future, aims to close the gender pay gap within businesses. It requires employers to be transparent and achieve results in terms of equal pay for women and men. Every year, they are obliged to measure and publicise gender pay gaps and, where appropriate, eliminate them within a period of three years or face financial penalties which may represent up to 1 % of their payroll. This measure is applicable from 2019 for companies with over 250 employees and from 2020 for those with at least 50 employees.

In addition to drafting legislation and regulations, the DGT's services have joined forces to lend support to companies during the implementation of the Index. Over 80 referents were appointed within DIRECCTEs to answer their questions, assist them with their calculations and identify adequate and relevant corrective measures. A mechanism designed to provide assistance is being developed for 2020.

A practical and legal guide to combating sexual harassment and sexist behaviour in the workplace was released following the spring 2018 consultation on equality in the workplace and efforts to combat sexual and

gender-based violence; it was led by the Minister of Labour and the Secretary of State for Gender Equality and Combating Discrimination (*secrétaire d'État à l'Égalité entre les femmes et les hommes et à la Lutte contre les discriminations*), together with trade union organisations and employers' associations. Designed to provide companies with the means to support employees who have been the victims of sexual or gender-based violence and enable them to address these situations, this document was published on 8 March 2019, International Women's Day.



2 // Controlling international labour mobility

(EU) Directive No. 2018/957, which amends Directive 96/71/EC on the posting of workers within the context of the provision of services, was finally adopted on 28 June 2018, after more than two years of negotiations within the Council and European Parliament.

In association with the Permanent Representation of France in Brussels, the DGT contributed to these negotiations, both within European institutions and through bilateral exchanges. The new Directive, which will come into force in July 2020, extends the rights of posted workers in relation to pay, accommodation and expenses, guarantees equal protection to all temporary posted workers and ensures greater transparency of information regarding the rules applicable to employers posting workers to other Member States. In the second half of 2018, the DGT initiated the drafting of transposition measures with a view to issuing an Order during the first quarter of 2019 (Order No. 2019-116 of 20 February 2019).

The powers of the Labour Inspectorate with regard to combating illegal labour and the fraudulent posting of workers were increased under the Act of 5 September 2018 on the freedom to choose one's professional future (*la liberté de choisir son avenir professionnel*).

These new provisions are designed to remove certain legal obstacles to the efficacy of the checks and sanctions imposed by labour inspectors. At the same time, the Act adapts some of the formalities for the benefit of certain posting situations within sectors less inclined towards fraud.

An agreement was reached at European level concerning the creation of the European Labour Authority. This organisation will help to promote more effective implementation of European legislation on the mobility of workers, and will provide those concerned with information on their rights and obligations. By facilitating cooperation and joint monitoring, it will help enhance the effectiveness of efforts to combat fraud particularly as regards cross-border labour and the posting of workers.

Within the context of the British decision to leave the European Union (Brexit), the DGT has been involved both in the drafting of a withdrawal agreement to be ratified by the two parties, and in preparations for a "no deal" scenario. Under the leadership of the General Secretariat for European Affairs (*secretariat general aux Affaires européennes*), it has also assisted in the drafting of FAQs dedicated to employment conditions for British workers in France, so that both they and their employers are better informed.



Securing legislation to avoid litigation



Pauline Ozenne, an administrative magistrate, and Emmanuelle Wurtz, a judicial magistrate, lend their expertise to the DGT's services and to the Direccte on matters relating to private and public legislation and associated disputes.

What is your role within the DGT?

Emmanuelle Wurtz: I provide expertise in private legislation, constitutional law and EU legislation. I am involved in the drafting of laws and implementing decrees, to ensure their legal security. I make sure that they are clear and coherent — so as to avoid interpretation problems — and that they comply with the constitutional foundation. I also assist with the proofreading — from a legal perspective — of the fact sheets developed by the Unit for Territorial Implementation (*service de l'animation territoriale*) for the DIRECCTEs. During 2018, this mainly related to the implementation of Labour Orders by the services of the Labour Inspectorate (the CSE, its health and safety committee, etc.). I am also responsible for providing certain training sessions for DGT inspectors. For example, I provided a training session on how to read the rulings of the Final Court of Appeal (*Cour de cassation*). In conjunction with the INTEFP and the Ministry of Justice, I am preparing another session on the reform of litigation involving the notices issued by occupational medical specialist doctors regarding employees' fitness for their posts, which includes reconciling medical confidentiality with the adversarial principles specific to individual cases.

Pauline Ozenne: In a similar fashion, I provide expertise in public legislation and administrative litigation. The aim is to secure our texts and procedures so as to avoid litigation and ensure that they offer effective protection before the courts. In this regard, I work with all the DGT's bureaux to monitor a number of the appeals to the administrative courts — in particular to the Council of State — and priority rulings on constitutionality. This represented over one hundred cases during 2019. I also provide training. I also steered a national working group on disputes involving Labour Law administrative fines, which resulted in the publication of a methodological guide for the decentralised services.

How exactly do you work with the DGT's bureaux?

EW: I send them a lot of e-mails regarding specific issues and disputes, and I also attend meetings and steering committees concerned with the drafting of texts.

PO: I also use all available means to communicate on a daily basis with all the bureaux who ask for my support regarding specific legal issues or the drafting of their statements of defence before the administrative courts.

Which major disputes were you involved with during 2018?

EW: The defence before the Constitutional Council of the Act ratifying the Work Orders and the defence before the European Committee of Social Rights of the compensation scale for dismissals without just cause (*barème d'indemnisation du licenciement sans cause réelle et sérieuse*), a dispute which is still ongoing. I also steered the technical and legal input forwarded by the DGT to the Final Appeals Court concerning the funding of inter-company health services, the interim Fixed Term Contract (CDI), and the inclusion of a foreign branch within an economic and social unit.

