

ACTIVITY REPORT 2017



DGT

The General Directorate for Labour



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RÉPUBLIQUE FRANÇAISE

MINISTÈRE DU TRAVAIL

2017 has been a year of high involvement for the General Directorate for Labour



The DGT mobilized all its forces to meet the challenge of successfully implementing the “Work Orders”. This first task of its five-year mandate involves a thorough overhaul of our institutional framework pertaining to labour relations, putting more

trust in collective bargaining in order to define a certain number of rules previously established by law, and taking greater account of small businesses.

The past year was also a particularly important one for the labour inspection system, which is responsible for ensuring the effective application of legislation and upholding respect for the dignity of workers. Combating illegal labour and the fraudulent cross-border posting of workers, which both rely on increasingly complex organisations, has remained a priority, with new powers being awarded to specialized units at national and regional levels, with the introduction of construction and public works industry cards and with the modernisation of our information system. The steering of the DIRECCTE (Regional Directorate for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment) and DIECCTE (Directorate for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment) decentralized State services has been reinforced by the narrowing of priorities for action, for improved effectiveness.

With regard to social dialogue, 2017 was characterised by the definition of the representativeness of trade unions and employers' associations, and also by the establishment of joint cross-industry regional commissions and the restructuring of the professional branches.

This year has also been marked by the major challenge of appointing the 13,869 Labour Tribunal members, by means of a process managed with the Ministry of Justice.

The implementation at the various regional levels of the Occupational Health Plan, which constitutes the cornerstone of policy on occupational risk prevention, served to mobilize stakeholders in occupational health around key issues (falls from heights, asbestos, etc.) and emerging risks such as those linked to the use of digital equipment and psychosocial risks.

The DGT has also been working on the “European Pillar of Social Rights” led by the Commission, and on a review of the directive governing posted work.

Whilst digital technology and globalisation are transforming our attitudes to work, developing social dialogue, the regulation and effectiveness of legislation, health and the quality of life in the workplace remain central to both the DGT's reflections and actions and those of its officers. If, as I believe, the DGT has successfully carried out the tasks entrusted to it, this is due to the commitment, high standards and expertise of the women and the men who make up its workforce and to whom I wish to pay tribute.

Yves Struillou
General Director for Labour



The General Directorate for Labour (DGT)



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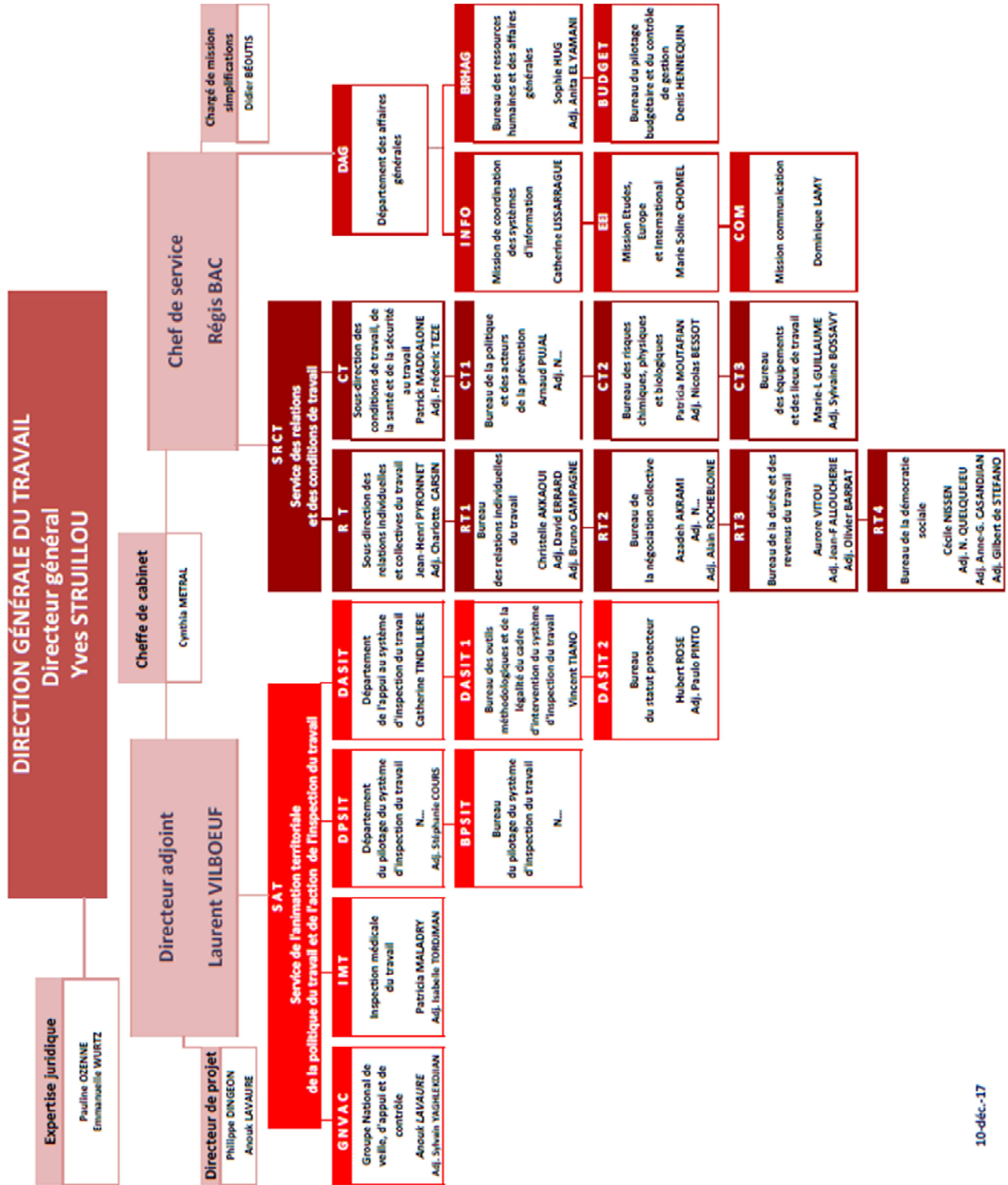


The DGT's board of directors © Social Ministries - DICOM - Jacky Didier Frenoy

The General Directorate for Labour (DGT), created by Decree no. 2006-1033 dated 22 August 2006, prepares, organises and coordinates the labour policy to improve collective and individual relations, working conditions in companies and the quality and effectiveness of the legislation that governs them. It contributes towards defining the position held by France in the international and European institutions which fall within its scope of competence. In addition to drafting laws and regulations and developing actions relating to its sphere of competence (labour relations, assistance and monitoring of collective bargaining, working conditions, protection

of health and safety in the working environment), the DGT also acts as the central authority for the labour inspection system. As such, it is charged with the application of ILO Convention no. 81 dated 11 July 1947.

The public policies led by the DGT are relayed throughout the national territory through the action carried out by Regional Directorates for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment (directions régionales des entreprises, de la concurrence, de la consommation, du travail et de l'emploi, DIRECCTEs and DIECCTEs).



DGT organisational chart in December 2017

The structure of the DGT

So that it can successfully carry out its duties, the DGT is composed of 2 services.

The Service for Territorial Development (service de l'animation territoriale, SAT)

The Service for the Territorial Development of Labour Policy and Labour Inspectorate activities (service de l'animation territoriale de la politique du travail et de l'action de l'inspection du travail, SAT) contains four entities:

- ▶ **The National Group for Monitoring, Support and Audits (groupe national de veille, d'appui et de contrôle, GNVAC)** is responsible for following-up on and monitoring situations at national level which require intervention, either alone or in collaboration with territorial services, to ensure compliance with Labour Law provisions. It also carries out the role of liaison office as provided for by Directive 96/71/EC dated 16 December 1996 for the terms and conditions of employment.
- ▶ **The Department for Implementation of the Labour Inspection System (département du pilotage du système d'inspection du travail, DPSIT)** prepares and ensures the implementation of national labour policy guidelines by regional services. In this context, it is responsible for establishing the national inspection programme, ensuring coordination and monitoring the overall consistency of the Labour Inspectorate's work. It develops interactions with the occupational services in each European country.
- ▶ **The Department for Support of the Labour Inspection System (département de**

l'appui au système d'inspection du travail, DASIT) provides technical and methodological support as well as expertise to regional services. It ensures the maintenance of information systems used to implement labour policies. It hears hierarchical and judicial appeals relating to dismissals of protected employees. It responds to professional conduct issues which arise during the course of the Labour Inspectorate's work.

- ▶ **The Occupational Health Inspectorate (inspection médicale du travail, IMT)** is responsible for providing technical guidance to regional occupational health doctors. It takes part in the creation of labour policy guidelines on occupational health and ensures that they are implemented by occupational health doctors. It runs the network and analyses the information received on a national level. It provides expertise for the drafting of legislation on occupational health. It participates in the French National Medical Council. It provides assistance to companies and occupational health professors so that the specificities of occupational health are increasingly taken into account.



Officers' meeting, National Group for Monitoring, Support and Audits (groupe national de veille, d'appui et de contrôle, GNVAC) © Social ministries – DICOM
- Jacky Didier Frenoy

Unit for Labour Relations and Working Conditions (service des relations et des conditions de travail, SRCT)

The Unit for Labour Relations and Working Conditions (service des relations et des conditions de travail, SRCT) is composed of two sub-directorates and one department.

► The Sub-directorate for individual and collective labour relations (sous-direction des relations individuelles et collectives du travail, (RT) is responsible for :

- developing and monitoring the execution of rules and activities which namely concern employment contracts (execution, performance, termination), the different types of contract, the exercise of freedoms and obligations arising from employment contracts, transnational labour relations, combating illegal labour and the fraudulent posting of workers, corporate social responsibility, etc. ;
- support for social dialogue, the extension of collective agreements, restructuring of branches, access to collective agreement legislation, information on collective bargaining in particular through the publication of an annual report, staff representative bodies, measuring the audience of professional employers' organisations and employee trade union organisations and establishing their representativeness within branches and at national and cross-industry levels, and financing education in economic, social and union affairs;
- trade union rights and remedies ;
- working hours in all their aspects and arrangements, employee saving schemes, minimum wages and salaries, and equal pay for women and men ;
- organising the appointment of Labour Tribunal members and the secretariat of the Higher Council of the Labour Tribunal (conseil supérieur de la prud'homie, CPS), drafting and implementing rules regarding the Labour Tribunal and the training of Labour Tribunal members. It carries out this task in collaboration with the Ministry of Justice.

► The Sub-Directorate for Working Conditions and Health and Safety at Work (sous-direction des conditions de travail, de la santé, et de la sécurité au travail, CT) is responsible for establishing guidelines, rules and action plans for improving working conditions, preventing and protecting



The Individual Labour Relations Bureau team



The Collective Baraainina Bureau team



The Equipment and Workplace Bureau team © Social ministries – DICOM - Jacky Didier Frenoy

employees from occupational hazards and monitoring their execution. This includes:

- the general organisation of occupational hazard prevention (monitoring governmental action plans, specifying the content of priority actions, monitoring and assessing the results, specifying and coordinating study and research initiatives, implementing provisions relating to workplace health and safety committees, drafting rules relating to occupational medicine, supervising the National Agency for the Improvement of Working Conditions

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

- the protection of health in working environments (drafting rules on the prevention of chemical and biological risks, including asbestos; drafting and monitoring, in cooperation with the Department of Social Security (DSS), the implementation of guidelines and rules relating to compensation for risks – chart of occupational diseases, early retirement for asbestos workers);

- construction site and worksite equipment (drafting rules on the fabrication and use of working equipment and work sites – hazards on construction and public works industry sites, electrical hazards – monitoring the personal safety equipment market, authorising and approving expert bodies in the fields of machinery, personal safety equipment and electrical installations).

► **The Department for General Affairs (département des affaires générales, DAG)** is responsible for :

The Office

The General Director's Office assists him in his duties: managing the agenda, preparing meetings and representations, crisis

Legal expert appraisal

Two seconded female judges, responsible for inspections and under the direct authority of the General Director for Labour, carry out a legal analysis of all issues governed by public and private legislation and of the harmonisation of common standards. They offer support to the offices in the drafting of submissions in defence of the government during disputes established in the administrative courts. They provide in-house training in administrative and legal procedures, offer legal support to the regional services and act as a link between

- cross-cutting management missions in European and international affairs; following-up on questions related to corporate social responsibility (CSR); supporting tasks (human resources, logistics, budget and communications), in association with the support directorates attached to the social ministries' general secretary.

- support for the DGT's steering of cross-curriculum IT projects.



European and International Affairs Mission (Mission Etudes, Europe et International, EEI) officers © Social ministries – DICOM Jacky Didier Frenoy

management, and following up reported cases.

the DGT and the courts. In 2017, they were involved in defending the Work Orders in the Council of State (suspension injunction) and in the Constitutional Council (ratification bill). They assisted in the drafting of legislation (decrees implementing Act No. 2016-1088 dated 8 August 2016 and the Work Orders dated 22 September 2017) to ensure that this was placed on a secure legal footing.

Advisory boards

High Council for Social Dialogue (Haut conseil du dialogue social)

- ▶ **Role:** Created by Act no. 2008-789 dated 20 August 2008 on reforming democracy in the workplace and working hours and by Decree no. 2008-1163 dated 13 November 2008, the High Council for Social Dialogue (Haut conseil du dialogue social, HCDS) is consulted regarding the list of representative trade union organisations per professional branch and trade union organisations which are recognised as being representative at a national and general level. The secretariat of the HCDS is carried out by the DGT's services.
- ▶ **Composition:** One president; five representatives from national and general employee trade union organisations; representatives from representative employers' organisations on a national level; three representatives from the Minister of Labour; three experts chosen by the Minister of Labour.

National Commission on Collective Bargaining (Commission nationale de la négociation collective, CNNC)

- ▶ **Role:** Created by the Act dated 13 November 1982 on collective bargaining and the settlement of collective labour conflicts, the CNNC gives its opinion on the setting of the minimum wage, the evolution of effective wages, the principles of "equal pay for equal work" and gender equality in the workplace, as well as on draft bills and decrees relating to collective bargaining. In addition, it must research which resources should be used to facilitate the development of collective bargaining.
- ▶ **Composition:** One president (the Minister of Labour); one representative for the Minister of Agriculture; one representative for the Minister of Economic Affairs; the president of the social section of the Council of State; representatives from employee trade union organisations and representative employers' organisations at a national level including farmers' and artisans' representatives; and representatives from the liberal professions and public enterprises;
- ▶ **Three subcommittees have been set up:** the subcommittee for conventions and agreements; the subcommittee for wages; the subcommittee for restructuring the professional branches.

The Board of Direction on Participation, Profit-sharing, Employee Savings and Employee Shareholding (Conseil d'orientation de la participation, de l'intéressement, de l'épargne salariale et de l'actionariat salarié, COPIESAS)

- ▶ **Role:** Created by the Act dated 3 December 2008 on income from labour (Article 20), COPIESAS is responsible for promoting employee savings and share ownership, assessing mechanisms and making any suggestions which would encourage their dissemination. The General Secretariat under the authority of the Minister of Labour organises the Council's work and drafts its reports. The General Directorate for Labour acts as the general secretariat for COPIESAS.
- ▶ **Composition:** One president; 10 members representing the social partners; the General Director for Labour; the Director of the Civil Affairs and Seals Directorate (directeur des affaires civiles et du sceau); the General Director of the Treasury and Economic Policy (directeur général du Trésor et de la politique économique);

the Director of Tax Legislation (directeur de la législation fiscale); the Director for the Development of Research, Studies and Statistics (directeur de l'animation de la recherche, des études et des statistiques); the Director of Social Security; the President of the Retirement Advisory Council (Conseil d'orientation pour les retraites) or his/her representatives; the President of the Financial Market Authority (l'Autorité

des marchés financiers) or his/her representative; two Members of Parliament and two senators; 12 experts chosen for their competence and their experience.

