

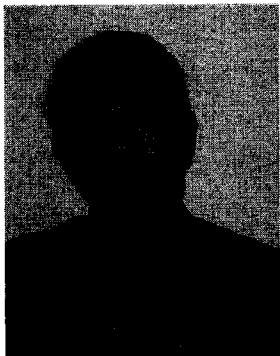
Legislation France

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Chronological List of Acts

**1. Act to provide for weekly rest for salaried employees
and wage-earners**

13 July 1906

as amended by Laws of 21 June 1936 and 25 February 1945, amended in 1956 and 1969 and by an ordinance of 16 January 1982, a circular of 7 October 1992, a law of 20 December 1993, a circular of 21 April 1994, a decree of 18 May 1994.

DIVISION I. WEEKLY REST

Section L.200-1. All persons under this article are subject to the provisions of the Book regulating employment, industrial and commercial establishments and their appurtenances, of any nature whatsoever, public or private, non-religious or religious, even those with a professional teaching or charity nature, public and ministerial offices, professions, non-trading companies and professional trade unions and associations of any kind whatsoever.

Also subject to such provisions are the establishments where only family members are employed under the supervision of either the father, or the mother, or the guardian, even when such establishments exercise their activity on the public highway.

Section L.221-1. The provisions of the present chapter apply to the persons occupied in the establishments mentioned in Section L.200-1.

Section L.221-2. It shall not be lawful to employ any given employee for more than six days a week.

Section L.221-3. No apprentice shall in any circumstances be under an obligation towards his master to perform work of any kind in his occupation on a Sunday.

Where, in establishments not covered by Section L.200-1, an apprentice is required, in virtue of any agreement or established custom, to tidy up the workshop on a Sunday, such work shall not go on later than 10 a.m.

Section L.221-4. The weekly rest shall last for at least 24 consecutive hours.

Section L.221-5. The weekly rest shall be granted on Sundays.

Section L.221-5-1. A collective agreement or arrangement that has been extended may provide that industrial undertakings run with the help of operatives and supervisors consisting of two groups, one of which is solely intended to replace the other

on the rest day or days granted to the latter at weekends, may depart from the rule laid down in Section L.221-5, and grant a day of weekly rest on a day other than Sunday. Such dispensation also applies to the employees necessary to the supervision of the replacement group.

Recourse to this exception shall be subject to the conclusion of arrangements at the level of the undertaking or establishment or to permission given by the inspector of labour after consultation with the trade union delegates and with the works committee or staff delegates, if any.

A position different from replacement. The convention or extended collective agreement provided by the first paragraph must include provisions regarding:

1. The particular conditions of implementing of training of the employees working in a replacement group and the remuneration of the training time;
2. The terms under which employees of the replacement group may exercise their right to occupy another job.

The remuneration of the employees concerned shall be at least 50 per cent higher than that payable for an equivalent period of work done on the basis of the undertakings' normal timetable. Such increase does not apply when replacement group employees are to replace all week long the employees who left on vacation.

In the absence of a collective agreement or arrangement that has been extended, provision may be made by decree in Council of State for the conditions in which the exception provided for in the first paragraph of this section may be allowed.

Section L.221-6. Where it is established that a simultaneous rest period granted on Sunday to all the persons working in an establishment would be detrimental to the general public or to the normal operation of the establishment concerned, the rest may be granted, either throughout the year or only at certain times of the year, in one of the following ways:

- (a) on some other day than Sunday for all the persons working in the establishment;
- (b) from midday on Sunday to midday on Monday;
- (c) on Sunday afternoon, with one day compensatory rest every fortnight in rotation;
- (d) in rotation for all or some of the persons working in the establishment.

The necessary permission shall be granted for a limited period only. It shall be granted after the municipal council, the chamber of commerce and industry and the occupational organisations of the employers and workers concerned in the commune have been consulted.

The provisions of this section shall not apply to secretaries, clerks or salaried employees working in the chambers or registries of law-court officials' offices.

Section L.221-7. Permission granted to an establishment in terms of the preceding section may be extended to establishments in the same locality that carry on the same type of business, deal with the same customers and are covered by the same type of licence: Provided that no part of an establishment shall in any circumstances be placed on the same footing as an establishment.

All permits granted in terms of the preceding section to two or more establishments, or to all establishments, in the same locality that carry on the same type of business, deal with the same customers and are covered by the same type of licence may be cancelled if a request to that effect is made by the majority of the establishments concerned.