PO: The Orders' implementing decrees were also challenged before the Council of State, along with several dozen Orders relating to the representativeness of employers' associations and trade union organisations. I also actively supported the decentralised services in their handling of disputes relating to the administrative sanctions they have been applying.

3 // Addressing the impact of digital technology on labour relations

The development of electronic networking platforms poses a growing legal security problem regarding the nature of the contractual relationship between certain platforms and the workers who use them to carry out their professional activities. This development also raises the issue of the social precarity of certain self-employed workers.

Within the framework of the legislation on the freedom to choose one's professional future, the DGT was involved in designing a legal mechanism that would allow "socially responsible" platforms to secure new rights for self-employed workers (professional training, the prevention of occupational risks, information on the conditions governing the

exercise of activities, and complementary social protection), without such practices constituting evidence of a relationship of legal subordination. Censured by the Constitutional Council for reasons relating to parliamentary procedure, this mechanism was redesigned in 2019, in association with other interested ministries; it is to be included in another legislative vector, the Mobilities Act (*loi d'orientation des mobilités* — LOM).

At the same time, the Labour Inspectorate — and in particular its National Support Group — have conducted a number of investigations to ascertain whether or not various digital platforms are circumventing labour regulations.

4 // Strengthening European and international cooperation

Strengthening cooperation between other labour inspectorates within the European Union falls within the framework of the Europosting project, which is designed to improve cooperation between Member States to combat the fraudulent posting of workers, the platform for combating undeclared labour and the opportunities offered by the creation of the European Labour Authority.

A number of initiatives have been launched to strengthen the operational character of bilateral cooperation agreements reached with regard to the posting of workers and combating illegal labour: the creation of steering committees and local correspondents in conjunction with the Spanish and Portuguese Labour Inspectorates; the adoption of a programme of activities in conjunction with Bulgaria and Portugal; a Franco-German working group on foreign temporary employment agencies, etc.

A cooperation agreement between the central authorities of the French and Polish Labour Inspectorates is currently being finalised. Long-standing discussions with Romania are still ongoing.

In 2017, a **European campaign for the health and safety of temporary employment agency workers and posted workers** was launched by the Senior Labour Inspectors' Committee (*Comité des hauts responsables de l'inspection du travail* — CHRIT) and coordinated by the DGT in partnership with the National Institute of Work, Employment and Vocational Training (*Institut national du travail, de l'emploi et de la formation professionnelle* — INTEFP). During 2018 it resulted in the introduction of inspection initiatives by the 23 Member States' Labour Inspectorates, and by those of Iceland and Norway. At a national level, these initiatives mobilised six DIRECCTEs. These inspections targeted sectors that rely heavily on temporary agency workers, and where there is a high incidence of occupational accidents, such as the building and public works, logistics and motor sectors. Joint inspections within the agricultural and building and public works sectors were carried out in conjunction with the Portuguese and Bulgarian inspectorates.

Announced during the Gothenburg Summit, the European Pillar of Social Rights formalises 20 rights and principles on the themes of equal opportunities and access to the labour market, fair working conditions, and social protection and inclusion. The Pillar has been instrumental in the successful conclusion of negotiations regarding the work/life balance and the transparency and predictability of working conditions.

It has allowed progress to be made on the draft regulation establishing the European Labour Authority prior to the renewal of the European Parliament and Commission in 2019.

France was both the voice and a member of the Committee on violence and harassment of women and men in the world of work (*commission sur la violence et le harcèlement contre les femmes et les hommes dans le monde du travail*) during the 107th session of the International Labour Conference organised within the framework of the ILO. Confronted with divisions amongst the Member States regarding the form that the instrument should take, with the support of the European Union and France the

Committee came to the decision that the project should take the form of a convention supplemented by a recommendation. The draft Convention makes provision for a very broad definition both of workers and of violence and harassment in the world of work. The obligations for governments are relatively wide-ranging and still remain vague; the measures to be taken must comply with domestic law and may only impose “reasonable measures” on employers in the fight against violence and harassment in the world of work. Significant work to clarify obligations of each stakeholder has been undertaken for the June 2019 ILC.

Outlook 2019

- **Support the introduction of the Professional Equality Index** by companies with over 250 employees and develop an online calculation tool.
- **Transpose the new European directive on the posting of workers into French law** and support the decentralised services, businesses, workers and trade union organisations in their adoption of the new rules.
- **Overhaul the information system dedicated to declarations of the posting of workers**, in order to improve its ergonomics and facilitate inspections.
- **Finalise the agreement on the creation of the European Labour Authority and initiate its implementation.**
- **Celebrate the centenary of the ILO.**
- **Participate in preparations for the G7 Social, within the framework of the G7 to be chaired by France**, concerning four priorities: strengthening multilateral cooperation for greater social justice, promoting universal access to social protection in a changing world of work, empowering individuals confronted with digital transformations, and ensuring gender equality in the world of work.
- **Update cooperation agreements** on monitoring the posting of workers and combating illegal labour, particularly those involving Spain and Italy.