National Working Conditions Advisory Board (Conseil d'orientation des conditions de travail, COCT) and Regional Committees (CROCT)

- ▶ **Role:** The COCT and the Regional Working Conditions Policy Committees (comités régionaux d'orientation des conditions de travail, CROCT) were reformed in 2016, under the influence of social partners, to strengthen their strategic role of directing public policies on occupational health and safety and the improvement of working conditions. This reform was achieved through Article 26 of the Act dated 17 August 2015 on social dialogue and employment and the Decree dated 22 December 2016 implementing it. It is placed under the authority of the Minister of Labour. The COCT exercises an advisory role by participating in public policy-making, in particular with regard to the national action strategies such as the Occupational Health Plan, and by taking part in the coordination of actors involved in these fields. It is consulted on draft laws and regulations which contribute towards the implementation of these public policies.
- ▶ **Directing role :** the National Working Conditions Advisory Board (Conseil national d'orientation des conditions de travail), a plenary body chaired by the Minister of Labour, is composed of four boards (social partners; ministerial departments; social security, expertise and prevention bodies; experts); the

Standing Policy Group (Groupe permanent d'orientation, GPO), a select group composed of the board of social partners, the State (Ministries of Labour and of Agriculture) and the French National Health Insurance Fund (Caisse nationale de l'assurance maladie, CNAM) (occupational risks department), newly created in 2016.

- ▶ **Advisory function:** a General Commission, chaired by the president of the social section of the Council of State, and six specialised commissions.
- ▶ **At a regional level:** CROCTs are chaired by the regional prefect. In 2016, along the lines of the GPO, smaller bodies were created within CROCTs: the Standing Regional Policy Groups (Groupe permanent régional d'orientation, GPRO), chaired by the regional prefect and comprising the board of social partners, the DIRECCTE and the Pensions and Occupational Health Fund (Caisse d'assurance retraite et de la santé au travail, CARSAT). It directs regional policy on occupational health and, in particular, delivers opinions in the context of the regional governance of occupational health services (accreditation policy, and multiannual contracts of objectives and means (contrats pluriannuels d'objectifs et de moyens, CPOM).

The Higher Council for Labour Tribunals (Conseil supérieur de la prud'homie, CSP)

- ▶ **Role:** Created by the Act dated 6 May 1982 on labour tribunals, implemented by Decree No. 84-360 dated 10 May 1984, the CSP is called on to deliver

opinions and issue suggestions as well as to carry out studies on the organisation and operation of labour tribunals. In this regard, it proposes any measures which

may be useful to the Ministry of Justice and the Minister of Labour. It is consulted on draft laws and regulations regarding the establishment, jurisdiction, organisation and operation of labour tribunals, the appointment, status and training of labour tribunal members as well as the procedures carried out in the labour tribunals.

- ▶ **Composition:** One president; two Minister of Justice representatives; two

Minister of Labour representatives; one Minister of Agriculture representative; representatives from the most representative employee trade union organisations and representatives from the most representative employers' organisations, at a national level; the secretariat is provided by the Minister of Labour.

The DGT's operators and partners

The DGT is supported by a network of operators and partners. It oversees some of these, on its own or in collaboration with other ministries.

The National Agency for the Improvement of Working Conditions (Agence nationale pour l'amélioration des conditions de travail, ANACT)

- ▶ **Mission:** to improve working conditions by focusing in particular on the organisation of labour and on professional relations.
- ▶ **How?** It develops and disseminates tested methods and tools with one objective: to permanently reconcile the quality of working life and economic performance.

The French Agency for Food, Environmental and Occupational Health & Safety (Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail, ANSES)

- ▶ **Mission:** to assess health risks with a view to clarifying public decision-making regarding subjects such as food, the environment, work, health, animal welfare and plant health.
 - ▶ **How?** It offers a cross-cutting interpretation of health issues.
- In particular, it assesses all the risks (chemical, biological, physical, etc.) to which an individual might be exposed, whether in the workplace, whilst travelling to work, during leisure time or through diet.

The Nuclear Safety Authority (Autorité de sûreté nucléaire, ASN)

- ▶ **Mission:** to regulate nuclear safety and provide protection from radiation in France, on behalf of the State.
- ▶ **How?** It is responsible for drafting regulations by delivering its opinion to the Government on draft decrees and ministerial orders and by taking regulatory decisions of a technical nature; for ensuring compliance with the rules and requirements governing the facilities and activities that it monitors, and for providing information to the public, including in the event of emergencies.

The National Health Insurance Fund (caisse nationale d'assurance maladie)

- ▶ **Mission:** to establish the health insurance policy in France and to guide the bodies responsible for implementing it. The Occupational Accidents and Diseases branch (Accidents du travail - Maladies professionnelles, AT- MP) oversees the management of occupational risks, to avoid any deterioration of workers' health attributable to their work.
- ▶ **How?** It advises employers, employees and their representatives, monitors the state of workers' health, and follows up on and contributes towards the traceability of occupational exposure. It

plays a role in the management of risks, through the Objectives and Management Agreement (convention d'objectifs et de gestion, COG) established with the French State. The COG, signed on 30 December 2013 for the 2014-2017 period, highlights both the priority given to preventive actions, which must be supported by a better coordination between national and regional operators and the development of partnerships with other actors involved in prevention, and the need to assess the impact of these actions.

The French National Cancer Institute (Institut national du cancer)

- ▶ **Mission:** to coordinate actions to fight cancer. This State agency provides health and scientific expertise in cancer research. Work-related cancers are often underestimated as both their identification and their recognition as the consequence of occupational exposure can be difficult.

- ▶ **How?** The 2014-2019 Cancer Plan focuses on better knowledge of situations of risk at work, strengthening the protection and monitoring of workers who are exposed to carcinogenic agents, as well as improving job retention for persons suffering from cancer.

The French Institute for Research and Security for the prevention of occupational accidents and diseases (Institut national de recherche et de sécurité pour la prévention des accidents du travail et des maladies professionnelles, INRS)

- ▶ **Mission:** to develop and promote a culture of prevention of occupational accidents and diseases. Its role has four main aspects: identifying, analysing, disseminating and promoting.
- ▶ **How?** It acts in collaboration with other institutional actors in the field of

occupational risk prevention. It offers tools and services to companies and employees who are covered by the general Social Security regime.

Public Health France (Santé publique France)

- ▶ **Mission:** Since 1 May 2016, the French Institute for Health Promotion and Health Education (Institut national de prévention et d'éducation pour la santé, INPES), the French Institute for Public Health Surveillance (Institut de veille sanitaire, InVS) and the Establishment for Public Health Emergency Preparedness and Response (Établissement de préparation et de réponse aux urgences sanitaires, EPRUS) have become Public Health France (Santé

publique France) which has taken over all of their tasks, responsibilities and powers. The National Public Health Agency (Public Health France, santé publique France) is a public administrative institution placed under the authority of the Ministry of Health. It is governed by the Act dated 26 January 2016 on the modernisation of our health system, the Ordinance dated 14 April 2016 and the Decree dated 27 April 2016.

- ▶ **How?** Through its extensive missions and responsibilities, which range from epidemiological monitoring and providing education to the public on risk prevention, to public outreach -

particularly in the event of health emergencies - Santé publique France provides a centre of reference and expertise in public health similar to those found in other countries.

The French Radioprotection and Nuclear Safety Institute (institut de radioprotection et de sûreté nucléaire, IRSN)

- ▶ **Mission:** to ensure the management, exploitation and consolidation of dosimetric data regarding the exposure of 385,000 workers to ionising radiation. The IRSN participates in the drafting and review of regulations led by the General Directorate for Labour and carries out specific expert assessments in connection with radiological events which have affected workers, at the request of the General Directorate. It is placed under the joint authority of the Ministries of Ecology, National Education, Research, Health, Industry and Defence.

- ▶ **How?** The IRSN is responsible for carrying out continuous surveillance. Data on the exposure of workers is centralised in the national database, "SISERI" (Information System for Monitoring Exposure to Ionising Radiation, système d'information de la surveillance de l'exposition aux rayonnements ionisants), which enables the IRSN to monitor the evolution of exposure and to carry out epidemiological studies on specific groups of workers.

The Organisation for the Prevention of Occupational Hazards in Construction and the Public Works Industry (Organisme professionnel de prévention du bâtiment et des travaux publics, OPPBTP)

- ▶ **Mission:** to raise awareness among workers in the construction and public works industry on risk prevention and the improvement of working conditions. The OPPBTP focuses mainly on providing advice to companies in this sector on the prevention of occupational accidents and diseases.
- ▶ **How?** It offers companies in the construction and public works industry a wide array of useful tools (particularly for the analysis and assessment of risks), with a view to helping them improve

their level of prevention; it offers specific training for the construction and public works trades and helps companies to set up their training plans; These training sessions are organised by instructors specialising in the construction and public works industry and aim to teach risk management and technical preventive measures to the various professions; it disseminates comprehensive and up-to-date information through practical tools, such as its website.

The General Directorate for Labour in 2017: key facts in numbers

Legislative activities

6 orders

2 draft bills

approx. 50

implementing regulations

853 extension orders

707 orders on

representativeness

3028 pages for 2080

documents published during the Olympic Games

14 key constitutional issues

60 statements of defence as a result of appeals

Individual and collective labour relations

635 Joint Appeals Board meetings

89 points argued in Joint Appeals Board meetings

765 comprehensive contractual texts

156 branches restructured on the recommendations of the Subcommittee on the restructuring of the professional branches (sous-commission de restructuration des branches professionnelles)

405 Orders relating to trade union representativeness

295 Orders relating to the representativeness of employers' associations

Working conditions, health and safety at work

31 actions undertaken within the framework of the Occupational Health Plan

41 Working Conditions Policy Board meetings

Territorial Implementation of Labour Policy and Labour Inspection

1035 hierarchical appeals regarding 1,403 decisions to dismiss protected workers

168 notifications of approval from the Occupational Health Services

60 submissions drafted by Occupational Health Doctors (médecins inspecteurs du travail) (in 2016)

1726 occupational medical specialist doctors' opinions challenged (in 2016)

80 field surveys carried out jointly by Occupational Health Doctors and Labour Inspectors (in 2016)

20 ongoing cases or cases being processed jointly by the GNVAC (National Group for Monitoring, Support and Audits) and the Units for the Territorial Implementation of Labour Inspections (unités territoriales de l'inspection du travail), 15 of which relate to the fraudulent posting of workers

7 million consultations of the pages providing practical information relating to labour legislation on travail.gouv.fr

Resources

219 DGT officers, 66 of whom work for the Sub-Directorate for Individual and Collective Labour Relations (sous-direction des relations individuelles et collectives du travail); 50 of whom work for the Sub-Directorate for Working Conditions and Health & Safety at Work (sous-direction des conditions de travail, de la santé et de la sécurité au travail); 66 of whom work for the Unit for the Territorial Implementation of Labour Policy and Labour Inspection (service de l'animation territoriale de la politique du travail et de l'inspection du travail), 19 of whom work for the Department for General Affairs (département des affaires générales), and 13 of whom work for the Directorate

115 Training Initiatives

€78.5 million for Labour Policy (Programme 111), including €42.4 million for social dialogue and €24.6 million for health and safety

€282,223 in running costs in 2017

4,446 officers assigned to the decentralised services (DIRECCTE and DIECCTE's Pôle T Work Centres)

The focuses of the DGT's involvement and actions in 2017

Highlights

JANUARY

13 January: Close of the TPE (micro-enterprise) vote (20 January for the overseas Départements).

FEBRUARY

3 February: Announcement of the TPE vote results.

23 February: Inauguration of the National Working Conditions Advisory Board (Conseil national d'orientation des conditions de travail).

MARCH

3 March: European Council of Labour Ministers.

22 March: Implementation of the BTP card requirement.

31 March: Presentation by the High Council for Social Dialogue (Haut Conseil du Dialogue Social) of the results of the measurement of trade union audiences.

APRIL

12 April: Publication of the Council of State Decree regarding the Labour Inspectorate's Code of Conduct.

26 April: Publication of the National Plan for the implementation of the United Nations Guiding Principles on business and human rights.

26 April: Publication of the results of the 1st measurement of audiences relating to employers' representativeness.

MAY

3 May: Publication of the Council of State Decree on the publicising of collective agreements.

4 May: The signing of a three-way framework agreement between the National Public Health Agency (Agence nationale de santé publique, ANSP), the General Directorate for Labour (DGT) and the General Directorate for Health (DGS), for the period 2017-2020.

5 May: Issuing of the Order regarding the distribution of seats between the trade unions and the professional organisations.

15 to 19 May: participation in the "Joint Action Days" against human trafficking and labour exploitation, organised by Europol.

19 May: Meeting of the European Union's General Directors for Labour.

JUNE

15 June: European Council of Labour Ministers.

20 - 22 June: Participation in the Paris Préventica Show to present the campaign against falls from heights.

22 June: Publication in the Official Gazette of the list of national and general representative trade union organisations.

SEPTEMBER

20 and 21 September: Seminar launching the European campaign on the health of temporary workers.
22 September: Publication of Orders for the strengthening of social dialogue.

OCTOBER

10 October: Seminar on preventing the exposure of workers to asbestos.
23 October: European Council of Labour Ministers.

NOVEMBER

24 November: Meeting of the Union's General Directors for Labour.

DECEMBER

7 December: The Council of State's refusal of the petition to suspend several of the Orders' articles as a matter of urgency.

7 December: European Council of Labour Ministers.

8 December: Consultation of the National Commission for Collective Bargaining (Commission nationale de la négociation collective) on the draft decree dedicated to the CSE (Economic and Social Committee).

15 December: Publication of decrees on the strengthening of collective bargaining and on the procedures for specifying the grounds for notices of dismissal; Labour Tribunal procedures.

19 December: Publication of an Order on the nomination of Labour Tribunal members.

20 December: Publication of an Order ensuring consistency between the decrees of 22 September.

20 December: Decree No. 2017-1724 on the termination of collective conventions.

21 December: Vote on the Orders by the Senate's Commission for Social Affairs (Commission des affaires sociales).

21 December: Publication of a decree on the procedure for the internal redeployment on national territory of workers who are made redundant on economic grounds.

26 December: Publication of decrees establishing the list of occupational diseases giving grounds for early retirement in the event of permanent disability due to certain occupational risk factors; and the approval procedures for agreements within micro-enterprises.

27 December: Publication of decrees relating to the prevention and recognition of the effects of exposure to certain occupational risk factors and to personal prevention accounts (C2P).

28 December: Publication of a decree on the remuneration of workers who participate in branch bargaining.

29 December: Publication of decrees on the temporary contracting-out of workers, on a non-profit basis, between companies; on standard templates for notices of dismissal; on the working methods of CSEs; and on amending personal work-related strain accounts.

30 December: Publication of a decree relating to Economic and Social Committees.

The drafting of Work Orders on the strengthening of social dialogue and of their implementing decrees



Muriel Pénicaud, Minister for Labour, at the National Assembly during the review of the Work Orders. © Ministry of Labour

In the field of labour relations, the year 2017 has mainly been characterised by the drafting and adoption of five Orders for the strengthening of social dialogue, which were issued on the 22 September 2017. A sixth Order, adopted on 20 December 2017,

addressed the need for consistency in previous provisions. Furthermore, the full set of implementing regulations was published in late 2017.