Decisions to extend or cancel permits shall be taken after the consultations provided for in Section L.221-6 have been held.

Section L.221-8. Appeals against the decisions referred to in Sections L.221-6 and L.221-7 on the grounds of action *ultra vires* shall have suspensive effect.

Section L.221-8-1. Without prejudice of the provisions of Article L.221-6, in tourist or spa towns and in tourist areas of exceptional attendance or permanent cultural animation, the weekly rest may be granted in rotation to all or some of the employees, during the tourist season(s), in retail trade establishments which propose to the public goods and services aimed at facilitating its reception or its relaxation or entertainment activities in the fields of sport, recreation or culture.

The list of the relevant tourist or spa towns is drafted by the State representative in the department, on the town councils' request, upon criteria and terms defined by regulation. For other towns, the scope of tourist areas of an exceptional attendance or of permanent cultural liveliness is determined by the decision of the State representative in the department taken on the proposal of the town council.

Necessary authorisations are granted by the State representative following the advice of the entities referred to in the sixth paragraph of Article L.221-6.

A decree in State Council determines the implementation terms of the present article.

Section L.221-9. Establishments of the following classes shall automatically be permitted to grant the weekly rest in rotation:

1. factories producing food for immediate consumption;
2. hotels, restaurants and public houses;
3. tobacconists;
4. florists;
5. hospitals, clinics, asylums, psychiatric hospitals, homes for the aged, dispensaries, nursing homes and chemists;
6. bathing and hydrotherapy establishments;
7. newspaper undertakings and news agencies;
8. undertakings giving public performances;
9. museums and exhibitions;
10. undertakings renting chairs and means of locomotion;
11. undertakings supplying light, water and power;
12. land transport undertakings, other than railways, and air transport and air service undertakings;
13. wireless transmission and reception undertakings;
14. permanent presentation and display spaces which activity does not include any sale to the public, reserved to producers, retailers or service providers.

Regulations shall prescribe the other classes of establishments that may avail themselves of the right to grant the weekly rest in rotation.

Section L.221-10. The following shall also automatically be permitted to grant the weekly rest in rotation:

1. industries using highly perishable goods;
2. industries where any interruption of work would entail the loss or depreciation of the products manufactured;
3. industries in which an extended collective agreement or accord provides for the option of organising work in a continuous manner for economic reasons. If there is no convention or extended collective agreement or enterprise convention or agreement, a decree in State Council may provide for the terms under which the derogation such as described in the first paragraph may be granted.

A decree issued by the Council of State shall determine the types of industries which are included in the first two categories defined above.

Section L.211-11. Provision shall be made in regulations for the application of the weekly rest to specialists employed in continuous processes or operations carried on in factories with a system of continuous working. The rest periods to which such specialists are entitled may be partly postponed, on condition that, over any given period of time, the number of rest periods of 24 consecutive hours is always at least equal to the number of weeks falling within that period of time and that each employee is granted as many rest periods as possible on Sunday.

Regulations shall prescribe that processes or operations to which the foregoing exception applies and shall specify the maximum period of time to be taken in the case of each such process or operation.

Section L.221-12. Where urgent work has to be done immediately in order to organise rescue operations, prevent an impending accident or deal with an accident that has occurred to the equipment, installations or buildings of an establishment, the weekly rest for any persons needed for such work may be suspended.

This possibility of suspending the weekly rest shall apply not only to the employees of the undertaking where the urgent work needs to be done but also to the employees of any other undertaking carrying out the repair work on its behalf. Every employee in this latter undertaking shall be granted a compensatory rest equal in length to the rest that he has forfeited. The same shall apply to employees of the first-mentioned undertaking who are normally employed on maintenance and repair work.

Section L.221-13. In any industrial or commercial establishment where the weekly rest is granted to all the employees on the same day, the rest may be reduced to half a day in the case of persons employed in minding generators or a power plant, in greasing or inspecting transmission gear, in cleaning industrial premises, in tending horses and, more generally, in carrying out any type of maintenance work which must necessarily be done on the general rest day and is essential to avoid delay in the normal resumption of work.

Where the weekly rest has been reduced in accordance with the preceding paragraph, a compensatory rest shall be granted at the rate of one whole day for two reductions of half a day.

Section L.221-14. The departures from the rules governing weekly rest provided for in Sections L.221-12 and L.221-13 shall not apply to young workers under 18 years of age or to women.