CHAPTER 4

STRENGTHENING THE SUPPORT AND STEERING PROVIDED BY THE LABOUR INSPECTORATE

1 // Support for the DGT in its role of central authority

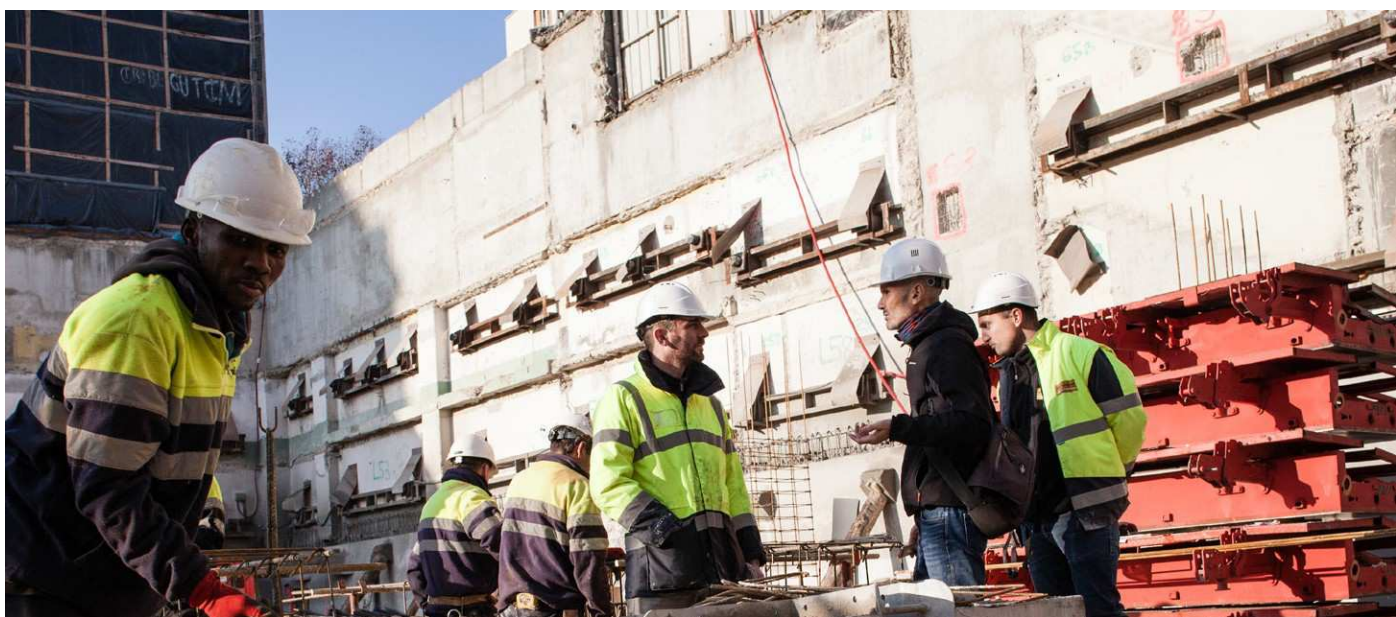
Article 19 of Act No. 2018-727 of 10 August 2018 (the ESSOC Act) introduced the new Article L. 8121-1 into the Labour Code; this relates to the Labour Inspectorate's role as a **central authority**. These new provisions strengthen the DGT's role in the steering and monitoring of the labour inspection system, in terms incorporating those enshrined in Conventions Nos. 81 and 129 of the ILO. The Article reaffirms that the DGT determines the legal context for the exercise of labour inspectors' missions, and ensures compliance with this and with that of the principles of independence and the freedom to decide.

To this end, and to ensure the full effectiveness of the stipulations of Convention No. 81, the DGT is entitled to establish:

- objectives to be achieved within a timescale to be specified to its inspectors, in order to target priority issues. Within this framework, it ensures that special emphasis is placed on the Labour Inspectorate's activities so that action can be taken when significant non-compliance is detected in practice or as a result of complaints;

- a number of interventions that are to be carried out based on a specific issue, through the involvement of individual inspectors, given that the Labour Inspection System as a whole guarantees the effective implementation of legal requirements.

Moreover, the Article emphasises that the General Directorate for Labour guarantees both respect for the rights, guarantees and obligations of labour inspectors, and compliance with their code of ethics.



Inspection of a construction site in the *département* of the Hauts-de-Seine

2 // A growing number of interventions

In 2018, the number of interventions by inspectors increased by 4.6% compared to 2017. The proportion of interventions corresponding to priority issues (asbestos, falls from a height, gender equality in the workplace, the international posting of workers, and illegal

labour) increased from 18.75% in 2017 to 40.12% in 2018. PSI (International Service Provision) interventions to combat illegal labour have increased by 135% (20,366) and 69% (33,391).

Labour Inspectorate interventions and follow-up interventions in 2018

	Number	Evolution 2017/2018
Type of intervention	274,544	+ 4.6 %
Asbestos	11,515	-
Falls from a height	26,709	+ 57 %
Gender equality in the workplace	4,502	+ 154 %
International posting of workers	20,366	+ 135 %
Micro-enterprises and SMEs	9,457	+ 145 %
Illegal labour	33,691	+ 69 %
Follow-up interventions	239,332	+ 5 %
Compliance notices	169,504	+ 5.07 %
Formal notices	4,805	+ 842.16 %
Fines	4,964	+ 13.49 %
Injunctions	29	- 38.3 %
Halting of work	5,752	- 5.24 %
Investigations	53,323	- 0.49 %
Administrative sanctions	1,641	+ 118.8 %
Number of interventions per inspector	129	+ 4.88 %



3 // The steering of the Labour Inspection System and priorities for action

The steering of the Labour Inspection System (SIT) has been strengthened in order to provide an outreach mission to employers and employees involving both "on-the-spot" and "routine" interventions – as provided for by France's international commitments – and also the implementation of national Labour Policy priorities.

Four national priorities have been defined:

- a review of the legality of International Service Provision (PSI) and the posting of workers;
- combating illegal labour;
- gender equality in the workplace;
- Occupational Health and Safety, and more specifically risk prevention regarding falls from a height and asbestos.

These priorities include national annual targets adapted at a regional level in order to ensure a significant level of intervention, thereby enhancing the effectiveness of legislation. They ensure continuity and perennality. Their implementation is based on a balance between collective action centred around practices, and individual initiatives.

During 2018, the DGT's efforts to strengthen steering included visits to the DIRECCTEs for days of exchanges with the members of regional management committees, which were extended to include the managers of inspection units. In addition, from the end of the first half of 2018, audio conferences were organised in conjunction with Regional directorates and units from *départements* experiencing the greatest difficulties in following up on the PSI review targets.