The strengthening of collective bargaining

Regarding collective bargaining, Order 2017-1385 on strengthening collective bargaining defined a clear new articulation for standards where corporate bargaining has a more important role to play. In addition, it increased social partners' scope for action in their choice of social agenda, at both branch and company level; they can now determine both the frequency and the topics of negotiations. This text has three key sections:

- ▶ "public order", which sets out the rules which are non-derogable;
- ▶ the "scope of collective bargaining", which represents the field which is open to collective bargaining and which sets out the most appropriate articulation between branch negotiation and negotiation at company level;

- ▶ "supplementary provisions", which include all provisions which apply in the absence of a collective agreement.

This Order also offers smaller businesses without trade union representatives new opportunities for negotiation by introducing new ways to adopt agreements. In particular, for businesses with fewer than 11 employees, employers may propose draft agreements to employees, these having been agreed through consultation with their employees.

Finally, the Order strengthens and secures the legitimacy of company agreements by speeding up the implementation of majority agreements, by establishing a presumption of compliance with agreements, and by setting out the time-limit within which they

may be contested. As well as securing these agreements, this measure has also established a social dialogue observatory within each Département; in particular, these are responsible for alerting businesses

about potential breaches of legislation identified in agreements and for assisting them in their negotiations.

New powers to extend branch agreements

Order 2017-1385 contains various measures relating to the strengthening of social dialogue and gives the Minister new powers

to extend branch agreements; it stresses the need to take competition into account during the extension process.

Economic and Social Committee (le comité social et économique) and the social agenda

Regarding staff representation, Order 2017-1386 relates to the new framework for social and economic dialogue within businesses, and promotes the exercise and development of trade union responsibilities, consolidating staff representatives, works councils and health, safety and working conditions committees into a single committee known as the Economic and Social Committee. Consequently, it provides for the compulsory establishment of these committees within businesses with at least eleven employees; however, the mandates of these committees are to vary according to whether businesses have more or fewer than fifty employees, so as to reflect the specific challenges of different sized businesses. For businesses with more than fifty employees, the Economic and Social Committee's mandate is therefore broader, and covers economic, social and cultural matters.

This second Order gives social partners the opportunity to negotiate suitable provisions (as regards the social agenda, timetabling, the contents and level of consultations, and also the contents of the economic and social database) for appropriate, rather than merely formal, social dialogue.

In addition, it makes the establishment of health, safety and working conditions committees obligatory for all businesses with at least three hundred employees, all other

establishments with at least three hundred employees, and establishments where working conditions make such committees essential: Seveso sites, especially those exposed to hazardous chemicals, and nuclear facilities. In other cases, these committees may be established by an agreement.

In general, the philosophy behind the Orders consists in leaving the social partners themselves to organise a model of representation which is best suited to the culture, circumstances and requirements of their regions. To that end, the Order reiterates the articulations "public order", "scope of collective bargaining" and "supplementary provisions". Since no two businesses are alike, the idea is not, therefore, to provide a standard model of staff representation, but instead to allow, by means of collective bargaining, the creation of committees adapted to the needs of individual businesses, hence the option of establishing community-based representatives.

At the same time, the Order also provides for the option of the voluntary introduction of innovative arrangements for staff representation; the assent of Works Councils, which have the authority to negotiate and enter into collective agreements, being required as regards certain subjects.

Making more effective use of trade union developments

Order 2017-1386 aims to make more effective use of trade union developments

In particular, it provides for the option of an evaluation of the skills that have been

acquired at the end of the mandate. It also provides for employees' rights to continuation of pay and to the associated payments and contributions paid by

employers during business, social and trade union training leave. Employers may then deduct these from their contribution to the Parity Fund.

Increasing predictability and security in labour relations

As regards individual relations, Order 2017-1387 dated 22 September 2017 aims to increase predictability and security in labour relations.

In particular, it provides for access to a clear, user-friendly and comprehensible digital version of the Labour Code. This tool must be able to respond to specific questions posed by owners of micro-enterprises and small businesses and by their employees, and be able to provide them with a clearer understanding of the legislation.

Order 2017-1386 aims to give greater visibility to both the owners of businesses and to their employees during the termination of employment contracts, notably by:

- ▶ Establishing an essential scale for assessing the extent of the compensation payable by employers when dismissals are determined by a judge to be without just cause; yet retaining, in the most serious cases (discrimination, harassment and infringements of workers' fundamental freedoms) the option of leaving the imposing of sanctions at the sole discretion of the judge.
- ▶ Reforming the rules relating to dismissals so that irregularities in their form no longer outweigh their substance.

Developing teleworking

Finally, this legislation aims to develop teleworking by facilitating its use, making it a secure and flexible way to improve the professional life/private life balance. The formalities of teleworking have become more flexible but safeguards have been increased, and include the presumption of

- ▶ Providing employers with standard dismissal notices which refer to the rights and obligations of each party so as to prevent procedural errors in the event of a dismissal.

This legislation is a reform of the regulations regarding redundancy. In the event of financial difficulties being used to justify dismissals, the scope for assessing these economic grounds is now established at a national level (as it is in the vast majority of European countries); yet judges still retain the authority to monitor potential cases of abuse, including the creation of artificial difficulties for the purpose of justifying dismissals.

Finally, the Order updates the rules governing fixed-term (CDD) and temporary employment (CTT) contracts which correspond to specific business sectors. The length of contracts and the number of times they can be renewed may be negotiated and established through branch agreements. It aims to extend the use of jobsite contracts (previously restricted to the construction and Public Works sector), as a consequence of the negotiation of branch agreements establishing the rules allowing their use.

occupational accident when such an accident occurs whilst an employee is engaged in teleworking. Moreover, the social partners were left to arrange the implementation of this legislation, to suit the needs of workers and the organization of companies.

The launch of the Draft digital version of the Labour Code

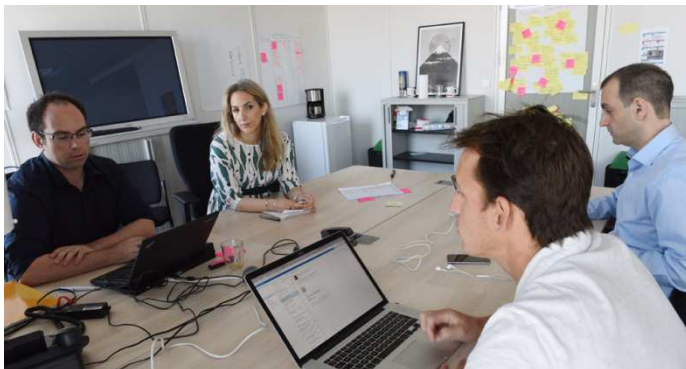
Enshrined within Order 2017-1387 dated 22 September 2017, the purpose of the draft digital version of the Labour Code is to allow users, employees and employers independent, simplified electronic access to responses and legal texts that deal with aspects of Labour law which are relevant to their own situations.

The project is being implemented according to Agile development methods, within the incubator of the Social Sector Ministries at the Directorate for Information Technologies (ministères sociaux de la Direction des systèmes d'information, DSI). The team is composed of members of the DGT, the DSI, the Inter-ministerial Directorate for Digital, Information and Communications Systems (Direction interministérielle du numérique et du système d'information et de communication, DINSIC) and external partners with special expertise.

The service is being created using an iterative process. This approach focuses on users' requirements. Each stage is validated after evaluation and testing.

The legal context targeted is also successively being enlarged. The Labour Code and the collective agreements are being prioritised, with experiments initially being carried out in a number of branches.

Effective collaboration is being established with the DIRECCTEs' information services; these actors provide indispensable services as far as access to legislation is concerned, and complement the digital services. A panel of users, with the task of testing deliverables and contributing to supplying the basis for the responses, is therefore being established.



Working Meeting of the Project Group mandated with producing a digital version of the Labour Code © Social ministries - DICOM Jacky Didier

Steering of the labour inspection system

Priorities for action: occupational health, social dialogue, and combating illegal labour



The Labour Inspectorate carrying out a check at a site in the Hauts-de-France Region © DIRECCTE Hauts-de-France Region

The decentralised services were requested to focus their efforts on three key areas: occupational health, social dialogue, and combating illegal labour. The Labour Inspectorate's Action Plan is set out as follows:

- ▶ **The development of regional occupational health plans** within the framework of the 2016-2020 version of the Occupational Health Plan (PST3).
- ▶ **The prevention of falls from a height:** in line with the PST3 and with the DIRECCTEs' priorities for action, the DGT has set up an operational working group to try and find more effective solutions as regards prevention and monitoring in operations involving working at heights; this is particularly aimed at the micro-enterprise and SME segment, where most accidents occur.
- ▶ **Combating the risks of exposure to asbestos:** for the year 2017, the mobilisation of the Labour Inspection system for the purpose of applying the regulations concerning asbestos has continued to focus on monitoring the head offices of asbestos removal contractors (who come under "subsection 3" of the regulations) and

companies undertaking activities involving materials containing asbestos (which come under "subsection 4" of the regulations), as well as sites where asbestos is being removed.

- ▶ **Continuing support for businesses regarding equality at work:** data clearly demonstrates a link between the level of commitment from services and business coverage. Also, the DIRECCTEs and DIECCTEs have been called upon to take strong action regarding the monitoring of the state of negotiations on this issue.
- ▶ **Developing social dialogue with support from legislation on the modernisation of social dialogue** (known as the Rebsamen Act) and the Labour Law (known as the El Khomri Law) and various Orders: the introduction of Joint Regional General Committees (Commission paritaire régionale interprofessionnelle, CPRIs); support for the implementation of the recent reforms concerning the functioning of social dialogue within businesses, preparations for social dialogue observatories, etc.
- ▶ **The relaunch of the "accompagnement aux relations sociales" ("support for social relations") mechanism (ARESO).**
- ▶ **Combating illegal work and illegal postings** : the operational implementation of the National Plan for Combating Illegal Work (plan national de lutte contre le travail illégal, PNLTI), presented at the National Commission on Illegal Working (Commission nationale de la lutte contre le travail illégal, CNLTI) on 30 May 2016, the definition of individual roles within the system, with an Action Plan for the regional monitoring units responsible for combating illegal work (URACTI), with arrangements adapted to micro-enterprises/ SMEs, the involvement of regional social partners, etc.

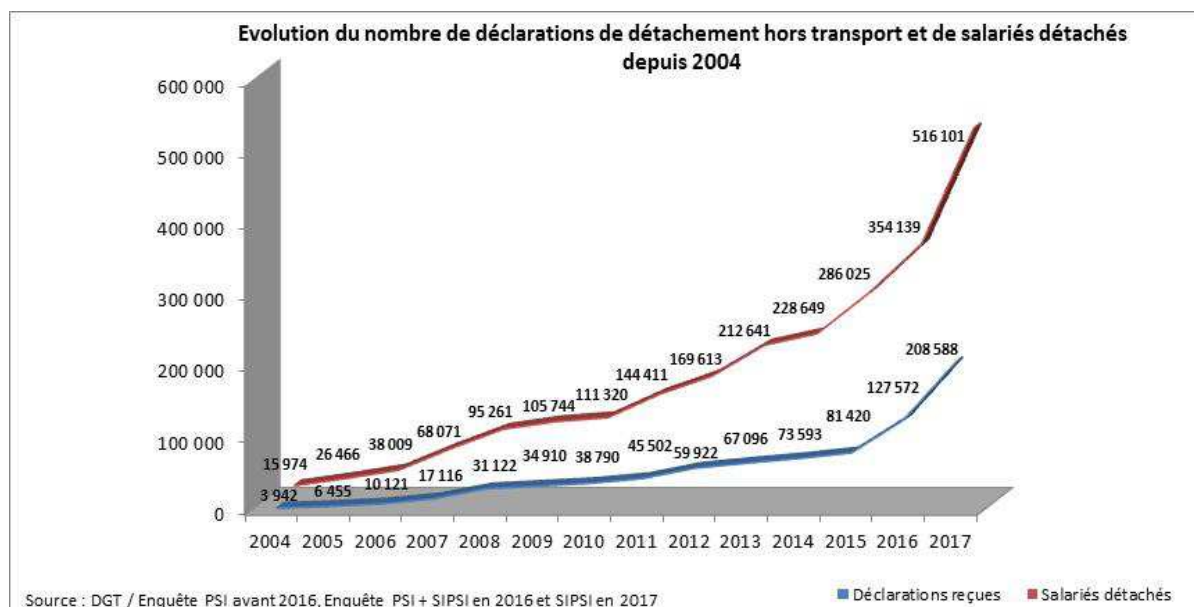
Several of these topics were already national priorities throughout the year 2016. They were retained in 2018 in order that these issues with a significant social dimension could be tackled over a broader time period and efficient procedures for response and action could therefore be introduced. The SIT's priorities for action come within the very specific context of the implementation of the Order dated 7 April 2016 regarding the powers of the Labour Inspectorate. A preparatory inquiry dated 12 July 2016 specified the challenges associated with the implementation of penalties resulting from this ordinance, in terms of penalty strategies and the strengthening of a collaboration with public prosecutors. But it was actually during the year 2017 that the increased power of these new tools made itself felt. The new organisation of the labour inspection system has been put in place in every region, as a follow-up to the "Strong Ministry" Plan (Plan "Ministère Fort"). Within the DGT, the Unit for the Territorial Implementation of Labour Policy and

Labour Inspection (service de l'animation territoriale, SAT) was redesigned and the National Group for Monitoring, Support and Audits (Groupe national de veille, d'appui et de contrôle, GNVAC) was created. A national network for combating illegal work, and a special risks network were created.

Plans for the transformation of employment inspectors into labour inspectors are being continued. At the beginning of the year, 540 controllers had already been promoted to the rank of inspector by means of a vocational examination and were assigned to the inspection department.

The General Directorate for Labour has also provided guidance on the main focuses of the Labour Inspectorate's activities and on procedures for intervention appropriate to micro-enterprises and SMEs, and has stressed the need for a satisfactory level of intervention in businesses.

Combating illegal work and illegal posting



The National Plan for Combating Illegal Work 2016-2018 prioritises the fight against complex fraud. It aims to combat arrangements which serve to mask unfair practices, and to combat institutional

fraud committed by foreign businesses that post workers to France. This objective is now more relevant than ever. Indeed, compared to 2016, the number of declarations of postings excepting

transport has increased by 64 % and the number of posted workers by 46%. In 2017, 1,088,883 declarations were made by foreign businesses, of which 208,588 were declarations of postings excepting transport and 880,295 were transport sector certificates. These declarations relate to 1,396,396 posted workers, of which 516,101 did not include transport.

The screenshot shows the SIPSI website interface. At the top left is the French flag and the text 'Liberté • Égalité • Fraternité RÉPUBLIQUE FRANÇAISE'. To the right, it says 'Détachement de travailleurs en France International Posting of Workers in France'. The main heading is 'Bienvenue sur SIPSI / Welcome to SIPSI'. Below this, there's a section for 'Déclaration préalable de détachement de salariés en ligne' (Online prior declaration of posting). It includes three paragraphs of text in French and English, explaining that employers must submit a declaration before starting work in France. To the right of the text are two buttons: 'Créer mon compte / Create my account' and 'CONNEXION / LOGIN'. Below the login button are input fields for 'Identifiant / Login' and 'Mot de passe / Password', with a 'Retenir mon identifiant / Remember my login' checkbox. At the bottom right is a 'Se connecter / Log in' button and a link for 'Mot de passe oublié / Forgotten password'.

Businesses can declare the posted workers they employ on the website sipsi.travail.gouv.fr This online service forms part of the modernisation of the tools being used to combat the fraudulent posting of workers.