Section L.221-15. Watchmen and caretakers in industrial and commercial establishments to whom it is not possible to grant a weekly rest shall be entitled to a compensatory rest.

The departure from the rules governing weekly rest provided for in this section shall not apply to young workers who are under eighteen years of age or to girls who have not yet come of age.

Section L.221-16. Regulations shall prescribe the establishments engaged in the retail sale of food in which a rest may be granted from midday on Sunday, combined with another afternoon granted in rotation every week as a compensatory rest in the case of employees who are under 21 years of age and live with their employers, and a whole day granted in rotation every fortnight in the case of other employees.

Section L.221-17. Where an arrangement has been concluded between the occupational organisations of employers and employees in a particular occupation and region for the conditions in which the weekly rest is to be granted to the employees in one of the ways provided for in the preceding sections, the prefect of the department, acting on the request of the organisations concerned, may order the establishments in the occupation or region to be closed to the public for the entire period covered by the rest. Such provisions do not apply to the activities for which payment and operating modes are automated.

Provided that, where the order relates to establishments directly contributing to the supply of food for the population, it may be cancelled or amended by the minister responsible for labour. The minister shall not take his decision until six months have elapsed since the order made by the prefect came into effect; before taking it, he shall consult the occupational organisations concerned.

Section L.221-18. The closure provided for in the preceding section shall not apply to stands organised as part of exhibitions, fairs or shows appearing on a list to be prescribed, after consultation with the organisations of employers and employees concerned, by joint order of the ministers responsible for labour and commerce.

The only events qualifying to appear on the list provided for in the preceding paragraph shall be those lasting for a maximum of three weeks that have been organised by public institutions, have been recognised as being in the public interest or have been sponsored for five consecutive years by the minister responsible for commerce.

Participants who are entitled to avail themselves of the foregoing provisions may grant their employees a weekly rest in the manner specified in Sections L.221-9 and L.221-10.

Section L.221-19. In retail trading establishments where the weekly rest normally falls on a Sunday, such rest may be dispensed with on certain Sundays to be specified for each branch of retail trade by order of the mayor (or the prefect in the case of Paris) after consultation with the organisations of employer and employees concerned. The number of such Sundays shall not exceed five a year.

Every employee thus deprived of his Sunday rest shall be granted a compensatory rest and a wage increase for this exceptional day's work equal to one-thirtieth of his monthly remuneration, or to the value of a day's work if he is paid by the day. The order of the mayor (or the prefect in the case of Paris) shall specify the conditions in which the rest is to be granted, either collectively or in rotation over a period not exceeding the fortnight before or after the rest that was dispensed with. Where an employee's Sunday rest is dispensed with on a Sunday preceding a statutory public holiday, the compensatory rest shall be granted on the public holiday.

Section L.221-20. It shall be permissible to employ workers on their weekly rest day on loading and unloading operations in ports, at landing stages and at other loading points in the same cases and subject to the same conditions as apply to the prolongation of their hours of work for the same operations, as provided in the decrees specifying the conditions in which the legislation governing the hours of work is to apply.

Section L.221-21. Regulations shall prescribe the industries operating for only part of the year in which the weekly rest may be partly postponed in the manner prescribed in Section L.221-11 in the case of factories with a system of continuous working, subject to the provision that each worker shall be entitled to at least two days a month, which shall as far as possible coincide with Sunday.

Establishments belonging to sectors of activity of a seasonal nature as laid down by decree and which open for only a specific period of the year shall be similarly exempt.

Section L.221-22. Such industries as may be specified in regulations that process perishable goods or are subject to abnormal pressure of work at certain times may suspend their employees' weekly rest on not more than two occasions each month and on condition that the number of such occasions is not more than six a year.

The hours thus worked on a weekly rest day shall be deemed to be overtime and shall be reckoned towards the overtime credit provided for in the decrees specifying the conditions in which the legislation governing hours of work is to apply.

Section L.221-23. Regulations shall prescribe a list of the particular industries to be included in the general categories referred to in Sections L.221-20, L.221-21 and L.221-22 in the case of young workers and women.

Section L.221-24. The regulations referred to in Sections L.221-11, L.221-16, L.221-21, L.221-22 and L.221-23 shall be made in the manner prescribed in Section L.212-2 for the decrees specifying the conditions in which the legislation governing hours of work is to apply.