At the same time, monthly monitoring tools have been introduced and the DIRECCTEs and DIECCTEs have been asked to develop steering tools at Regional level. During 2019, bimonthly steering audio conferences have been planned in conjunction with all the DIRECCTEs, and an *ad hoc* follow-up is scheduled for Regions that may be experiencing difficulties.

The organisation of services must provide uniform coverage of the country and a comprehensive business approach that is conducive to strengthening the links between working conditions and terms of employment, social dialogue, and the management of human resources.

A whole range of tools and operating procedures must be mobilised. The SIT employs wide-ranging and enhanced methods of intervention. Greater emphasis is being placed on both collective action and methods of intervention that are increasingly geared towards providing stakeholders with information and mobilising social partners.

The strengthening of the networks, begun in late 2017, resulted in the creation of air and rail transport networks. The marine network is also being strengthened in order to improve its capitalisation of the very specific skills required within this sector.

The process for assessing the effects of the SIT's activities has been expanded. A network of referents has been established. A number of Regions are now involved in the process.

4 // Coordinating the Labour Inspection System's interventions and investigations

The National Group for Monitoring, Support and Audits (GNVAC) collaborates with the Labour Inspectorate's Regional services on cases requiring specific expertise, leadership or support, national steering or coordinated inspections. Its work tends to focus on the fraudulent posting of workers, complex illegal labour offences, and inspections of complex organisations and network companies. Via the associated National Liaison Bureau (*bureau national de liaison*), it facilitates operational exchanges with other European Labour Inspectorates.

Besides providing daily support to Regional services between 2016 and 2018, the GNVAC played an active role in around thirty investigations:

- the widespread fraudulent posting of workers by temporary employment agencies based outside France, particularly in the construction and public works and agricultural sectors;
- institutional fraud within the following sectors: industrial maintenance, construction and public works, air and road transport, tour operators within tourism, shipbuilding, performing arts, healthcare, etc.;
- undeclared work and illegal workforce lending within the retail sector;
- bogus self-employment and the illegal exercise of temporary work activities amongst digital networking platforms, particularly within the catering industry;
- the abuse of contract worker status, and undeclared work within the entertainment sector.

The GNVAC leads national efforts to prevent occupational risks within the retail sector, in association with Regional services.

Its monitoring activities also allow the GNVAC to contribute to a clearer understanding of fraudulent practices and their evolution.

An investigation into suspicions of the fraudulent posting of workers within industrial maintenance

In 2017, the Île-de-France, Occitanie, Auvergne-Rhône-Alpes, Nouvelle-Aquitaine and Provence-Alpes-Côte-d'Azur Direcctes alerted the GNVAC about a company registered outside France that was posting huge numbers of workers to France in order to provide industrial maintenance services. The aforementioned foreign company belonged to the same group as its principal customer in France.

The GNVAC was able to organise inspections at various industrial sites by

mobilising several Labour Inspection Units. Their conclusions allowed them to identify evidence of fraud relating to the rules on the posting of workers and undeclared work. Their findings are currently being analysed and shared with the URSSAFs (local Social Security organisations) and the Central Office for Combating Illegal Labour (*Office central de lutte contre le travail illégal* –OCLTI). The GNVAC is also working closely with the posting country where the foreign company is registered.

Large-scale and complex fraud: support from the National Investigation Group (*groupe national d'enquête*)



Harold Ligan, Labour Inspector for the National Group for Monitoring, Support and Audits (GNVAC), explains how he collaborates with regional and national units on complex investigations.

What exactly is the GNVAC?

It's the Labour Inspectorate's national response unit, created in 2015 to augment the territorial network. Its ten inspectors work with or lend their support to territorial and Regional inspection units during the most demanding and complex operations, those concerning fraud at a national and international level, and initiatives requiring national coordination or particular expertise. Our priorities are: combating illegal labour and fraud relating to the rules on the posting of workers; complex organisations and network companies; and the prevention of serious occupational risks.

What does your work consist of?

Together with my colleagues, I provide operational support to the DIRECCTEs whilst they are carrying out inspections and investigations: backup on the ground, methodical guidance, the analysis and

synthesis of findings, and liaising with other services and national and European administrations, etc. We promote and coordinate multi-site inspections. We facilitate the grouping within a single prosecution of legal proceedings involving different institutions or a number of companies that have been committing offences as an organised group. We can lead our own investigations, but our interventions are generally carried out in conjunction with inspectors from the Region concerned.

The group also has a monitoring and early warning function, particularly where the development of fraudulent practices is concerned.

How do you collaborate with the Regional inspection units?

Above all, it is a question of daily exchange of information. Investigations that require our support and the cooperation of other countries are referred to us by the DIRECCTEs (and vice versa). We work together to prepare the inspections and their follow-ups. We also organise sectoral working groups in order to share our findings and our practices, and develop a policy approach (retail, foreign temporary employment agencies, fraud relating to the rules on the posting of workers to construction site associated with renewable energies, etc.).

What were the main investigations conducted by the GNVAC during 2018?

We worked on a number of large-scale cases of fraud relating to the rules on the posting of workers within the construction and public works, industrial chimney engineering, air transport and tourism sectors, as well as on cases of illegal labour involving French companies within the retail and collaborative economy sectors. We have also been investigating a company registered in an EU country that has been posting agricultural workers who are largely of Latin American origin. These workers were in a position of vulnerability and dependence. They were housed in substandard conditions, their overtime was unpaid, etc. We also took action regarding the organisation of work and working conditions throughout a major retail chain.

“We make sure that the dismissal of an employee is not
linked to the exercise of a mandate”



During 2018, the Bureau for Protective Status (bureau du statut protecteur) processed close to 1,000 actions brought before the Minister of Labour and 1,300 actions brought before the administrative courts concerning the dismissal of protected workers. Monique Murat, assistant to the Registry Secretariat (secrétariat de greffe), and Simon Querleux, Researcher for hierarchical appeals, explain how they carry out their work.