Within the framework of the 2017 Regional Action Plan, the DIRECCTEs have set ambitious objectives to strengthen efforts to combat fraud relating to posting regulations. This is why joint monitoring by different services has been stepped up, with the objective of a quarter of interventions to be carried out jointly in all sectors, and as much as half in the priority sectors (construction, agriculture, transport, hotels/cafés/restaurants, corporate services and entertainment). The objective of 1,500 monthly interventions in the

international services industry has been confirmed.

The year 2017 was spent consolidating the modes of operation of the fraudulent postings inspection systems within each of the DIRECCTEs and those shared by the DIRECCTEs and the DGT. This was reflected in an increase in collective expertise on this topic. With this aim in mind, the DGT wishes to redefine the roles of the various actors in the labour inspection system and, through the Control Units with regional jurisdiction for

fighting illegal work (Unité régionale d'appui et de contrôle du travail illégal, URACTIs) is seeking to establish a contingent of at least 7 % of controllers from each DIRECCTE, to ensure that the resources available to these URACTI officers are equal to the challenges and complexities of their task, and finally to establish regional training courses. These objectives are being followed up in each region within the annual management dialogues.

The capacity of the SIPSI (Information System for the International Provision of Services, système d'information sur les prestations de service internationale) application allowing the online declaration of postings was enhanced in order to take on the transport companies' posting certificates. This tool relieves the DIRECCTEs of the time-consuming task of registration and allows the DGT to benefit from comprehensive real-time data.

Obligatory construction and public works industry cards



Construction and public works industry cards provide security and facilitate inspections and help combat illegal work

©Severe weather leave, Union des Caisses de France

Caisses de France –Construction and Public Works Industry Severe Weather Leave (Congés Intempéries) has culminated in the nationwide progressive roll-out in 2017 of identification cards for workers in the construction and public works industry. Construction and public works industry cards provide security and facilitate inspections and help combat illegal work. 1,034,000 cards were therefore produced on 1st January 2018. In addition, the DGT is assisting the UCF in the production of a construction and public works industry card control application for use by Labour Inspectorate controllers, , to be operational in 2018.

The work of the DGT and the Informatics Services Branch, along with the Union des

Joint Action Day against human trafficking

In May 2017, Europol organised a huge operation called the “Joint Action Days” on the subject of human trafficking for the purpose of labour exploitation. The DGT participated in this European initiative through its mobilisation of the Labour Inspectorate alongside the national police and the gendarmerie, and by providing the

necessary legal instruments for these inspections.

In addition, the DGT organised a consultation with the Ministry of the Interior and the trade union organisations which was designed to promote the granting of residency to undocumented workers and to specify the conditions for implementing the bulletin dated 28 November 2012.

Affirming GNVAC's operational role

In 2017, the National Group for Monitoring, Support and Audits (Groupe national de veille, d'appui et de contrôle, GNVAC) asserted its operational role as it carried out its interventions. It has increased its operations in support of DIRECCTEs and has

established numerous initiatives relating to the International Provision of Services in conjunction with its partners in the fight against fraud. GNVAC coordinates a task group that works to combat illegal work and promotes consultation between all partners.

The Europosting Project

Portugal is amongst the countries that send the greatest number of posted workers to France. The Deputy Chairman of GNVAC travelled to Porto to give a presentation on the regulations relating to international labour mobility for workers in the construction and public works industry. An information booklet in Portuguese and in French was produced for the occasion. The day event organized by the Portuguese Labour Inspectorate (ACT- Autorité pour les Conditions du Travail, the Working Environment Authority) was attended by 300 participants (employers and their professional organisations, and trade union representatives). It provided an opportunity to discuss the SIPSi tele-declaration system; the construction and public works industry cards, the paid leave scheme used within the construction and public works industry, the calculation of wages including accommodation, transport and food expenses, and access to sources of information. A very constructive dialogue ensued, and included situations that employers may face in connection with the posting of workers and in their subcontracting arrangements.

Regularisation following the inspection of a tour operator

In March 2017, the inspection of facilities belonging to one of the world's top tourism operators was set in motion by a unit from the Savoie département and GNVAC. After repeated reminders and an investigation involving the company's representative in France, in July and in September the company finally forwarded some of the documents that had been requested. Their operation and the new inspections carried out in the presence of the company lawyer persuaded the firm to regularise the situation of 47 posted workers at a cost of approximately €136,800 in payments of the hourly minimum wage, overtime, and the reimbursement of expenses wrongly borne by workers (accommodation, food, and communication tools used for professional purposes).

Collaborating with the gendarmerie to combat a complex posting fraud

At the initiative of the GNVAC and the Hauts-de-France Region URACTI, the actions of the Labour Inspectorate, the gendarmerie and its Central Office for Combating Illegal Work (Office central de lutte contre le travail illégal, OCLTI) resulted in the exposure of a very complex fraudulent scheme within the agri-food sector via companies incorporated into British, Polish and Cypriot law.

Fourteen Polish temporary workers testified during the operation. Three of them lodged complaints against their employers. The local Social Security body (URSSAF), estimated the damages to be worth over €1,800,000.

The protagonists were undertaking unlawful postings of Polish workers which appeared to be above board but were in fact a form of labour exploitation designed to deceive inspectors and maximise their own profits. At the end of their period in custody, they were brought before the prosecution, prosecuted and convicted after pleading guilty in court.

An investigation coordinated between units in several Départements and the GNVAC

On 14 and 15 March 2017, in the Haute-Garonne, Gers and Gironde Départements, judicial proceedings were conducted following an investigation launched by the Special Inter-regional Court (Juridiction Interrégionale Spécialisée, JIRS) in Bordeaux in December 2015, on the following grounds: undeclared work, illegal workforce lending and the illegal subcontracting of labour within an organised group. The charges were subsequently extended to include aggravated money-laundering and bankruptcy, a complex case involving the fraudulent transnational posting of workers.

These judicial proceedings, conducted by an investigative unit established within the Toulouse Research Section (Section de Recherches, SR), involved labour inspectors from the Lot, Gers and Gironde Départements and from the National Group for Monitoring, Support and Audits (Groupe national de veille, d'appui et de contrôle, GNVAC).

Between 2011 and 2016, over 300 Polish and Romanian workers were made available to around ten French construction firms under cover of sub-contracting, temporary work and the transnational posting of workers, to the prejudice of the workers concerned, who were deprived of the rights and wages to which they were entitled, and thereby exposing the tax authorities, the social welfare organisations and the law-abiding businesses to unfair competition. Established outside France, the four companies that officially employed these workers did not run businesses in their alleged country of establishment and had been created in part by one of the French users of their services who was at the centre of an organised gang of around 10 individuals.

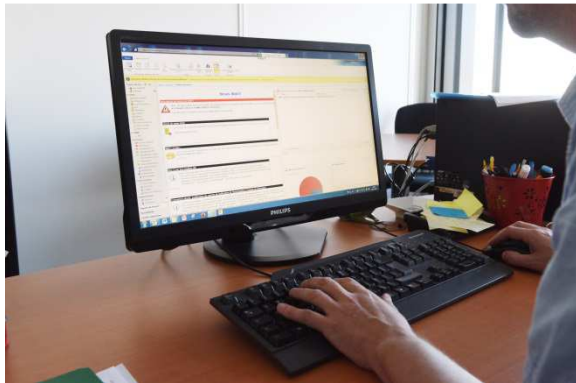
The Labour Inspection Units in the Hautes-Pyrénées, Haute-Vienne and Haute-Garonne Départements completed their initial findings between 2011 and 2014 and started initial proceedings. Officers collaborated efficiently (via data sharing, cross-checking of analyses and networking), and worked together with their colleagues who were in charge of the head offices of the main French firms using these services. They were thus able to expose this cleverly organised fraud by focusing on the large number of premises used for the operation and the changes in names and corporate forms.

By allowing the centralisation and cross-checking of data, the GNVAC's input, via the Gers Département's 'Labour Inspectorate, was instrumental in bringing the case before the JIRS in Bordeaux. Subsequently, the various Labour Inspection Units have continued to interact with each other and with the GNVAC, which provided a link to the JIRS. This vital cooperation between the Labour Inspectorate and the Toulouse SR's investigations unit served as a basis for the work of the gendarmerie, and has been maintained during the preliminary investigation and enquiry.

Inspecting a specialised digital platform in the catering sector

In November, forty officers from the Ile-de-France Département 's Labour Inspectorate (UD75, UD92, URACTI) and from the GNVAC, along with around ten URSSAF inspectors, carried out inspections at over forty establishments in the hospitality sector who use "extra help" in the form of individuals with micro-entrepreneur status, who are contacted via an electronic platform. An inspection carried out on the same day at the platform's head offices yielded information relating to its methods of contacting both micro entrepreneurs and the establishments who use their services. These routine checks to ensure compliance with regulations produced findings which resulted in a clearer understanding of the new activity of contact through electronic platforms. The participation of URSSAF inspectors made it possible to check whether the micro-entrepreneurs had fulfilled their obligation to declare their earnings.

Wiki'T, the Labour Inspection System's Information System



Wiki'T, the Labour Inspectorate's Information System now has enhanced functionality and ergonomics © Social Ministries – DICOM - Jacky Didier Frenoy

Following its deployment in 2015-2016, which involved 4,500 Ministry of Labour officers, in 2017 Wiki'T became fully operational. A satisfactory level of control by DIRECCTEs was reached: 260,476 interventions were entered into the system in 2017 (as against 253,760 in 2016 and 202,818 in 2015 under the old information system). This control relies on an extensive network of instructors and local administrators. The DGT's Department for Support of the Labour Inspection System (Département de l'Appui au système d'Inspection du Travail, DASIT 1) Bureau at the Service for Territorial Development (Service d'animation territoriale, SAT) is supervising the project, with project

management services provided by an external firm; it is collaborating on a daily basis with the Social Ministries' Information Systems Directorate (Direction des systèmes d'information, DSI), the prime contractor.

Following the resolution of performance issues in the second half of 2016, the aim was to enhance the functionality and ergonomics of the application, based on users' feedback.

Proposals from the working group and DIRECCTE users, and the processing of their 600 questions, notifications and demands for changes resulted in a new version being put into service (Wiki'T 2.2) in 2017. A significant amount of drafting and updating of user guides, input flowcharts and e-mail templates has been carried out, with special consideration being given to legislative and regulatory developments (the Labour Law dated 8 August 2016 and the Ordinances dated 22 September 2017).

There has been continued support for regional activities: a Wiki'T regional managers' meeting, and assistance and transport for the network of instructors and administrators. The focus has been on the specific added value Wiki'T offers Labour Inspection System officers in the carrying out of their missions and professional activities.

Supporting the work of DIRECCTE and DIECCTE

A dashboard for better steering

During the year 2017, the Department for the Implementation of the Labour Inspection System (Département du Pilotage du Système d'Inspection du Travail) developed a quarterly "dashboard", setting out the key indicators in terms of the organisation and activities of the entire Labour Inspection System. This dashboard, issued to all the DIRECCTE, makes it possible to monitor both the staffing situation within the services and evolutions in the numbers of workers subject to monitoring by the Labour Inspectorate. It also makes it possible to monitor, on a strictly quantitative basis, the activities of the services in terms of interventions and activities falling within the

scope of national Labour policy priorities, and also the activities of the regional units' Pôle T Work Centres regarding the provision of healthcare services and the activities of the information services.

This dashboard, which was further developed over the first quarters of 2017 and made available at regional level, constitutes an essential tool for the monitoring and steering of activities. It provides a national overview, and offers guidance to the regions in terms of their own steering activities.

Promoting the activities of the Labour Inspection System (système d'inspection du travail, SIT)

A number of new publications for use by the services were launched in 2017 to promote activities being carried out by the decentralised services. An initial document presenting the DIRECCTEs' most significant initiatives as regards improvements in relations and working conditions was published and circulated to all the DIRECCTEs in order to highlight collective initiatives that focused on specific issues (combating illegal work, social dialogue, occupational health, and in particular those that focused on the issues of exposure to asbestos and the risks associated with work equipment).

A monthly memo was introduced, aimed at the DIRECCTEs, regarding the Labour Inspection Services' activities nationwide. It takes its information from the bimonthly memos issued by the DIRECCTEs. As a result, all regions are informed about the daily activities carried out by the Labour Inspectorate throughout its sphere of operation. This makes for a better in-house awareness of the services' wealth of activities; it contributes to its development and allows it to capitalise on experience gained.

Evaluating and enhancing the impact of the SIT's activities

For two years now, the DGT has been working on integrating a process for evaluating and enhancing the impact of the activities carried out by the Labour Inspection System (Système d'inspection du travail, SIT). Two assessment projects, with complimentary approaches, were launched in late 2015:

- ▶ A "regional phase" to evaluate local collective initiatives led by DIRECCTEs (at regional and départemental levels, or by one or more inspection units);
- ▶ A "national phase" aiming to assess the activities carried out by the inspection system on a subject relating to labour policy: the fraudulent posting of workers.

Various objectives are being pursued via these two projects, including: a genuine evaluation of the effectiveness of the SIT's activities; identifying and capitalising on good practice; enhancing both the SIT's in-house activities and those involving its partners.

Regarding the "regional phase": the year 2016 was marked by the launch of initial experiments in three regions; the year 2017 saw the end of these experiments and the submission of reports by each of the Groups. These projects were very instructive and made an important contribution to the guide currently being completed, which will be issued to SIT officers as part of the roll-out of this approach at a national level during

the year 2019 and following further experiments.

The main insights gained from these experiments were:

- ▶ Proactive involvement and commitment from officers are prerequisites for successful evaluations;
- ▶ This operation requires a considerable mobilisation of efforts;
- ▶ The need to consider both the methodology used in evaluations and the collective action employed;
- ▶ The development of specific methods of intervention which would offer greater security to controllers and improve their operating conditions;
- ▶ The benefits to be gained from the operation in terms of collective motivation and putting an end to officers' isolation;
- ▶ The impact of harmonisation, indeed consensus, on the inspection process via peer-to-peer exchanges and the defining of shared tools and procedures;
- ▶ The identification, objectification and exposure of some of the obstacles to achieving results (the inadequacy of certain instruments for coercion when dealing with the realities of the industry).

Regarding the "national phase", the first half of the year was devoted to the launch of the market for assistance from a consulting firm specialised in the evaluation of public

policies; support was provided by the Finance, Procurement and Services Branch (Direction des finances, des achats et des services, DFAS). The last quarter, which corresponded to the study's scoping phase, was devoted to building the competence of the "Pluricité" consulting agency regarding this issue, to methodological adjustments, to establishing a panel of experts, as well as to holding initial discussions with various officials with responsibilities in this area. A Steering Committee, comprised of key partners in the field of combating fraudulent postings,

also met in December in connection with the finalisation of this scoping phase. In the first half of 2018, this will be followed by a phase involving the collection of data from all the actors involved via 4 interlinked case studies, via individual and collective interview sessions, via questionnaire surveys, and via secondary data analysis. It is expected that the results of this "national phase" of the evaluation project will be made known and circulated in September 2018.

The Senior Labour Inspectors Committee (comité des hauts responsables de l'inspection du travail)

In 2017, the Senior Labour Inspectors Committee (Comité des Hauts Responsables de l'Inspection du Travail, CHRIT) decided to organise a campaign on occupational health and safety which included workers posted through temporary employment agencies and in user companies. This initiative is currently in progress and will come to an end in May 2019.

Its aim is:

- ▶ To ensure the implementation of occupational health and safety obligations, including for posted workers, by temporary employment agencies and user companies.
- ▶ To enhance cooperation and mutual assistance between European Labour Inspectorates with a view to increasing the effectiveness of legislation relating to posted workers;
- ▶ To promote occupational health and safety by reminding temporary employment agencies and user companies of their obligations regarding the protection of workers' health and safety;
- ▶ To inform workers about their rights.

