

Working days package – “Forfait jours”

Who is concerned?

All employees who have a total autonomy when organizing their working time and when their work duties do not lead them to follow the collective working time schedule of the company they work for.

Δ Any employee whose working time and work organisation are determined by managers, does not belong to the category of employees with full autonomy. The working days package can NOT be applied in such conditions.

When can we apply this working scheme ?

Implementation of the working days package is subject to :

- 1/ a collective agreement (Union Trade Agreement, Company Agreement, sector of activity agreement)...
- 2/ an individual agreement (in absence of above agreement).

If the employee (executive or not) meets all criteria described above, and that he/she agrees the package's conditions of work, then the employer can write a working days package agreement (“convention de forfait” in French):

- Including it into the employment contract when the employee starts
- Or by adding an Addendum which will amend the employment contract if the employee already works with the company and that the employer wants to modify the working time schedule.

What is the advantage of this working time schedule to the employees?

The employees having signed this working time schedule are not submitted to the following articles of the French labour law:

Article L.3121-10, which sets the legal weekly length of work to 35 hours.

Article L.3121-34 which stipulates that the daily duration of work shall not exceed 10 hours

1st paragraph of article L.3121-35, which stipulates that the weekly length of work can't exceed 48 hours during the same week.

However, the employer must respect the following aspects of French labour law:

- the employee under working days package must benefit from a minimum of 1 day and a half of weekly rest (usually on week-ends).
- between the end of a day work and the beginning of another day work, there must be a minimum of 11 hours of rest .
- the employee must benefit 25 days of paid leave & the usual Bank holidays.

How many days per year does the employee work?

The Labour law sets a maximum of 218 days which must be worked per civil year. But it can be less or even more up to 235 days as per your Union Trade Agreement or as per a very specific company agreement.

The employees under this working schedule MUST fill in a monthly work schedule, indicating days worked, paid leave taken and sickness absences to arrive to the number of days to be worked as per the agreement;

SEDI France SARL

18 rue Gambetta, 95 880 ENGHEN LES BAINS, France

Tel: +33(0)1 34 05 07 71

RCS Pontoise B 410 485 981 APE 7022Z

SARL au capital de 14 000€

SEDI UK LTD

281 Vauxhall Bridge Road, SW1V 1AD LONDON, UK

Tel: +44 207 953 4025

Company registered in England & Wales,

N°3494781

-Website: www.sedigroup.com - Email: info@sedigroup.com-

These work schedules must be kept available for labour inspection by the employer, for 3 years. In case of URSSAF Control or Labour Inspection Control (DRETS), the employer has to provide those monthly calendars completed by the employee.

Δ Sickness absences are deducted from the working days package, so that the number of days worked is reduced.

To compensate longer working hours, employees under this work schedule are granted extra days of rest called compensation days or RTTs.

How to calculate compensation days / RTT ?

To obtain the number of RTT, you have to:

Take the number of days in the year: 365 or 366

Take the number of week-end days (Saturday + Sunday) : usually 104 or 105

Take the number of working days package chosen: 218 or less

Take the number of Public/ Bank Holidays which are not on week-ends: between 7 and 10

Take the number of French paid leave : 25 (this can be more in case of additional paid leave for seniority).

And do the following calculation (example done for year 2025 based on a 218 working days package):
 $365 - 104 - 218 - 10 - 25 = 8$ compensation days / RTT for 2025.

Some large companies wishing to avoid this annual calculation, decided to determine a fixed number of compensation days for the year, in agreement with the employees' representative unions. They usually choose between 10 and 12 days a year.

These compensation days are considered as additional leave and are financially compensated as paid leave (same financial value) in case of termination.

The compensation days must be taken during a civil year (from January to December).

If the employee does not use all compensation days at the end of the year, there are 2 options to consider depending on the contractual and regulatory provisions :

1) The employee uses them during the following year so that the package of working days will be reduced of as many days.

Example: an employee is entitled to 8 days in 2025 (from January to December). If he/she took only 5 days, he/she has a balance of 3 days to take during year 2026.

The employee will have to work 215 days in 2026 (218 – 3 compensation days of 2025).

2) you pay these extra days as overtime. These days will be increased by a minimum of 10% as per labour law or even + 35 % as per some Collective Bargaining Agreements).

BEWARE :

- ***Some sectors of activities & their CBA (Collective Bargaining Agreement) refuse the application of the working days package or set limited criteria to be able to implement it such as higher minimum salaries.***
- ***You must ensure the good balance of your employee's private life and professional life by making at least 2 appointments per year with your employee on that subject. The right to disconnect is highly regulated.***
- ***235 days is the very maximum number of days that can be worked per year and this is the employer's duty to ensure compliance with this rule.***

SEDI France SARL

18 rue Gambetta, 95 880 ENGHEN LES BAINS, France

Tel: +33(0)1 34 05 07 71

RCS Pontoise B 410 485 981 APE 7022Z

SARL au capital de 14 000€

-Website: www.sedigroup.com - Email: info@sedigroup.com

SEDI UK LTD

281 Vauxhall Bridge Road, SW1V 1AD LONDON, UK

Tel: +44 207 953 4025

Company registered in England & Wales,

N°3494781