What is protective status and what are hierarchical appeals?

Simon Querleux: In order to protect employees that hold a mandate (members of the SEC, shop stewards, etc.), the Labour Code stipulates that their dismissal is to be subject to prior approval by the Labour Inspectorate. This is what is known as protective status.

The employer or employee to whom the Labour Inspectorate's decision is prejudicial may contest it by means of a hierarchical appeal and/or litigation before the Minister of Labour or the Administrative Tribunal.

How do you go about your work?

Monique Murat: During 2018 we received 998 hierarchical appeals. At the clerk of the court's office, we enter all the appeals on Wiki'T, the Labour Inspectorate's information system. The DIRECCTEs that took the contested decisions are called upon to receive the employers and employees concerned, within the framework of a counter-enquiry.

SQ: The Researchers review the legality of contested decisions and provide drafts of the ministerial rulings confirming or annulling them. For investigations, we consider the grounds for dismissal and the case for appeal. We use a control grid derived from case law, plus the counter-enquiry reports produced by the DIRECCTEs. Regardless of the grounds for dismissal, we check that such actions are not related to an employee's exercise of a mandate. Approximately one in three appeals results in the annulment of the substance of the initial ruling.

MM: We enter the decision taken at the conclusion of the investigation of a case and notify the employee, the employer and the DIRECCTE of the result. We must rule on hierarchical appeals within four months, otherwise they are tacitly rejected.

SQ: Colleagues with responsibility for appeals draft submissions in defence of ministers' rulings that have been contested before the administrative court. During 2018, we therefore had 1,313 applications for appeal before the various administrative courts.

How exactly do you collaborate with the DIRECCTEs?

SQ: Besides our exchanges regarding the processing of appeals, we can provide more upstream legal support via our pool of expertise. We offer training in the law

on the dismissal of protected workers. We also produce legal aids: a guide to the drafting of rulings, fact sheets, etc.

5 // Support for the Labour Inspectorate

To facilitate the adoption by the decentralised services of the new provisions regarding social dialogue contained in the Orders of 22 September 2017, two working groups were established on the CSE and its Health and safety and Working Conditions Commission (commission santé sécurité et conditions de travail – CSSCT). Around forty fact sheets and guides were published and distributed to the decentralised services. A seminar was held on the introduction and promotion of social dialogue observatories.

With regard to Occupational Health and Safety, methodological tools have been supplemented by the production of documents and the organisation of seminars on the halting of work in the event of imminent and serious danger, and on the monitoring of chemical risks

(pesticides, silica, asbestos, etc.). Following a series of five fatal diving accidents, the DGT issued an FAQ on hyperbaric regulations and released a monitoring guide, with assistance from the National Institute of Deep-Sea Diving and a working group of service officers.

Seventy-four inspections and unwarranted actions by inspectors were processed. Forty-nine claims concerning professional practices were reviewed. A guide to the prevention of conflicts of interest, developed in conjunction with the Human Resources and Legal Affairs Departments, was released.



A one-stop-shop for major sports events



The European Football Cup, the Olympic Games, etc.: Régis Bac, the Head of Department, explains how the DGT and the DIRECCTEs organise themselves to ensure the smooth running of major sports events and compliance with Labour regulations.

Volunteering, the international posting of workers, working hours and conditions, etc.: the organisation of the Olympic Games raises many labour issues. How does the Labour Inspection System organise itself to address them?

We have to enforce the regulations and ensure the smooth running of major sports events, which are of economic importance and often highly anticipated. Since the Euro Football Championship in 2016, we have been working on a dedicated “shop” that will operate in conjunction with the Regional inspectors involved. It will provide organisers and their service providers with more advance information concerning their legal obligations, the use of volunteers and posted workers, labour relations and working conditions, etc. In fact we are preparing a legal guide devoted to the organisation of major sports events. Our aim is also to facilitate the processes involved, improve our handling of dispensation requests, and coordinate inspections.

The service was piloted at the Women’s Football World Cup in Brittany in the summer of 2018, the golfing Ryder Cup in Yvelines in the Autumn of 2018 and the Women’s World Cup in June 2019. For this last event — which involved eight Regions — the Auvergne-Rhône-Alpes DIRECCTE was designated as the lead Region. This included the development of a web tool for handling dispensation requests concerning working hours.

After each event, we provide feedback so as to improve the service and be fully operational in time for the 2024 Olympic Games.



What were the results of these trials?

Event organisers are often unfamiliar with the rules concerning working hours and rest periods, the international posting of workers and volunteering, etc. Despite the information made available by the services, infringements of the rules persist. Other areas requiring vigilance include the safety of workers, the status of self-employed workers working as employees, sub-contracting, etc.

There is also the issue of the accreditation of inspectors in order to allow them access to sports facilities, particularly since many organisers are unaware of the inspectors’ powers with regard to accessing premises.

Outlook 2019

- **The introduction of intervention targets** related to the Labour Inspectorate's main objectives.
 - **The drafting of the National Plan for Combating Illegal Labour 2019-2022**, in order to improve the response to evolutions in fraud and strengthen inter-administrative cooperation.
 - **The drafting of "intervention procedures" for inspectors**, particularly as regards the monitoring of gender equality in the workplace
- and asbestos risks, and interventions at facilities classified for environmental reasons.
- **The development of the process for evaluating** the activities of the Labour Inspection System.

CHAPTER 5

FACILITATING UNIVERSAL ACCESS TO THE LAW

1 // The introduction of a helpline providing access to information services

Under Convention No. 81 of the International Labour Organisation, which has been ratified by France, the Labour Inspection System is mandated to provide information and advice on the laws applicable to employers and employees. The Labour Law information services, located at the departmental units of the DIRECCTEs and DIECCTEs, provide this local service.