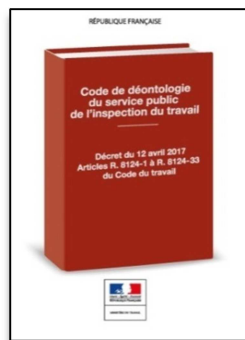
The General Directorate for Labour, in partnership with the National Institute of Work, Employment and Vocational Training (Institut national du travail, de l'emploi et de la formation professionnelle, INTEFP) ensures the European coordination of activities. A seminar to launch the campaign took place on 20 and 21 September 2017. It was held at the Palais de Congrès in Luxembourg, and involved representatives from the Labour Inspectorates in Member States and European social partners from the temporary employment sector.

At a national level, this initiative formed part of Programme 111 - improving the quality of employment and labour relations (amélioration de la qualité de l'emploi et des relations du travail) – Regional Action Plan 2018. It was organised on a voluntary basis. Six DIRECCTEs and DIECCTEs stood as candidates: Auvergne-Rhône-Alpes, Bourgogne-Franche-Comté, Centre-Val-de-Loire, Grand-Est, Hauts-de-France and Guyana. They established the sectors for inspection, taking into account the high level of temporary employment (and in particular the employment of posted workers) and the number of occupational accidents. The construction, logistics, agriculture, forestry and automobile industries were selected.

The implementation of a code of ethics for the public services of the Labour Inspectorate

On 12 April 2017, a Council of State decree was published which related to a code of ethics for the public services of the Labour Inspectorate. It applies to all the Labour Inspection System's officers, from the General Director through to Inspection Unit assistants.

This code builds upon conventions 81 and 129 of the International Labour Organisation (ILO) and on the principles and standards of professional ethics which apply to all public officials. It is the result of a consultation with



the National Labour Inspectorate Council (Conseil national de l'inspection du travail) and with the Ministry's social dialogue committee.

Within the context of the "Strong Ministry" ("Ministère fort") reform and the assignment of new

powers to the Labour Inspectorate, reinforcing its capacities in terms of enforcement and the imposing of sanctions, it aims to guide officers in their relations with users and to build user confidence in the public services of the Labour Inspectorate.

Beyond the work of designing the code, the DGT's Bureau for Methodological Tools and Intervention Framework Legality of the Labour Inspection System (Bureau des outils méthodologiques et de la légalité du cadre d'intervention du système d'inspection du travail, DASIT1) produced and implemented measures to support the services:

- ▶ The provision of documents presenting the code to our partners and to Labour Inspectorate officers;
- ▶ Together with the INTEFP, designing training courses for officers;
- ▶ Organising a national seminar, held at the INTEFP, on ethical standards;
- ▶ Attendance at service meetings organised by the DIRECCTEs;
- ▶ Leading a working group composed of DIRECCTE and DRH officers in the updating of the "Ethical Principles" guide published in 2010;
- ▶ Providing responses to various questions raised by the DIRECCTEs.

(See also page 43 "Regional variations in the Occupational Health Plan")

Developing social dialogue

The year 2017 was devoted to defining the representativeness of trade unions and employers' associations within the professional branches, at national inter-branch levels, and at national and multi-branch levels for employer associations alone. This process, which brings the 2013-2016 representativeness cycle to a close, was carried out by the DGT under the High

Council for Social Dialogue (Haut Conseil du dialogue social, HCDS) which met 10 times in order to obtain an opinion on the findings, and by its monitoring group which met 11 times. In view of the number of professional branches, the representativeness findings were submitted in batches, using an approach based on consultation and transparency.

The micro-enterprise vote and trade union representativeness



Announcing the trade union representativeness findings © DR

The beginning of the year 2017 was characterised by the second edition of the vote to measure the audience of trade unions for employees in companies with less than eleven employees and for home workers, the micro-enterprise vote. This vote involved 4.5 million workers. At the end of the voting period, which closed on 13 January 2017 for mainland France and on 20 January 2017 for the Overseas Départements, the DGT and its partners organised the counting of the postal votes and of those cast electronically, in the presence of the trade union organisations standing for election.

On 3 February 2017, the results were announced: The number of voters stood at 330,928, which represented a participation

rate of 7.35 %, and the number of validly cast votes stood at 323,622.

On 31 March 2017, the DGT convened the members of the HCDS for a meeting devoted to the presentation of the initial results of the trade union audience at professional and national inter-branch levels. These results are derived from the aggregation of the results of the professional elections organised within businesses with at least eleven employees between 1 January 2013 and 31 December 2016, the results of the micro-enterprise vote and the results of the elections to the Chambers of Agriculture in each of the Départements, which were organised in January 2013. In total, this calculation was based on 5,246,289 validly cast votes, an increase compared to the 2013 results.

Following this presentation, and after further exchanges with members of the HCDS regarding the audience data, the DGT confirmed that the trade union organisations that had obtained an audience of at least 8 % satisfied all the other criteria for representativeness (Articles L2121-1 et seq. of the Labour Code).

The final results on representativeness were submitted to the HCDS for consideration. The DGT then proceeded with the publication in the Official Journal of the Order dated 22 June 2017 which established the list of the national and inter-branch level representative trade union organizations.

In the second half of 2017, for each professional branch, the DGT repeated the same process which consisted of:

- ▶ presenting the results of the audience to the social partners for their comments;
- ▶ considering whether organisations with an audience of under 8 % satisfy the other criteria for representativeness. A total of 2,299 dossiers from all the branches were therefore opened and examined by the DGT;
- ▶ submitting the final results on representativeness to the HCDS for consideration.

Overall, 411 Orders on representativeness were published in the Official Journal, a decrease compared to 2013 which reflected the effects of the process of restructuring the various branches, ongoing since 2014.

Employer representativeness

The year 2017 was a successful one in terms of the initial implementation of the reform relating to the representativeness of employers' associations since this introduced, for the first time, and on the basis of reliable and objective criteria, a list of professional employers' organisations recognised as being representative within the various professional branches at national and inter-branch levels, and at national and multi-branch levels.

The deadline for applications for employer representativeness was 10 November 2016 for nominations of professional employers' organisations at professional branch level, and 16 December for nominations of professional employers' organisations at national and inter-branch levels, and at national and multi-branch levels. Overall, 603 applications were submitted to the DGT's services via a secure electronic procedure, following an intervention by around 560 official auditors (commissaires aux comptes, CAC).

The applications for employer representativeness were reviewed by the DGT's services between November 2016 and April 2017.

Starting in April, the DGT proceeded with the presentation of the results at the HCDS, in accordance with Articles L. 2152-6 and R.

2152-18 of the Labour Code. This presentation was divided into two parts:

1. The results of the employers' audience for all the professional branches with completed application files were presented during a meeting of the HCDS held on 26 April 2017. This presentation allowed social partners to submit their observations and, where necessary, to point out inconsistencies and surprising facts, given their knowledge of the branches;

2. The DGT submitted the final results on employer representativeness for consideration by the HCDS. This presentation was given in "batches" at 7 meetings that took place between 24 May 2017 and 20 December 2017. These final results showed, per professional branch, at national and inter-branch levels and at national and multi-branch levels, the list of professional employers' organisations which satisfied all the criteria for representativeness, and also their influence in terms of exercising the right to oppose the extension of collective agreements.

The order establishing the list of professional employers' organisations recognised as being representative at national and inter-branch levels was issued by the Minister of Labour on 22 June 2017 and published in the Official Journal of the French Republic on 30 June 2017. In addition, 3 orders were issued to establish the list of representative

employers' organisations at national and multi-branch levels (Order dated 18 October 2017 regarding the agricultural, social and solidarity, and live and recorded entertainment sectors).

By 31 December 2017, in addition to those orders mentioned above, 291 orders had been published which listed the professional employers' organisations recognised as being representative within the various professional branches.

Joint regional general committees (CPRIs)

In accordance with the Act dated 17 August 2015, the DGT, social partners and the DIRECCTEs jointly proceeded to establish 20 CPRI. The role of these committees is to represent employees and employers in companies with less than eleven employees.

During the first half of the year, the DGT finalised the implementation of the regulatory provisions for establishing the precise arrangements for the allocation of seats within each college, as well as the process by which its members are appointed by trade union organisations and employers' associations. By an order dated

1st June 2017, the DGT determined the allocation of seats within each of these committees, thereby introducing the nomination phase and leading to the publication by the DIRECCTEs of the list of each of the CPRIs' members. On 1st July 2017, all the CPRIs had been established.

The second half of the year was devoted to launching the work of the CPRIs, which initially focused on the development of its rules of procedure and the appointment of members to seats which had not initially been filled. By 11 January 2018, 86 % of seats had been filled.

The restructuring of collective agreement branches

The restructuring of collective agreement branches arises from the need to rationalise the contractual landscape around strengthened branches which are fully capable of fulfilling the missions assigned to them by law, in particular:

- ▶ to negotiate guarantees applicable to employees within the same industry – especially as regards vocational training;
- ▶ to regulate competition between companies within the same industry, etc.

Multiple reports have highlighted the need for progress in this matter (the Poisson report in 2009, the Combrexelle report in 2013 and the Quinqueton report in 2015). Launched by the Act dated 5 March 2014 on Vocational Training, Employment and Social Democracy (la formation professionnelle, l'emploi et la démocratie sociale), the restructuring of collective agreement branches aims to reduce the number of branches from around 700 to 200 by 2019.

Works are carried out under the aegis of the CNNC's subcommittee for restructuring occupational fields (sous-commission de la restructuration des branches

professionnelles de la commission nationale de la négociation collective) which brings together social partners at national and cross-industry level under the presidency of the DGT.

The subcommittee initially focused on the 179 branches without negotiation for the last 20 years which had received less than 11 votes during the last professional elections; as a result, the Act dated 8 August 2016 on labour, the modernisation of social dialogue and the safeguarding of professional careers (le travail, la modernisation du dialogue social et la sécurisation des parcours professionnels) established new criteria, along with a precise timetable.

In the absence of rapprochement before the end of the year 2016, the Minister for Labour was to undertake the merger of regional branches without negotiation for the last 20 years. As of August 2019, she was to undertake the merger of branches with under 5,000 employees without negotiation since 2009.

This deadline was brought forward to August 2018 by Order No. 2017-1385 dated 29 September 2017 on the strengthening of collective bargaining.

Out of the 687 collective conventions identified prior to the work (source: DARES, the Labour Statistics Directorate),

154 branches have been restructured (report dated 31 March 2018) following extensive research and analysis, and comprehensive exchanges with social partners.

Extending the agreements

Properly negotiated and duly signed conventions and collective agreements apply, within a predetermined geographic, economic and professional area, to all employers' organisations that are party to these agreements, as well as to all corporate members of these organisations and to all of their employees. However, in order to harmonise the rules relating to the working conditions and the employment of workers within a geographic and professional area to which a convention or collective agreement applies, the organisations that are party to such a convention or collective agreement may request that the Minister of Labour extends the agreement to include all employees and employers within its area of application, whether or not their companies are members of the professional organisations that are party to the agreement. This is the aim of the extension procedure laid down in Article L. 2261-15 of the Labour Law.

On being presented with such a request, the Minister would then immediately initiate this process. In the event of a favourable decision, an order extending the agreement is to be published in the Official Journal, thereby extending the convention or agreement to include all businesses (and their employees) within the area of application of the agreement.

During its extension, the Minister of Labour is to ensure that all the agreement's provisions comply with the legislation. This review of its legality may, in particular, result in the exclusion of certain provisions from the convention or agreement. To that end, the DGT's services are to verify that the agreement complies with the legislation and regulations associated with all the relevant authorities. They are to assess the appropriateness and timeliness of the

observations obtained during the course of their analysis, in the light of the parties' intentions and the general structure of the agreement.

The agreement is then to be submitted to the Subcommittee for Conventions and Agreements (sous-commission des conventions et accords). The Subcommittee, which is composed of representatives from the trade union confederations (CGT, CFTC, CFDT, CGT-FO and CFE-CGC) and representatives from the professional employers' organisations (MEDEF, CGPME, UPA and UNAPL), and one representative from the agricultural professions, is to give its reasoned opinion on the extension of the convention or collective agreement which has been submitted to it.

In the light of the Subcommittee's observations and discussions, the DGT's services are to draft the extension orders including, where relevant, any reservations and exclusions and, if necessary, they are to send letters calling for greater attention to the extension or for its referral to negotiations or for its refusal.

In 2017, 886 requests for extensions were recorded by the DGT (897 in 2016). 431 related to agreements concerned with the payment of wages. The Subcommittee for Conventions and Agreements met 8 times. It was also consulted 17 times under the accelerated procedure laid down for the review of contractual agreements which are only concerned with the payment of wages.

683 extension orders were published, including 21 "unique" orders, i.e. orders concerned with the extension of several agreements.

The Joint Appeals Boards (commissions mixtes paritaires)

In the event of difficulties or deadlock during collective bargaining, Article L. 2261-20 of the Labour Code provides for recourse to a Joint Appeals Board (commission mixte paritaire, CMP) chaired by a representative of the State. The CMP's purpose is to assist in the negotiations of branch contractual agreements which are liable to extension by resolving deadlock situations.

In 2017, 84 professional branches reached agreement under the chairmanship of the Minister of Labour's representative.

The service (46 branches) and business sectors (37 branches) were the best represented. The manufacturing sector, meanwhile, was very poorly represented (1 branch).

622 meetings were held with the CMPs; these involved the sending of 18,712 summons.

The continuing high number of CMPs and meetings necessitated the appointment in 2017 of 20 chairs of appeals boards, 3 of which were for new branches. Consequently, in 2017 3 new CMP requests

from social partners (mainly employees' unions) were met:

- ▶ the sports and leisure goods trade;
- ▶ the fruit and vegetable, groceries and dairy products trade;
- ▶ funeral directors.

These requests demonstrate a willingness to negotiate, particularly where wages are concerned, and are evidence of the importance attached by social partners to the role of the Joint Appeals Board.

Finally, in 2017, 6 branches where negotiations were being held with the CMP turned to the Single Appeals Board:

- ▶ temporary work;
- ▶ direct distribution;
- ▶ glass manufacturing industries;
- ▶ local PAIO missions;
- ▶ airport cargo handling and cleaning at the Paris airports;
- ▶ notaries.

The Collective Bargaining Report 2016

Every year, the Collective Bargaining Report outlines developments in the legislative and regulatory environment, identifies significant trends by presenting, in particular, contractual activities at inter-branch level and within branches and companies, and endorses the analyses of professional organisations of employees and employers. Prepared by over 70 contributors, this publication draws on a range of contributions produced by the DGT, the Labour Statistics Directorate (direction de l'animation de la recherche, des études et des statistiques, DARES), the Employment and Vocational Training Directorate (délégation générale à l'emploi et à la formation professionnelle, DGEFP), and the Department of Social Security (direction de la sécurité sociale, DSS); and, in its first

section, by those actually involved in social dialogue.

The 2016 edition of the Collective Bargaining Report, completed in the first half of the year 2017, demonstrates that the year 2016 was constructive on a number of counts:

- ▶ **it continued the move to strengthen the role and the place of collective bargaining**, following the French model for Labour Relations, in particular with the Act dated 8 August 2016 on Labour, the modernisation of social dialogue and the safeguarding of professional careers, and the implementation of the reforms regarding representativeness initiated by the Acts dated 20 August 2008 and 5 March 2014 strengthening the legitimacy of those participating in social dialogue;

- ▶ **over 5.6 million voters voted for one of the trade union organisations representing them** at professional and national inter-branch levels;
- ▶ **regarding professional employers' organisations**, the year 2016 was devoted to the analysis of applications from the latter organisations, which provided an opportunity to present the results of the initial audience measurement at the High Council for Social Dialogue (HCDS) on 26 April 2017. To be recognised as representative, a professional organisation must have obtained an audience of at least 8 %, calculated either on the basis of the number of its member companies, or on the basis of the number of workers employed by these same companies. It must also meet the six other criteria for representativeness established by law;
- ▶ **regarding in-company negotiations**, the number of agreements established within companies constitutes a

significant increase, with 71,000 agreements tabled in 2016 compared to 61,000 in 2015, and including 42,200 agreements signed between employers and staff representatives. With over one third of these agreements relating to wages and bonuses (35 %), this remains the subject most frequently raised by trade union representatives. Inter-branch negotiations allowed progress to be made on subjects related to key economic and social issues. 29 agreements were reached in 2016 at national and subnational levels. At branch level, negotiations remain steady at around one thousand agreements. Of these, 21 professional agreements and 2 new national collective conventions were concluded.

