

# Practical INSTRUCTIONS

**#SOCIAL**  
NOVEMBER 3, 2020

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Decree n° 2020-1310 of October 29, 2020 prescribing the general measures necessary to deal with the Covid-19 epidemic within the framework of the state of health emergency sets out new measures following the 2nd epidemic wave.

In addition, two decrees specifying the partial activity system were published in the Journal Officiel of October 31, 2020 (decree no. 2020-1319 relating to partial activity and decree no. 2020-1316 relating to partial activity and the specific partial activity system in the event of a lasting reduction in activity). **In concrete terms, what should we retain?**

## WHICH ACTIVITIES ARE AFFECTED BY AN ADMINISTRATIVE CLOSURE?

As a matter of principle, all establishments receiving the public are closed (bars, restaurants, shops, sports halls, lounges, community centres, cinemas, etc.). As an exception, the decree lists certain sales shops that may remain open for their delivery and order collection activities or activities such as:

- Grocery shops,
- Tobacconist's shop,
- Technical inspections,
- Financial and insurance activities,
- Laundries and dry cleaners,
- Opticians,
- Computer repairs,
- Motor vehicle rentals and leasing,
- ...

The full list is available on the government's website: [www.legifrance.gouv.fr/jorf/id/JORF-TEXT000042475143](http://www.legifrance.gouv.fr/jorf/id/JORF-TEXT000042475143)

**Update:** some establishments will be able to remain open with respect of health protocols. This applies in particular to day nurseries and schools, extracurricular establishments, wholesalers, etc.

As for estate agencies, they are not affected by the administrative closures for the moment. At this stage, visits to properties are prohibited. Nevertheless, the issue will be re-evaluated in 15 days' time at the stage planned by the government.

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## WHAT IS THE SYSTEM FOR ALL THE STRUCTURES CONTINUING THEIR ACTIVITY?

**The watchword remains remote working. Indeed, when the position is eligible** The company must organise home working for its employees. For example, the estate agents mentioned above, like architects' offices, must be placed in teleworking (except for necessary business trips with a certificate).

On the other hand, certain sectors of activity, by their very nature, cannot be eligible for the system, such as construction. In this context, workers will have to carry out their professional activity in compliance with the preventative measures.

## WHAT TYPE OF HAND-OUTS FOR ADMINISTRATIVELY CLOSED BUSINESSES?

### WHAT KIND OF COVERAGE FOR THE PARTIAL ACTIVITY?

The government has announced the renewal of the partial activity system for companies, as of October 30, 2020.

- **UNTIL 31 DECEMBER 2020** and as announced by the Minister of Labour: The current partial activity regime is maintained.

Sectors protected or closed by decree will be able to benefit from partial activity at 100% with a zero charge to the employer.

For all other sectors, the State will provide coverage up to 60% of the employee's gross salary. As for employees, they will receive an indemnity equal to 70% of their gross pay (i.e. about 84% of their net pay), limited to 4.5 times the hourly rate of the SMIC.

- **FROM THE 1ST OF JANUARY 2021:** the hourly rate of the partial activity allowance will be equal for each employee concerned to 36% of gross hourly pay, still limited to 4.5 times the hourly rate of the SMIC (with a minimum hourly allowance of €7.23).

The employee's allowance corresponds to 60% of his/her gross pay.

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## WHAT IS THE MAXIMUM PERIOD ALLOWED FOR PARTIAL ACTIVITY?

A partial activity authorisation may be granted for a **maximum period of three months** and may be **renewed up to a maximum of six months, consecutive or not, over a reference period of twelve consecutive months** (except when the partial activity is motivated by an accident or exceptional bad weather situation, in which case the partial activity authorisation may be granted for a maximum period of six months).

Where the employer has been granted a partial activity permit before that date, this period is not taken into account for the purposes of applying these new provisions.

**Please note: information procedures for the CSE in companies with at least 50 employees: The CSE must now be informed at the end of each authorisation of the conditions under which the partial activity has been carried out.**

## HOW TO REQUEST OR RE-APPLY TO THE PARTIAL ACTIVITY?

If you have already used the partial activity since March, simply go back to your personal space via <https://activitepartielle.emploi.gouv.fr/aparts/>. If you are applying for the partial activity for the first time, you will need to create your space on the same web site.

**The procedure consists of 6 main steps:**

- Complete the information on the company if it is the first request;
- Indicate the reason for using the partial activity (with a quantified argument);
- Indicate the expected period of partial activity;
- Indicate the number of employees concerned by the request;
- Indicate the number of hours of partial activity requested;
- Attach the supporting documents and the bank details to the application.

The prior request takes the same form as the one in March, with a request for prior authorisation to be made within 30 days of the first day off and, also, an instruction period reduced to 48 hours.

**Please note** that in the event of an administrative check, you will need to provide proof that you have taken up the partial activity by providing a certain number of documents. The administration can ask for the following elements in particular: the personnel register, pay slips, employment contracts, attendance sheets, supporting documents relating to exceptional sick leave, schedules, and the CSE notice if necessary.

**For more information and details, you can consult our practical guide of 16 March 2020.**

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## ARE THE SECTORS OF THE «TOURISM PLAN» ADAPTED?

The list of sectors of the Tourism Plan which benefit from an increased rate of partial activity allowance (modification of annexes 1 and 2 of the decree of 29 June 2020) has been slightly amended.

**The following cases can now benefit from the allowance increased to 70%:**

### **1 - Employers whose main activity is in the sectors:**

- «Advice and operational assistance to companies and other organisations distributing cinematographic films in the field of public relations and communication»
- «Regular road passenger transports»
- «Other road passenger transports».

### **2 - Employers, where they have suffered a decrease in turnover of at least 80% during the period between 15 March and 15 May 2020, who carry out their main activity in the following sectors :**

- «Retail trade in shops located in an international tourist zone mentioned in Article L. 3132-24 of the Labour Code, with the exception of food or predominantly food-related trade, trade in motor vehicles, motorbikes, fuels, coal and combustibles, household equipment, medical and orthopaedic articles and flowers, plants, seeds, fertilisers, pets and nutrient for these animals»
- «Savoir faire tourism: companies selling directly to visitors at their production site and which have obtained the label : « Entreprise du Patrimoine Vivant « in application of decree no. 2006-595 of 23 May 2006 relating to the awarding of the «Entreprise du Patrimoine Vivant « label, or which are holders of the State trademark «Qualité Tourisme™ « in accordance with the company visits, or which use savoir faire included on the representative list of the intangible cultural heritage of humanity provided by the Convention for the Safeguarding of the Intangible Cultural Heritage adopted in Paris on 17 October 2003, in the category of «know-how linked to traditional craftsmanship»
- «Private security activities»
- «Routine cleaning of buildings».