The introduction of a national helpline comes under the users' information services' new organisational and outreach arrangements, adopted in 2018. It is designed to strengthen the visibility and accessibility of these services, which are represented throughout all the départements and which, by processing close to 900,000 inquiries annually, help provide access to Labour Law, particularly for employees and employers within micro-enterprises and SMEs.

This helpline offers direct access to the Regional service concerned. Calls are charged at local rates, at no additional cost to the user. Piloted in the Hauts-de-France and Brittany Regions, it was introduced throughout all the Regions in April 2019.



My LABOUR LAW QUESTION



A local Labour Law information office.

2 // The creation of the Digital Labour Code

Scheduled under the Orders of September 2017 on the strengthening of social dialogue, the purpose of the Digital Labour Code is to allow everyone, employees and employers alike, to obtain, free of charge, a personalised, clear, simple, reliable response via the Internet to questions concerning Labour Law. It relies on the involvement of the information services whose activities it will complement, regarding access to the law. This tool is particularly intended for employers and employees within micro-enterprises and SMEs, where human resources functions and trade union activities tend to be underdeveloped. A beta version was uploaded in June 2018. Improvements will be based on feedback from users and contributors. The definitive version will be released in early 2020.

The Digital Labour Code will include all 11,000 Articles of the Labour Code – as well as 30,000 collective agreement texts – whilst complying with the hierarchy of standards. Resources will also include various legal tools and documents, and an archive of over 2, 500 responses written in everyday French which correspond to the 50 most frequently-asked questions on the subjects of recruitment and breach of employment contract, drafted by DIRECCTE information services for the 50 main professional branches (75 % of employees).

The project is based on a self-learning search engine which uses artificial intelligence to allow users to obtain easy-to-understand responses to questions, written in everyday language. It also forms part of a platform approach. The source code is accessible to all digital and legal stakeholders, for the creation of services and applications.

Led within the social ministries' incubator, the project is supported by the DGT in conjunction with the Information Systems Directorate (Direction des systèmes d'information – DSI) and the Interministerial Directorate for State Digital Information and Communications Systems (Direction interministérielle du numérique et du système d'information et de communication – (DINSIC). Funding of €1.9 million has been secured under the Public Policy Transformation Fund (fond de transformation de l'action publique).



With legal professionals at the Open Lab on the Digital Labour Code.



CHAPTER 6

DEVELOPING PREVENTION IN THE FIELD OF OCCUPATIONAL HEALTH AND SAFETY

1 // Improved steering of the Occupational Health Plan



The Third Occupational Health Plan (PST3) covers the period from 2016-2020. It consists of a programme document, which sets out the various occupational health initiatives in order to mobilise its associated partners and stakeholders. It provides Occupational Health Policy with a dynamic and gives its overall consistency. It is adapted at regional level (PRST) with the close involvement of social partners. The DGT provides the strategic steering of the PST3, which is carried out as a partnership: twelve members of the steering committee provide the steering of initiatives and 26 partners are involved in the implementation of initiatives.

In addition, it is responsible — alone and in partnership — for the implementation of around thirty of the 52 National Plan initiatives, which together cover most of the issues.

Steering of the PST was improved during 2018. Thus, three steering committees were held under the authority of the General Directorate for Labour: they were preceded by pre-steering committees (pré-COPIL) in preparation for decision-making. A collaborative digital tool was made available, to facilitate exchanges with those providing the steering of national initiatives. This tool is already widely used by those providing the steering of Regional initiatives. Indicators were developed via an assessment group. They will allow regular monitoring to be carried out, and a final review to be produced ahead of the forthcoming Plan.

The year 2018 was also devoted to the organisation of a symposium on the mid-term review of the PST. It was held on 5 February 2019.

This mid-term review of the PST provided an opportunity for a symposium to highlight the concrete progress that had been made. By the end of 2018, 100 % of initiatives had been launched and 82 % had already produced results. The 17 Regional Plans, each of which may contain between twelve and over 50 initiatives, include a total of 507 initiatives.

For example, with regard to asbestos, 28,433 Labour Inspectorate interventions were carried out within companies. As regards musculoskeletal disorders (MSDs), 161 cases were reported through the dedicated information system and 6,900 companies were assisted by the Pensions and Occupational Health Funds (*caisses d'assurance retraite et de la santé au travail*—CARSATs), within the framework of the MSD prevention scheme. The last example illustrates the partnership and federative aspects of the PST, under which steering is provided for each initiative, accompanied by a number of partners.

In addition, since the PST3's strategic guidelines are the result of a consensus between social partners, they are also involved in the implementation of a certain number of the Plan's initiatives which relate to social dialogue, as part of the COCT and CROCTs standing policy groups.

2 // Simplifying the system to improve prevention

The French Occupational Risk Prevention System has undeniably contributed to a reduction in the incidence of occupational accidents and diseases. It has also helped to improve the level of compensation for occupational diseases. Nevertheless, it has demonstrated its limitations, particularly as regards the financial and human resources devoted to prevention, and the coordination of stakeholders and governance; also in terms of clarity, especially where smaller companies are concerned, and its capacity to meet new challenges such as psychosocial risks and the exclusion of individuals suffering from chronic illnesses.

The government has entrusted Member of Parliament Charlotte Lecocq with a mission on the performance of the Occupational Risk Prevention System. Submitted in August 2018, her report recommends:

-grouping all the stakeholders in prevention (the National Agency for the Improvement of Working Conditions (ANACT), the Organisation for the Prevention of Occupational Hazards in the Construction and Public Works Industry (OPPBT) and the French Institute for Research and Security (INRS)) within a single national public institution;

-creating regional private law organisations incorporating local stakeholders in prevention (business-to-business Occupational Health services, Regional Agencies for the Improvement of Working Conditions (agences régionales pour l'amélioration des conditions de travail – ARACT), regional agencies of the OPPBT, teams in charge of prevention within Pensions and Occupational Health Funds (CARSATs) within a one-stop-shop approach ;

-simplifying legislation, in particular that which applies to smaller companies, in order to ensure its effectiveness.