The report is available online <http://travail-emploi.gouv.fr>

The publicising of collective agreements

The screenshot shows the 'TéléAccords' website, a service for depositing collective agreements. The header includes the French Republic logo and the text 'TéléAccords Le service de dépôt des accords collectifs d'entreprise'. A navigation bar contains links for 'Accueil', 'Modalités de dépôt', 'La téléprocédure en bref', and 'Foire aux questions (FAQ)'. The main content area features two buttons: 'Déposer un texte' and 'Compléter la saisie'. The title is 'Le service de dépôt des accords collectifs d'entreprise'. Below this, the text explains 'La négociation collective dans l'entreprise', stating that it defines work rules and needs. It notes that agreements can be concluded by representatives of staff or employers. A section titled 'Déposer un accord collectif' describes the assisted deposit process, which is quick and guarantees quality. A footer contains links for 'Accessibilité', 'Informations légales', 'Informations CNIL', and 'Plan du site'.

The @ccords website allows companies to register collective agreements signed within the framework of their social dialogue.

Under Article 16 of the Act dated 8 August 2016 on Labour, the modernisation of social

dialogue and the safeguarding of professional careers, the obligation to publicise agreements requires that all

collective agreements reached as of 1st September 2017 are to be published online and available to the general public in an easily reusable open format.

The year 2017 was devoted to the development, in association with the DSI and Legifrance (the official French website for information on legislation), of a tele-procedure platform and to the development of a new version of the d@coord NG software which allows the electronic registration of agreements.

The second half of 2017 also witnessed the deployment of an internal communication plan for the decentralised services divisions in order to be able to inform them about new procedures for registering agreements with a view to their publication, and so as to be able to answer their questions. An external communication plan for businesses, based on flyers and Frequently Asked Questions, was also developed by the DGT and presented to social partners.

In addition, two decrees have been drafted within the framework of the implementation of the publication of collective agreements:

- ▶ the Council of State Decree No. 2017-752 dated 3 May 2017 on the publication of collective agreements defines the procedures for their submission, including the content of requests for anonymisation as well as the documents required in connection with requests for the obscuring of certain provisions within agreements;
- ▶ a simple decree (in the process of publication) is to adapt the submission procedures for agreements to include their publication.

The agreements to be publicised are subject to compulsory anonymisation by the submitter, i.e. the version of the agreement to be published on Légifrance must not contain any reference to the surnames or first names of any natural persons. In order to protect critical company data, submitters may request that certain provisions within agreements should not be published. To that end, a document giving details of these provisions, and the reasons for obscuring them, must be provided on their submission.

In order to be able to publish collective company agreements as soon as possible, the procedure for their submission to the DIRECCTE's départemental unit has undergone a twofold evolution. The agreements to be publicised were first published on the Légifrance website on 17 November 2017 (www.legifrance.gouv.fr) and were based on the electronic version of the company agreements registered by the DIRECCTEs. The DGT's mediation has helped to ensure high standards in the anonymisation of agreements and a good understanding of the arrangements on the part of companies.

Meanwhile, the tele-procedure platform was initiated in March 2018, making it possible to submit company agreements online (www.teleaccords.travail-emploi.gouv.fr). It facilitates the arrangements for the publication of agreements, makes the process of registering and publicising agreements more secure, and simplifies company procedures.

Since 17 November 2017, close to 8,000 company conventions and agreements have been published.

Occupational risk prevention



The DGT and the Île-de-France DIRECCTE's stand at the show dedicated to occupational health and safety in Paris.
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The implementation of the 2016 - 2020 Occupational Health Plan

The 3rd Occupational Health Plan (PST3) constitutes the Ministry of Labour's roadmap as regards occupational health and safety. Backed by the strategic guidelines developed by the social partners which they then adopted by consensus, this plan makes the culture of prevention the focus of the State and its partners' initiatives. It aims

to improve the quality of life in the workplace by encouraging the mobilisation of social dialogue and the creation of a system to improve the pooling of occupational health resources between those involved.

The steering committee was particularly active in the 1st half of 2017

During the 1st half of 2017, the PST3 steering committee met 3 times (in February, April and July). These meetings were held in order to review a significant proportion of the "Action Files" ("fiches actions", tools for programming the implementation of initiatives over the duration of the plan) devoted to the PST3's activities. Indeed, by the end of the 1st half of the year, 43 Action Files had been validated out of the 52 initiatives that comprise the PT3, including those concerned with the culture of

prevention, one of this plan's priorities. Furthermore, the deployment of the Regional Occupational Health Plans was continued in 2017, in line with the specified timeframe. On a number of occasions, the DGT participated in regional events devoted launching these plans (as was the case in the Pays-de-la-Loire, Occitanie and Ile-de-France Regions).

The initiatives outlined below illustrate the broad diversity of this plan:

A plan in line with the aspirations of government policy: the example of digital tools



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In 2016, the ANACT, the DGT, the COCT, the DARES and the INRS committed themselves to coordinating strategic thinking on this emerging issue via a programme of seminars. Bringing together both experts and key witnesses, these seminars are designed to provide further clarification on

the scope and nature of the employee experience transformation associated with the digital transition. They result in the production of operationally-oriented documents designed to facilitate the dissemination of good practice and preventive messages.

The first seminar took place in March 2017; it focused on the theme of “tele-working, mobile working and distance working”, which referred to the report with the same title published by the ILO in late 2016. This day of study was attended by representatives from the different institutions (ILO, DGT, COCT, ANACT-ARACT, INRS, DARES, CGET, CNRS, and the University of Paris 1 Sorbonne) and various other organisations (the management consultancy firm Econum and the insurance group Groupama).

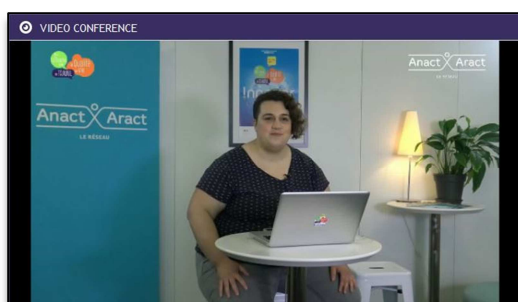
A plan based on partner-based action: the example of the activities carried out by the OPPBTP

The OPPBTP has set up training programmes for the managers of construction and public works firms with fewer than 50 employees. Beyond the technical and regulatory issues, they place great emphasis on the importance of management practices in the prevention of accidents.

A course which focuses on the essential bases for health and safety at work (bases essentielles en santé et sécurité au travail, BESST) – which incorporates a “human resources management” component – was deployed at around fifteen of the civil

engineering IUTs (Instituts Universitaires de Technologie, university institutes of technology) that train future construction managers, and engineering and methodology technicians. An Open and Distance Learning (ODL) course for engineering schools was developed and piloted at the School of Public Works, Building and Industry (École spéciale des travaux publics, du bâtiment et de l'industrie, ESTP).

Innovative communications channels designed to reinforce the impact of initiatives



© Webikeo website

Innovative approaches were developed, designed to increase awareness amongst actors in the field of occupational health and safety. As a result, in addition to more conventional approaches (facilitating groups of consultants, regional events and communications, and the distribution of

leaflets) four cycles of webinars (online seminars with remote, live and “replay” follow-up) were organised on issues relating to quality of life in the workplace (qualité de vie au travail, QVT). This is an idea that was developed and circulated by the ANACT, which is steering the QVT section of the PST3, with assistance from its network and from the PST-QVT national group.

A total of 13 webinars were held in 2017, with 3,200 registrants:

- ▶ 2,700 registered for the public webinars and 500 registered for the private webinars;
- ▶ Average satisfaction score was 4 out of 5;
- ▶ 1,300 subscribers to the ANACT channel on Webikeo.

Interactions at national and regional levels: the example of psychosocial risks

The national coordination of PST3 initiatives devoted to psychosocial risks (risques psycho-sociaux, RPSs) focused on three objectives:

- ▶ to take an in-depth look at the local provision of RPS services;
- ▶ to establish groups or local RPS networks within each region, involving all the actors so as to stimulate proactive prevention;
- ▶ to establish a network of high-quality consultants specialising in the prevention of RPSs in order to be more responsive to requests from companies (in particular by involving the DIRECCTEs, ARACT and CARSAT).

These aspirations have resulted in meetings with PRST3 actors from three Regions: Pays-de-la-Loire, Auvergne-Rhône-Alpes and Hauts-de-France for the purpose of engaging in direct discussions on the regional implementation of initiatives to prevent RPSs.

In August 2017, these discussions were complemented by the sending of a joint questionnaire from the DIRECCTE/ARACT/CARSAT actors to all the regions, which addressed the following three issues: the coordination of regional RPS initiatives; the development of a network of consultants specialising in RPSs; the involvement of the Business-to-business Occupational Health Services (services de santé interentreprises, SSTI) in the issue of RPSs.

Eleven of the thirteen metropolitan Regions and two Overseas Regions participated in this assessment. There was a clear need for stronger, more coordinated political leadership from the public authorities and national institutions in order to sustain and develop the implementation of PRST initiatives devoted to RPSs, in a climate of serious constraints in terms of human and financial resources.

The dissemination of the PST 3's principles within key public health plans

During the second half of 2017, the work of developing the AT/MP (Accident du Travail - Maladie Professionnelle, Occupational Accidents and Diseases) branch's new management convention (COG), as well as the National Health Strategy (Stratégie nationale de santé, SNS), was initiated respectively by the CNAM's Occupational Risks Directorate (Direction des risques professionnels) and the General Directorate for Health (Direction générale de la santé, DGS). In the interests of convergence

between the main health plans, the DGT, in close conjunction with its partners, monitored the overall consistency between the initiatives covered by these programmatic plans and the PST3 initiatives.

Primary prevention (the focus of the PST3) and greater integration between public health and occupational health thus constitute the main subjects of the forthcoming COG and the SNS.

The regional versions of the Occupational Health Plan by the DIRECCTEs and the DIECCTEs

The year 2017 marked the end of the development of the Regional Plans for Occupational Health (plans régionaux santé au travail, PRST). Seventeen Regions validated their plans which consisted, on average, of around thirty initiatives focusing on around ten issues; they were largely based on the major themes of the national PST3 and developed a number of initiatives specific to regional issues. A total of 507 initiatives were deployed throughout mainland France and in the Overseas Territories. Dialogue with all the social partners and those involved in prevention was constructive and intense, with collaboration from public institutions, associations and universities, and with the mobilisation of the occupational health services.

DPSIT is coordinating a network of contacts within the DIRECCTEs with a view to facilitating exchanges and feedback, and providing technical and operational support in collaboration with the CT1 bureau.

At the same time, and to support this deployment, an information system, the SI PST, was developed and made available to all the national and regional partners involved in the implementation of national and regional initiatives. It is intended to enable them to obtain an overall picture of approaches taken, to perform searches, even to establish contacts regarding specific topics, and to receive progress reports on work being carried out at national and regional levels. DPSIT provided support in the finalisation of the testing phase and is assisting in the take-up of this tool by regional actors.

The implementation of the occupational medicine reform



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The reform of occupational medicine and the occupational health services, under Article 102 of the Act dated 8 August 2016 and its implementing decree dated 27 December 2016 on the modernisation of occupational medicine, has brought about fundamental changes in the system for monitoring the state of employees' health, in the check-ups provided within the occupational health services, and also in the documents issued as a result of these procedures.

Previously, there was only one type of certificate of fitness or incapacity, which was issued at all check-ups except in the final check-up prior to a return to work. At each check-up, a certificate of fitness or incapacity was issued. Subsequently, the decree dated 16 October 2017 established the content of four new types of certificate, which represent a commitment to the harmonisation of practices and a clarification of the various cases in order to limit the number of challenges. This clarification entails, in particular, the issuing of a different document for every case, and specifically precludes fitness under certain conditions.

Under Article 8 of the Order dated 22 September 2017 on predictability and security in labour relations, the Minister for Labour intended to simplify and enhance the effectiveness of the system for contesting the opinion of occupational medical specialist doctors by putting occupational health doctors, who are qualified in occupational medicine, back at the centre of the system, and by allowing the judges in Labour tribunals to entirely overrule the decisions of occupational medical specialist doctors, both on strictly medical issues and on the impact of the latter on an employee's capacity to perform their work.

This Order thus establishes that, in cases where employees or employers appeal to the Labour Tribunal for interim relief, or regarding disputes over the opinions, recommendations, written conclusions or indications issued by occupational medical specialist doctors and based on factors of a medical nature, the judge may, before ruling and as part of his enquiry, appoint an occupational health doctor to enlighten him/her on issues of a medical nature.

In order to reconcile the principles of the right of response and medical confidentiality, Article 8 of the Order stipulates that the medical factors on which an occupational medical specialist doctor's opinions are based may, at an employer's request, be communicated to a doctor appointed by an employer for this purpose.

Furthermore, to accompany this reform, the DGT has published an initial set of responses to the most frequently asked questions on the Ministry of Labour's website; the

intention is to supplement these responses over the course of time.

Finally, the PST3 (particularly within the context of action 3.5) recognizes the vital contribution of occupational medicine and the occupational health services. Within the context of enhancing primary prevention, as first responders within companies the occupational health services play a vital supporting role in the implementation of risk assessments and the development of prevention programmes.

The "Preventing the Exposure of Workers to Asbestos" seminar



The asbestos seminar on 10 October 2017 was attended by several hundred professionals

On 10 October 2017, the DGT organised a seminar entitled "Preventing the Exposure of Workers to Asbestos – Control, detection, familiarisation, training, monitoring". This event, organised in conjunction with the Organisation for the Prevention of Occupational Hazards in the Construction and Public Works Industry (Organisme professionnel de prévention du bâtiment et des travaux publics, OPPBTP) at the premises of the Ministry of Health and Solidarity, was attended by a wide audience composed of officers from the labour inspection system, social partners, asbestos experts (companies, laboratories, training organisations, etc.) and those involved in prevention. It was an opportunity for practical and detailed exchanges between the general public and the participants involved in the various normative, technical and regulatory projects initiated by the DGT in order to guarantee the effectiveness of the regulations. The morning session consisted of: the presentation by the DGT's asbestos centre of the report on the

implementation of the decree of 4 May 2012, of studies and campaigns in progress and also of the prospects of further developments in the regulations; a round table on the implementation of detection before starting work; a testimonial from a labour inspector from the Bourgogne-Franche-Comté DIRECCTE concerning the inspection activities of the subsection 4 training organisations; and a round table on the creation of vocational qualifications for asbestos removal.

The initial findings of the site measurements campaign under subsection 4, CARTO Amiante, which aims to map exposure to asbestos fibres within the procedures most commonly used in the construction and public works industry, were presented in the afternoon. This initiative is currently based on an analysis of over 650 participating companies. It resulted in the follow-up and presentation of the initial findings concerning 6 typical interventions in this field.

