

What you need to know :

A collective agreement is an agreement established between the representative organisations of employees and employers of a specific occupational sector. It details the employment and working conditions and professional development of employees as well as their employment benefits. Employers must establish and examine the collective agreement applicable to their company. The employment contract and payslip must be established with reference to the collective agreement.



Advice

Ask us which collective agreement is applicable in the event of multiple activities.

► Application of a collective agreement

All employers are required to apply the collective agreement corresponding to the company's main business, if this agreement has been « extended ».

If the collective agreement has not been extended (published in the official legal bulletin), it is only applicable if the employer is affiliated to one of the signatory employer organisations.

The NAF code of the company is a simple way of determining the collective agreement applicable.

The applicable collective agreement also depends on the location of the company ; its scope can be national, regional or local.



Information

Notice : if there is a change in activity (merger, sale, etc.), check whether this affects the determination of the collective agreement applicable.

► The beneficiaries

The collective agreement applies to all employees of the company.

Application is immediate, automatic and mandatory once the agreement comes into effect.

Certain occupations such as sales representatives or journalists do not benefit from the collective agreement applicable to their employer but are subject to « conventions de métiers ».



Advice

Ask us about the possibility of voluntarily applying a collective agreement.

► The content

The collective agreement adapts the provisions of the French employment code to the specific circumstances of the business sector concerned. In principle, it includes more favourable provisions than the law.

However, it may derogate from certain legal requirements in a way that is unfavorable to employees, when this is permitted.

Terms of the employment contract that are less favourable than the collective agreement are not applicable.

The collective agreement generally includes provisions relating to :

- Job classifications, trial periods and notice,
- Working hours : organisation, overtime, fixed hours agreements, part-time...,
- Pay : minimum salaries, seniority pay, 13th month salary, holiday bonus...,
- Absences : paid holiday, sick leave, maternity leave, work-place accident, family events...,
- Pensions and employee protection, severance pay, ...



Advice

Ask us, you must always compare the provisions of the collective agreement with those of the employment code to check which ones are applicable.



Sanction

If a clause of the collective agreement is not applied, the employee can claim compensation.

► Employee information

When hiring an employee, the employer is required to give him/her a guide informing him/her of the collective agreements applicable in the company.

The payslip must indicate the collective agreement applied.

The employer must keep an up-to-date copy of the collective agreement at the employee's place of work for his/her perusal.

A notice specifying the following points must be communicated to the employees, by any means: applicable collective agreement, place of supply, consultation procedures by the employees during working hours.

Companies with an intranet system must put an up-to-date copy of the collective agreement on this system.

A copy of the collective agreement applicable must be provided to the works council, the employee representatives and union representatives.



Sanction

In the event of failure to inform employees of the collective agreement applicable, the company is liable for a category 4 fine (€750) and the employer cannot enforce the agreement against the employees.