Discussions have been held with the social partners within the National Working Conditions Advisory Board's standing policy group (GPO – COCT), for the purpose of defining areas where negotiation can be envisaged and those where consultation is preferable. Any follow-up to the Lecocq report's recommendations will be based on an overview of the GPO's work, scheduled for mid-June 2019.



3 // Working at height: no room for error

Falls from a height represent one of the leading causes of occupational accidents, especially in the construction and public works (17 %) and agricultural (13 %) industries. It is, respectively, the leading and the third most common cause of death within these sectors. The Occupational Health Plan No. 3 (PST3) has identified the risk of falls as a high-priority risk.

The communications campaign Working at height: no room for error (*travaux en hauteur, pas droit à l'erreur*) was renewed as an extension of the awareness-raising and prevention initiatives undertaken in 2014, in conjunction with the launch of a dedicated website: www.chutesdehauteur.com. It targeted both employers and workers in the construction and public works, agricultural, and regional and local civil and hospital services sectors. Its partnership with the Ministry of Agriculture, the Organisation for the Prevention of Occupational Hazards in the Construction and Public Works Industry (OPPBT), the Mutual Health Insurance Fund for Agricultural Workers (Mutualité sociale agricole – MSA),

the National Pension Fund for Local Community Officers (Caisse nationale de retraites des agents des collectivités locales – CNRACL), the French Institute for Research and Security (INRS), the French National Health Insurance Fund (Caisse nationale d'assurance maladie – CNAM) and its mobilisation of the decentralised services have gained considerable visibility. Over 155 communications initiatives were undertaken between November 2018 and January 2019: the purchase of space on the Internet, letters to over 800,000 employers, the distribution of leaflets and posters by the DIRECCTEs, information sessions, stands at trade fairs, etc. The website www.chutesdehauteur.com has logged more than 133,000 visits.

In addition to these awareness-raising initiatives, during the course of the year, inspectors have carried out over 17,000 inspections related to this specific issue, across a wide range of industries.

Checking the safety of machinery in the workplace

Gwennaëlle Touzalin, a prevention engineer at the Bureau for Work Equipment and Premises (*bureau des équipements et lieux de travail*), and Isabelle Maillard, manager of the machinery department, explain how they intervene to check that machinery and equipment in the workplace comply with regulations.

What does your work consist of?

Isabelle Maillard: Together with my colleagues, I ensure that machinery and equipment in the workplace does not present a risk to its users. This check is carried out when it comes onto the market. For example, in 2018 we asked a number of manufacturers to make adjustments to drilling and excavating machines, after having identified areas of non-compliance during an inspection carried out in conjunction with the Île-de-France DIRECCTE during the Intermat trade fair devoted to construction and public works industry equipment. But most of the time we intervene following an accident, when inspectors and regional prevention engineers report a design fault in machinery or equipment.

We then ask the manufacturer to come up with a solution, both for new machinery and for that already in use.

How does it relate to standardisation?

Gwennaëlle Touzalin: The European Directives set common goals to be shared by all EU countries. These are binding. The harmonised European standards are voluntary. They are a series of recommendations that facilitate the implementation of the Directives. If manufacturers follow the specifications contained in the harmonised standards when they design their products, the latter are presumed to comply and may be placed on the market.



How are the standards developed?

GT: A European technical committee composed of manufacturers, users, administrations and prevention organisations draw up a draft standard in association with “mirror” groups introduced at the level of individual Member States. The draft is then subjected to public enquiry. The feedback received is then reviewed by the committee in order to obtain a draft consensus standard. This sometimes takes a year or two. The European Commission checks that the standard complies with the relevant Directive before it is definitively adopted.

Who do you work with?

IM: Firstly, with inspectors and prevention engineers from the DIRECCTEs; but also with other agencies such as the fraud squad, agricultural agencies, customs and other European market surveillance authorities and economic operators.

5 // The implementation of the Interministerial Asbestos Plan

In order to address the issue of the eradication of asbestos – which takes 40 to 50 years – the DGT and the Employment and Vocational Training Directorate (*Délégation générale à l'emploi et à la formation professionnelle – DGEFP*) have made a commitment to promoting the professionalisation of stakeholders in the asbestos sector. Three professional qualifications have thus been created by executive Bills dated 20 July 2018: Operator, Construction Site Supervisor, and Technical Supervisor of an Asbestos Processing Operation. In partnership with the National Conservatory of Arts and Crafts (*Conservatoire national des arts et métiers – CNAM*) in Paris, the DGT has launched a scientific, technical and regulatory refresher course in asbestos destined for developers, project

managers, certification auditors and instructors for the aforementioned professional qualifications. The Directorate has also proposed that the Ministry of Higher Education create a teaching Chair within the CNAM, dedicated to asbestos.

Standardisation work to define the procedures for identifying asbestos prior to starting construction work was initiated. The bills defining the identification procedures to be used prior to carrying out construction work are to be phased in across the various sectors of the economy between the 1st March 2019 and 1st October 2020.

6 // The transposition of the European Directive on Exposure to Ionising Radiation

European Directive 2013/59/Euratom establishes the basic safety standards for health protection against the dangers arising from exposure to ionising radiation: it was transposed through two decrees dated 4 June 2018. These texts reorganise the relevant statutory provisions and are designed to improve risk management and the prevention of incidents and accidents, and help optimise the resources made available by employers.

In conjunction with the Nuclear Safety Authority (*Autorité de sûreté nucléaire*), the DGT clarified the developments introduced by these texts in a circular dated 2 October 2018, intended for the decentralised services (the DIRECCTEs in particular), Labour Inspectorate inspectors, radiation protection inspectors and nuclear safety inspectors. A number of meetings were organised to enable stakeholders in radiation protection to adopt the new regulations.