The “Exposure to chemical hazards in containers and other goods receptacles” (“exposition aux risques chimiques dans les conteneurs et autres contenants de marchandises”) inspection guide

During 2016, the DGT issued a new methodological guide for use in inspections regarding exposure to chemical hazards in containers and other goods receptacles; this was a supplement, mainly relating to professional conduct, to the circular dated 7 May 2015 on prevention and protecting workers from chemical hazards in containers and other goods receptacles.

This guide is the result of work carried out since 2015 with controllers, an occupational health doctor and DIRECCTE safety engineers. It leads to a better understanding and monitoring of the particular hazards present in containers and other goods receptacles (crates, etc.) - due in particular to the fumigation to which these have been subjected in order to eliminate organisms which are detrimental to the conservation of goods or which carry disease – which may have an immediate and/or delayed impact on workers' health.

The guide consists of 9 fact sheets and two inspection templates which:

- ▶ provide guidelines regarding situations where exposure occurs, the sectors of activity and the hazardous chemical agents concerned, as well as the role played by the various actors involved in an entire supply chain (from shipping through to logistics platforms and retail outlets' storerooms);
- ▶ provide a synthesis of the various regulations applicable; suggest methods to be employed in different situations and inspections, which may in particular be mobilised by regions that have incorporated this specific initiative into the framework of their Regional Occupational Health Plans (plans régionaux santé au travail, PRST).

The work of transposing the Euratom directive 2013/59

In 2017, the DGT almost completed the work of transposing Directive 2013/59/Euratom, dated 5 December 2013, which established the basic safety standards for health protection against the dangers arising from exposure to ionising radiation. This directive, which repeals all previous directives adopted on this subject, improves rather than alters certain aspects of the European framework, in particular as regards the organisation



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of radiation protection, the lens dose limit value and the organisation of the management of radiation emergencies.

In 2016, this affected around 372,000 workers within 100,000 companies (primarily the

medical sector - diagnostics and therapeutics - industry and research, nuclear energy and also the less easily identifiable sectors such as the cultural and security sectors.

To ensure the effectiveness of future regulatory provisions regarding health and safety protection for workers, the General Directorate for Labour has worked in close collaboration with social partners through the Working Conditions Advisory Board (conseil d'orientation des conditions de travail), as well as with all the national stakeholders in radiation protection (the Nuclear Safety Authority (Autorité de sûreté nucléaire), the French Radioprotection and Nuclear Safety Institute (Institut de radioprotection et de sûreté nucléaire), etc.). In this context, an analysis of feedback from professionals and the labour inspection services has identified weak points in the current organisation of radiation hazard prevention and has led to the proposal of guidelines for its improvement, in particular by maximising the resources made available by employers for improving risk management and preventing incidents and accidents.

These measures should result in improvements in the integration of risk

management into the overall approach to occupational risk prevention, by bringing together all the institutional actors involved in prevention within companies. Thus, the members of Economic and Social Committees (comités sociaux et économiques, CSEs) will be more involved, and are now consulted on the organisation of radiation protection.

Within the framework of the provisions laid down in Order No. 2016-128 dated 10 February 2016 which contains various provisions relating to nuclear issues, changes in the regulations were achieved via two decrees on the protection of workers from the risks arising from exposure to ionising radiation. The first of these Council of State Decrees covers the general requirements regarding protection from radiation, and the second, "simple" Decree establishes specific requirements applicable to young people, to pregnant women and also to workers on fixed-term employment contracts and temporary workers.

It is expected that these two decrees will be published in the first half of 2018, in line with the provisions applicable under the Environmental Code.

Adaptation of the regulations to the European regulations on personal protective equipment



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Regulation (EU) No. 2016/425 of the European Parliament and of the Council, dated 9 March 2016, on personal protective equipment (PPE) and repealing Council Directive 89/686/EEC will, following its entry into force on 21 April 2018, constitute the only legal reference instrument for the rules governing the design and marketing of PPE within the European Union.

Whilst being directly applicable, this regulation lacks the essential measures needed for its implementation by each of

the Member States: in particular, the designation of controllers authorised to investigate and report violations of the provisions contained within this regulation, notably officers from the Labour Inspectorate, and a definition of the penalties applicable to violations of the provisions contained within this regulation.

As the leader of sectoral PPE provisions, the DGT accordingly drew up, in close conjunction with the ministerial departments concerned, draft legislation and a draft Council of State Decree with the aim of adapting Book III of Part Four of the Labour Code to the provisions of this regulation.

Besides focusing on the adoption of the essential measures needed for the implementation of this regulation, these drafts also attempt to clarify and simplify the provisions of the Labour Code, so as to improve their readability and effectiveness (notably by separating the rules that apply to work equipment from those that apply to PPE).

The standardisation work

Standardisation is being developed in all domains – there are currently close to 35,000 published standards, 90% of which are of European and international origin – including within the field of occupational health and safety. Standards affect the design of both facilities and products. However, the tertiarisation of activities goes hand in hand with an increasing trend towards standardisation within the services sector, particularly at the instigation of Anglo-Saxon countries as regards organisational management systems.

Both the DGT and the network of institutions involved in prevention (INRS, CARSAT and Eurogip) pay particular attention to these standards. The DGT intervenes in these new fields in order to ensure that the fundamental principles underpinning the French regulations and the operational procedures for social dialogue are not compromised.

After several years of work, the ISO 45001 was published on 12 March 2018 by the International Organisation for Standardisation (ISO). This is the first international standard that relates to the management of occupational health and safety. It is applied on a voluntary basis, and offers organisations (both public and private) a managerial approach to occupational health and safety, along the same lines as the ISO 9001 quality standard and the ISO 14001 environmental standard. France's position, which is supported by the DGT, was negative on a number of points which arose during the drafting of this standard: the distinctly Anglo-Saxon approach within the legal framework, characterised by the placing of responsibility for accidents with the paid operator and not with the procedure for hazard prevention at source; the measure's complexity, notably owing to the number of processes required and the costs incurred,

particularly as regards micro-enterprises and SMEs.

The standard is available in France via the French Standards Association (Association française de normalisation, AFNOR), being

the international standard (ISO), since it is not included in the French body of standards (NF).

Efforts to bring mountain treadmills into conformity following a fatal work accident

Following a fatal work accident, inspections of mountain treadmills were carried out throughout the Pyrenees by the Labour Inspection Services; they revealed a number of instances of non-conformity.

The DGT has mobilised both professionals and manufacturers to ensure that equipment is upgraded and a review of the existing standard EN 15700 (TC 142) is carried out in order to address its shortcomings with regard to Machinery Directive (2006/42/EC).

Following an inventory of the operational equipment concerned, the work helped to identify the critical issues to be resolved and provide technical solutions endorsed by both the manufacturers and the Technical Service of Ski Lifts and Guided Transport (Service Technique des Remontées Mécaniques et des Transports Guidés, STRMTG) under the regulations regarding tourism. This included making maintenance procedures safer and protecting re-entry points.

After these modifications have been carried out in the Pyrenees, this initiative is to be deployed nationwide. The DGT will be assisting the services of the STRMTG in reviewing the standard, to ensure that the basic requirements laid down under the Machinery Directive are taken into account. There are also plans to create a guide for operators.

European operation for the inspection of vehicle lifting platforms

An inspection of the various different models of vehicle lifting platforms, as they became available on the market or shortly after their installation at their user's premises, was carried out in order to ensure their compliance with the safety requirements contained within Machinery Directive 2006/42/CE. France was designated as this project's "activity leader". All the inspections, which mobilised four regional DIRECCTEs, led to the identification of instances of non-conformity, some of which were significant, such as an absence of protection against shearing, and even the design of the lifting platform itself. "Madeira" files (from the name of the database for reporting machinery which does not comply) were opened and letters sent to the various manufacturers to demand compliance. Since this was a European initiative, files were also opened in the European ICSMS (Information and Communication System for the European Market Surveillance) database.

Other current issues affecting companies

Appointment of Labour Tribunal members

For the record, the Labour Tribunal Institution has 14,512 members distributed between 210 Labour tribunal sections. They handle approximately 185,000 new cases per year. The year 2017 was devoted to the operational implementation of the new method of appointing Labour tribunal members, under the reforms adopted in principle in 2014 and in 2016. This method of appointment by social partners replaces elections. In the course of the year 2017, the DGT thus primarily organised and piloted the appointment of Labour tribunal members for the 2014-2020 term. The Ministry of Justice's Judicial Services Directorate is also involved in the appointment process, particularly at the vetting stage.

The regulatory activity of implementing the Order dated 31 March 2016 continued into 2017, with the publication of a number of regulatory texts supplementing the provisions concerning the appointment of Labour tribunal members:

- ▶ the Decree dated 28 February 2017 creating an automated processing system for personal data for the submission and management of applications to the function of Labour tribunal member;
- ▶ the Order dated 1 March 2017 setting out the chart for distribution of members between the Labour tribunal sections for the Labour tribunal term 2018-2021;
- ▶ the order dated 5 May 2017 on the distribution of seats and Labour tribunal members, and the timing of the submission of applications to the function of Labour tribunal member for the Labour tribunal term 2018-2021.

All these regulatory texts were the subject of many exchanges with social partners within the framework of the High Council of the Labour Tribunals (Conseil supérieur de la

prud'homie, CSP). They were submitted to the Plenary Assembly of the CSP for its opinion. A specific Monitoring Group was set up within the CSP to ensure effective communications with social partners regarding the implementation of the various stages of the appointment process. This group held 15 meetings.

In operational terms, the DGT was responsible for implementing the various stages of the appointment process, in collaboration with external providers and the DSI, thus providing for:

- ▶ the calculation of the distribution of seats;
- ▶ the submission of applications;
- ▶ the consideration of applications;
- ▶ and then the nomination of the new Labour tribunal members.

Following the period for the submission of applications (May to September 2017), and the consideration of applications (September to November 2017), notices announcing the appointment of the new members were published on 19 December 2017. As a result, 13,303 Labour tribunal members were appointed, including 8,101 new members (4,259 employees and 3,842 employers), i.e. over 92% of the positions were filled. The renewal rate therefore stands at 60%. Gender parity was enhanced, since women now represent over 48% of Labour tribunal members.

The method for appointing Labour tribunal members was also the subject of litigation activity, with monitoring provided by the DGT.

The implementation of the provisions relating to Sunday working and the observatory on commerce within International Tourist Zones (Zones touristiques internationales, ZTIs)

Within the context of the implementation of the provisions on Sunday working laid down in the Law dated 6 August 2015 on growth, activity and equal economic opportunities, and in close collaboration with the DIRECCTEs, the DGT has been monitoring the progress of negotiations between social partners. It appears that these negotiations have been particularly sustained at company level, with over one hundred

agreements reached in the clothing and footwear trades and also within the department store, watchmaking and jewellery trade, and the perfume and beauty product sectors. In this context, the DGT has also participated in Trade Observatory meetings; this organisation measures the economic, fiscal and social impact of the creation of ZTIs.

The implementation of the Labour Code in Mayotte

Along with the DGEFP, the DGT has been heading the implementation of the Labour Code in Mayotte since 1st January 2018. In this context, Order No. 2017-1491 dated 25 October 2017 includes measures for Mayotte's adaptation to the Labour Code where these are deemed necessary, in view of the local situation. This applies, for example, to Mayotte's public holidays. This Order also introduces the terms of the transition from the statutory 39-hour working week to a statutory 35-hour working week in Mayotte, on 1st January 2018 for companies

with at least 20 employees and on 1st January 2019 for the rest. A decree sponsored by the DGT and involving the DGEFP and the Budget Directorate was issued, establishing the procedures for introducing subsidies to cover the transition to a 35-hour week, including the amount and the procedure for declaring these subsidies to the administrative authorities. Aid payments will be administered by the DGEFP, alongside the Mayotte DIECCTE and the Service and Payment Agency (agence de service et de paiement).

The implementation of the Act dated 8 August 2016 on Labour, the modernisation of social dialogue and the safeguarding of professional careers

The year 2017 started with support for companies and decentralised services regarding the implementation of Act No. 2016-1088 dated 8 August 2016 on Labour, the modernisation of social dialogue and the safeguarding of professional careers, which had been the subject of around forty implementing decrees published during the period ending December 2016. These regulatory implementing provisions also gave rise to a number of disputes. Therefore, in this connection, the DGT had to produce a statement of defence on a priority issue of constitutionality brought by two trade union organisations against the regulatory implementing provisions on working hours.

These provisions were finally declared to be in accordance with the Constitution.

Still on the subject of these regulatory implementing provisions on working hours, four appeals to the Council of State were lodged by three trade union organisations. The legality of these provisions was finally validated by the Council of State. The implementation of the Act dated 8 August 2016 also required the DGT to adjust its policy on extensions. The DGT thus sought to elaborate on its observations to provide a reference resource for social partners, in particular as regards the new mandatory clauses for collective agreements (the "right to disconnect", for example).

The contribution to the work from the Higher Council for Professional Equality (conseil supérieur de l'égalité professionnelle, CSEP)

The General Directorate for Labour has actively contributed to the work of the Higher Council for Professional Equality between Women and Men (Conseil supérieur de l'égalité professionnelle entre les femmes et les hommes, CSEP), an advisory body composed of representatives from trade union associations and employers' associations and suitably qualified individuals.

In 2017, DGT teams thus provided legal support in the drafting of the "[Guide to the incorporation of professional equality between women and men into the classification systems](#)" (« Guide pour la prise en compte de l'égalité professionnelle entre les femmes et les hommes dans les systèmes de classification »). Aimed at sectoral negotiators, this reference document presents the factors that can lead to discrimination between women and men in job assessment and classification. This initiative represents a continuation of the work already undertaken in this field by the signatories to the national cross-sectoral agreement dated 19 June 2013 on the quality of life in the workplace, which culminated in the drafting of a joint Methodological Memoranda dated 16 December 2014. The guide, published in 2017, highlights the areas requiring greater

vigilance already identified by social partners in this memoranda.

The DGT also attended the Federal Bureau for Gender Equality's presentation of "Logib" (a Swiss software program for measuring pay gaps within companies with over fifty employees, available free of charge) which was made to members of the CSEP on 27 April 2017. This software program is used in particular in the inspection of licences to tender in the Swiss Confederation's public markets.

Moreover, the CSEP has been consulted on DGT draft legislation and regulations: three of the orders dating from September regarding, respectively, the strengthening of collective bargaining; the new structuring of social and economic dialogue within companies, promoting the exercise and upholding of trade union responsibilities; and predictability and security in labour relations, as well as three of the decrees resulting from the implementation of these orders.

The CSEP's plenary meetings are regularly attended by the Minister of Labour, the body's vice-chairperson. The DGT's services were also mobilised in the preparations for the three meetings organised in 2017 (2 February, 5 September and 5 December).

Corporate social responsibility (CSR)

Corporate social and environmental responsibility (CSR) has become an important subject during reflections on the regulation of the negative consequences of globalisation and has led to recent initiatives being taken by the public authorities. The idea of encouraging companies to improve their social and environmental performance, to respect the rules of governance and of higher ethical standards, to invite them to become more transparent and to entertain discussion with their various "stakeholders" has developed. The CSR which was mainly set up in large companies (in particular, multinational

companies), now also concerns their suppliers, agencies, SMEs, companies exercising their activities under all statuses, including those falling under the social and inclusive economy.

Since the French Grenelle Environment forum, the DGT's European and International Affairs Mission (Mission Etudes, Europe et International, EEI) follows this theme which is of a cross-cutting nature as the quality of life at work, working conditions, health/safety at work, prevention, social dialogue and sound corporate governance, and gender

equality are part of the areas covered by CSR.

CSR is the combination between voluntary approaches taken by companies and the role played by public authorities, particularly the State, who must remain the guardian of general interest by setting the framework for the exercise of CSR. Today, a significant amount of room is given to social partners so that they ensure the development of CSR, through social dialogue.