7 // The transposition of the Directive on Occupational Exposure Limits (OELs)

European Commission Directive 2017/164 of 31 January 2017 established the fourth list of indicative limits for occupational exposure under Council Directive 98/24/CE; it provides for the Member States' transposition of the 32 limits contained in the list.

The DGT has therefore prepared draft texts transposing 29 limits, three of which are already enshrined in French legislation.

Eight limits have been listed in a draft decree establishing binding OELs and 21 in a draft bill establishing indicative OELs. The draft texts were submitted to the relevant National Working Conditions Advisory Board Commissions as part of the consultation with social partners. Both the texts and the transposition of the Directive will be finalised during the year 2019.

Outlook 2019

- **Undertake a reform of Occupational Health.**
- **Relaunch the measure in support of assessing occupational risks, particularly within micro-enterprises and SMEs, within the framework of the Occupational Health Plan.**
- **Structure the dynamics for promoting quality of life in the workplace (la qualité de vie au travail – QVT) and the prevention of psychosocial risks in the workplace.**

CHAPTER 7

MODERNISING THE
ORGANISATION

1 // The implementation of the Plan for the Optimisation of Human Assets (Plan de valorisation du patrimoine humain)

Since 2016, and against a background of intense activity, the DGT has been developing objectives to strengthen the Directorate's performance whilst maintaining quality of life in the workplace. These objectives are reflected in the "Plan for the Optimisation of Human Assets". The term "assets" is a deliberate choice: assets tend to be optimised, whilst resources tend to be exploited. This Plan is divided into nine areas of focus and 28 initiatives, all geared towards improving working conditions, supporting inspectors including promoting their professional commitment and developing their expertise, and strengthening internal cohesion.

During 2018, in order to achieve a better balance between the Directorate's workload and its capabilities, one of its objectives was to improve its recruitment process via an enhanced anticipation of movements, a more rapid circulation of available positions and the accurate monitoring of the Directorate's workforce; this would enable the DGT to take full advantage of the workforce and capabilities within its annual employment ceiling.

The objective of building on the expertise of inspectors and teams involved the organisation of workshops on drafting litigation so as to secure management responses in the event of litigation. External speakers were invited to join the Expanded Senior Management Committee to present new working practices and share feedback.

At the same time, the structuring of the Directorate has evolved in order to facilitate its adaptation and enable it to address the priorities with which it has been mandated, whilst allowing it to develop new working practices (project and agile modes). The circulation of Flash Travail, its internal newsletter, has been improved.

2 // The digital transformation of the administration

A number of projects for the development of new information systems were undertaken in 2018.

Project	Description	Anticipated benefits
DACCORD	<ul style="list-style-type: none"> An online management application for the registration of company agreements by businesses. 	<ul style="list-style-type: none"> The simplification of the procedure for the registration of collective agreements by businesses. The publication of agreements on Légifrance.
MARS	<ul style="list-style-type: none"> A programme for measuring the audience of trade union representativeness. 	<ul style="list-style-type: none"> The changeover to the electronic submission of official reports of professional elections.
SIPSI	<ul style="list-style-type: none"> An information system dedicated to the declaration of postings related to the international provision of services. 	<ul style="list-style-type: none"> Improvements to the tool's reliability. Enhanced ergonomics for companies making declarations. The development of new applications and functions to facilitate monitoring operations.
SIRC	<ul style="list-style-type: none"> A technical overhaul of the system for the registration and approval of severance agreements. 	<ul style="list-style-type: none"> Enhanced ergonomics. The introduction of dashboards.
INTRANET SITERE	<ul style="list-style-type: none"> The Labour Inspection System's Intranet. 	<ul style="list-style-type: none"> Enhanced ergonomics for users and contributors.
SOLID	<ul style="list-style-type: none"> The redesigning of the tool used by lorry drivers to monitor their working hours. 	<ul style="list-style-type: none"> Enhanced ergonomics and accessibility.
WIKI-T	<ul style="list-style-type: none"> The development and overhaul of the tool for managing the activities of the Labour Inspectorate, to be achieved by the year 2022. The testing of mobile monitoring tools. 	<ul style="list-style-type: none"> Enhanced ergonomics. Mobile use. New functions. Monitoring tools.
PDRE	<ul style="list-style-type: none"> A pilot scheme for the changeover to the electronic version of the plan for asbestos removal and encapsulation. 	<ul style="list-style-type: none"> The changeover to the electronic registration of plans for asbestos removal.

“ Mobil'IT: facilitating the work of the inspectors ”



The DGT is currently testing tools for facilitating the work of inspectors during their interventions within companies and on construction sites. Hervé Legrand and Didier Liot, project managers at the Labour Inspection System's Bureau for Methodological Tools (bureau des outils méthodologiques), describe this process.

What exactly is Mobil'IT?

Didier Liot: It is primarily a tool similar to a tablet or smartphone, which will allow inspectors to take notes during their interventions, and will replace the traditional notebook or register. The tool also allows them to take photos and, via an accessory connected directly to the application, to measure and

record noise levels, temperatures, light levels and distances. Inspectors can also incorporate monitoring grids into the application. Eventually they will also be able to log into their voicemails, the intranet and the information system.

How is the project being developed?

Hervé Legrand: The project is being led by the Information Systems Directorate (DSI), together with engineering students from the Ecole Centrale-Supélec via an agile mode. We build, arrange for tests to be carried out under genuine working conditions by around forty voluntary inspectors, and we listen to comments so that we can correct and improve the solutions being proposed. We are extremely attentive to ergonomics, in terms of the size, weight and overall dimensions of the range of accessories.

When will this tool be made available to all inspectors?

HL: The tool will be trialled in a number of Regions during 2020 and 2021, before being made available to all inspectors in 2022.

Outlook 2019

- Carry out a review of the Charter of the Times (charte des temps), on the reconciliation of work with private life.



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Travail-emploi.gouv.fr

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