In 2017, the DGT's involvement revolved around three main areas:

► **Participation in the CSR Platform's works:**

This Platform, implemented by the Prime minister in June 2013, is made up of around sixty members separated into 5 boards, and therefore represents all stakeholders in CSR. It allows the actors concerned to debate within the same unit on various aspects of CSR and to establish reports and make recommendations. The DGT, as the representative of all social ministries, actively participated in the Platform's work. In 2017, this focused in particular on topics connected with current legislation. The DGT has been following the work carried out by the Working Group on Strengthening Transparency with great interest. The Group finalised recommendations from the Platform in preparation for the French transposition of the "extra-financial reporting" Directive (see below).

The DGT monitored the work carried out by the Group devoted to the implications of corporate responsibility within company value chains (subsidiaries and suppliers); this Group is particularly sought after, due to current events in parliament. Indeed, a law relating to the duty of vigilance of parent companies was passed on 27 March 2017. It concerns all companies with at least 5,000 employees working within the company itself or within direct or indirect subsidiaries with head offices established on French soil, and those with at least 10,000 employees working within the company itself or within direct or indirect subsidiaries with head offices established on French or foreign soil. The companies concerned are now obliged to establish and effectively implement a monitoring programme.

These programmes must contain reasonable and appropriate measures for monitoring risks and avoiding serious violations of human rights and fundamental liberties, and serious threats to the health and safety of individuals as well as to the environment, as a result of a company's activities or those of the companies it controls either directly or indirectly, including the activities of sub-contractors or suppliers with whom it has an ongoing business relationship.

► **Participation in the finalisation of the UNGP National Action Plan and in the follow-up of its implementation**

The DGT contributed towards the finalisation of the National Plan for the implementation of the United Nations Guiding Principles on business and human rights (UNGP), led by the Ministry of Foreign Affairs.

After more than three years of consultations, the French version of the UNGP was published on 26 April 2017. It is a concrete reflection of France's adherence to the "United Nations Guiding Principles on business and human rights" endorsed by consensus by the United Nations Human Rights Council on 16 June 2011, and also responds to the European Commission's request that each of the Member States should draw up a Human Rights Action Plan as part of their CSR strategy.

The UNGP follow-up and evaluation of the results of the actions undertaken will be carried out by the National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme, CNCDH). The DGT participated in an initial meeting with the CNCDH.

The plan was forwarded to the European Commission, and France thus became the 12th European country to establish such a UNGP Plan.

► **Monitoring the application of European texts**

Directive 2014/95/EU amending Directive 2013/34/EU regarding the disclosure of non-financial information and information concerning diversity by certain large companies and groups (Reporting CSR Directive) was adopted on 22 October 2014. For some companies, it creates an "extra-financial" reporting obligation on a European level.

France already has legislation in place concerning extra-financial reporting, but the provisions contained in this directive imposed legislative and regulatory amendments regarding, in particular, the scope of application of the extra-financial report, its content, and the modalities for its presentation.

The transposition of this directive involved the issuing of: Order No. 2017-1180 dated 19 July 2017 on the disclosure of non-financial information by certain large companies and groups of companies, and Decree No. 2017-1265, dated 9 August 2017, issued in order to implement

Order No. 2017-1180 dated 19 July 2017 on the disclosure of non-financial information by certain large companies and groups of companies.

Articles L.225-102-1 and R225-104 and R225-105, R225-105-1 and 105-2 of the Commercial Code were amended.

The DGT was obviously consulted on the social aspects of this reporting throughout the process of transposing this directive. Only formal amendments were applied to the Labour Code (its adaptation to the renumbering of the Commercial Code).

Administrative simplifications

Under the inter-ministerial "simplification shock" mission announced in 2013 for the current quinquennium, the DGT implemented several of the measures envisaged under the various "annual waves" of simplifications, including:

- ▶ the effective implementation of two entirely digital procedures: the declaration of workers in France by foreign companies (TéléSipsi) and applications for the ratification of terminations of employment contracts by mutual consent (TéléRC);
- ▶ the implementation of the provisions of Decree No. 2016-1762 dated 16 December 2016 on digital payslips and their accessibility within the framework of Individual Activity Accounts;
- ▶ the implementation of the provisions of Decree No. 2016-1908 dated 27 December 2016 on the modernisation of occupational medicine (including Decree No. 2017-1311 dated 29 August 2017 on the modernisation of occupational medicine within agriculture);
- ▶ Decree No. 2017-932 dated 10 May 2017 supplementing the "display" and "transferral of documents to the administration" decrees dated 20 October 2016;
- ▶ Decree No. 2017-1008 dated 10 May 2017 containing various procedural provisions relating to the Labour courts;

- ▶ Order No. 2017-1385 dated 22 September 2017 on the strengthening of collective bargaining;
- ▶ Order No. 2017-1386 dated 22 September 2017 on the new structuring of social and economic dialogue within companies and promoting the exercise and upholding of trade union responsibilities;
- ▶ Order No. 2017-1387 dated 22 September 2017 on predictability and security in labour relations;
- ▶ Order No. 2017-1388 dated 22 September 2017 containing various measures relating to the framework for collective bargaining;
- ▶ Order No. 2017-1389 dated 22 September 2017 on the prevention and recognition of the effects of exposure to certain occupational risk factors, and on personal prevention accounts;
- ▶ Continuing with the administration's online submissions procedures. Introduced in November 2015, the portal grouped 104 identified procedures into 11 main categories, enabling all users to contact the administration online; its "cruising speed" has been steadily increasing (54 in 2015, 458 in 2016) and it was used 766 times in 2017.

Pursuant to the decrees dated 20 November 2017, the simplification dossiers now come under a new framework, the General Secretariat for the Modernisation of Public Action (Secrétariat général pour la modernisation de l'action publique, SG-

MAP), making room for two new bodies, the Interministerial Directorate for Public Transformation (Direction interministérielle de la transformation publique, DITP) and the Interministerial Directorate for State Digital Information and Communications Systems (Direction interministérielle du numérique et du système d'information

et de communication de l'État, DINSIC). The simplification process is now part of the "Public Action 2022" Interministerial operation within the "Administrative Simplifications and Quality of Service" cross-cutting mission. The DGT is fully involved in this mission.

The main cases of European and International action

European action



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The 2017 European Semester

The “European Semester” is a cycle of structural, macroeconomic and budgetary policy coordination for Member states, which is part of the European Union's economic governance. It aims to enable Member states to take account of rules and objectives defined at EU level at an early stage in the establishment of their national budgets and other economic policies. In 2017, and as is the case every year, the DGT contributed towards the exercise of the European Semester on questions relating to the labour market.

France being in the category of countries under “enhanced surveillance” due to its excessive deficit, this exercise led to many bilateral meetings with the European Commission, during which the DGT was able

to present at length the measures taken, via the issuing of Orders, to strengthen social dialogue; these were particularly designed to respond to the European Commission's recommendations on the need for improvements in the functioning of the labour market.

This explanatory work on the part of the DGT during the various bilateral meetings with the European Commission and its drafting of the National reform programme paid off, since by 2017 France was no longer the object of specific recommendations concerning improvements in the labour market and the need to reform the Labour law, as had been the case in previous years.

The EPSSCO Councils

The DGT contributed towards preparations for meetings of the “Employment, Social Policy, Health and Consumer Affairs” Councils of ministers (Conseils des ministres « Emploi, politique sociale, santé et consommateurs », EPSSCO), on areas falling within the “labour” sector.

Four EPSSCO Council meetings were held in 2017: on 3 March, 15 June, 23 October and 7 December, and two informal Council

meetings were also held on 3 April and 19 and 20 July.

These various Council meetings broached many subjects including, as regards the labour sector, the review of the 1996 directive on the posting of workers; 2017 European semester matters; the creation of the European Pillar of Social Rights; issues relating to the new forms of employment; the work/ life balance and even non-discrimination.

The meeting of the General Directors for Labour (directeurs généraux du Travail, DGRT)

This regular meeting, which is held every 6 months prior to each EU presidency, is led by the European Commission. On 19 May 2017, it was held in Tallinn, Estonia. The Commission presented its “European Pillar of Social Rights” package, adopted on 26 April 2017, which should be regarded as a framework for convergence. This Pillar provided an answer to a high French demand. It is a way of affirming the common values of Member States and is a sign of their commitment to a set of 20 principles and rights which range from the right to a fair wage to the right to health protection, to lifelong learning, to a better work-life balance, to gender equality, and to a minimum income. This shared commitment is a clear demonstration of European unity which, through the establishment of this European Pillar of Social Rights, seeks to defend the rights of its citizens in a rapidly changing world.

The second highlight of this meeting was the presentation of the report on the implementation of Directive 2003 /88/EC on working hours, and the ensuing round table on the establishment of an Interpretative Commission for this “Working Hours” Directive.

The various General Directors for Labour applauded this initiative which aimed to clarify the existing provisions in the “Working Hours” Directive in the light of European Commission jurisprudence and its proposal to create a specific sub-group composed of experts from Member States in order to discuss problems encountered in implementing this directive, and possible solutions to these problems. On 19 October 2017, the first meeting of the sub-working group devoted to this issue was held in Brussels.

On 24 November 2017, it was Bulgaria that hosted the DGRT meeting in Sofia. The Commission presented the implementation of the European Pillar of Social Rights and the consultations in progress on the creation of a European Authority on Labour. In this context, the European Commission intends that these regulatory projects (the work/life balance directive, the review of the written declaration directive and the creation of a European Authority on Labour) should be adopted before the 2019 European elections.

Transposition of European directives

The “European and International Affairs” (« Études, Europe, Internationale », EEI) mission monitors the transposition of European directives into French law as regards leadership, in collaboration with the SGAE and the DAJ.

In 2017, the DGT was involved in the transposition of Directive 2017/164 dated 31 January 2017 establishing a fourth list of indicative occupational exposure limit values (for the protection of workers' health

and safety from the risks arising from hazardous chemicals present in the workplace), which must be transposed before 21 August 2018. The transposition of Directive 2017/2398 dated 12 December 2017, amending Directive 2004/37/EC concerning the protection of workers' health and safety from the risks arising from exposure to carcinogens or mutagens whilst at work, is also in progress.

Monitoring the work of the European Parliament

The EEI mission monitors the work of the European Parliament, in collaboration with the DAEI and the SGAE.

In 2017, the DGT was mobilised by Élisabeth Morin-Chartier's report on the review of the 1996 Directive on the posting of workers. The DGT was able to meet with the reporter, and proposed sending a number of memoranda on this issue to Members of the European Parliament. It also analysed the many amendments tabled within the context of this work. The DGT also worked on

Marita Ulvskog's report on the review of the 2004/37/EC European Parliament and Council Directive on the protection of workers' health and safety from the risks arising from exposure to carcinogens or mutagens whilst at work. The French authorities were in favour of all the proposals formulated within the draft report, some of which had been made by France on several occasions during discussions between Member States.

Bilateral relations with other European Union Member States

In 2017, bilateral relations with European Union Member States were largely influenced by the context of the revision of Directive 96/71 on the posting of workers. In order to explain France's position, the DGT's services were mobilised to prepare for the Minister's numerous bilateral meetings with

her peers from Germany, Belgium, the Netherlands, Malta and Estonia in particular. In addition, two bilateral cooperation agreements on the subject of posted work and the prevention of undeclared work were signed: with Bulgaria (on 7 June 2017) and with Portugal (on 17 November 2017).

Research

The EEI Mission prepares and participates in the Executive Board meetings of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) as well as meetings with the Foundation's National Correspondent, and

ensures the follow-up and dissemination of research.

The EEI also monitors research carried out by the DARES as part of the annual programme, and participates in meetings of the DARES Programme Committee.

In January 2017, the DGT signed a research agreement with the GEFAC (a Franco-German research group studying labour disputes) to support a research project

comparing German and French case law after the German Minimum Wage Act came into force in 2015.

International action

The International Labour Organization (ILO):

At the International Labour Conference (ILC), the EEI Mission, as part of the French Government's delegation, participated in the Commission on Fundamental Principles and Rights at Work (ongoing discussions). The purpose of this commission was to examine the main trends in the implementation of the four categories of fundamental rights and principles at work and the results of the ILO's efforts in this regard.

France, via the European Union, has defended the incorporation of occupational health and safety into the fundamental rights and principles at work. France also wished to emphasise the important role played by the Labour Inspectorate as regards respecting these principles.

The Future of Work centenary initiative (ILO)

On the occasion of the ILO's centenary in 2019, the Director-General of the International Labour Organization, (Bureau International du Travail, BIT), Guy Ryder, wanted to reflect on the future of work. Initially, he encouraged ILO constituents to question the evolutions of the world of work and the role and relevance of the ILO in its one hundredth year.

In order to contribute alongside the ILO's French constituents (Government and social partners), Claude Jeannerot, French Government delegate within the Governing Body of the ILO, planned monthly interviews with experts and qualified individuals. France's contribution, a tripartite draft, was delivered to Mr Ryder during the first quarter of 2017.

Drafting of ILO convention regular reporting

In 2017, the DGT drafted 6 regular reports on ILO conventions for the following conventions: C 27 on the Marking of Weight (Packages transported by Vessels); C 29 on Forced Labour; C 105 on the Abolition of

Forced Labour; C 152 on the Occupational Safety and Health (Dock Work); C 138 on Minimum Age; and C 182 on the Worst Forms of Child Labour.

Ratification of international instruments

Following the ratification in 2016 of the Additional Protocol to Convention No. 29 on Forced Labour and of Convention No. 188 on Work in Fishing, in 2017 the French

government embarked on the process of ratifying Convention No. 184 on Safety and Health in Agriculture.

The French National Contact Point (NCP)

The French National Contact Point is responsible for promoting and ensuring compliance with the OECD guidelines for multinational enterprises.

The French NCP is an independent tripartite body, composed of State (including the DGT), trade union and MEDEF (employers' organisation) representatives.

The French NCP was extremely active in 2017 since it was entrusted with three new referrals which have been the subject of repeated hearings of complainants and of the multinational enterprises concerned. All three of these new referrals relate to matters concerning the freedom of trade unions and collective bargaining. The DGT has participated in all the plenary meetings and hearings.

In addition, the French NCP conducted its peer review on 20 and 21 April 2017 which,

since 2015, has been the hope of the Heads of State and Government of the G7 countries, who have pledged to strengthen the mechanisms for redress such as the OECD Contact Points and to promote the peer-review process. It was reviewed by the OECD Secretariat and by its peers in Belgium, Canada and Morocco. This exercise provided the opportunity for discussions with the French NCP's various stakeholders: government officials and operators, the ILO, the NCCHR, the CSR Platform, French and international trade union organisations, NGOs, employers' associations and businesses, complainants, the multinational enterprises concerned by complaints, and also the academic community.

International cooperation

In 2017, the DGT received multiple foreign delegations:

- ▶ In July, the DGT received a Turkish delegation as part of the "Improving social dialogue in working life" project financed by the European Union and coordinated by the ILO's Office in Turkey;
- ▶ In October, a delegation came from the Albanian Central Inspectorate, as part of a project to develop Albanian inspection procedures and those relating to the specific responsibilities of this country's Central Inspectorate. The DGT was thus able to present its role as a central authority for Labour Inspectorate officers and for Labour Inspectorate resources and missions;
- ▶ In December, the DGT, the DAEI, the DGEFP and the DGCS held a meeting

with a delegation of senior Korean officials to discuss the participation of women in the labour market and the work/life balance. This meeting, prior to a meeting between the ministers, also provided an opportunity to present the latest reforms regarding tele-working, the right to disconnect and parental leave.



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