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Employees and personal training account

The use of a personal training account (CPF) by private sector employees has increased by 41% according to a report of the DARES issued in February 2020. From 2015 to 2018, nearly 900,000 training courses were taken by private sector employees as part of the CPF, which came into force on 1 January 2015. The use of the CPF by private sector employees increased in 2018 with nearly 383,000 moving into training compared to 272,000 in 2017, i.e., an annual increase of 41%. In 2018, 1.7% of private sector employees received training using their CPF. In the meantime, the number of training courses joined by jobseekers using their CPF stabilised, with a 2.1% rate of use. More than half of the private sector employees using their CPF are between 25 and 44 years old. Two-thirds are employees or executives. Whatever their initial level of training, the great majority of private sector employees take short training courses in order to obtain qualifications in languages, I.T. or in the field of transportations. In two-thirds of these cases, the hours available on the CPF allow to fully finance the chosen training. Private sector employees who use their CPF in order to obtain a degree or qualification take longer training courses. In most cases, they benefit from additional financing, the hours cumulated on their CPF being less than the duration of the training course. In more than one case out of 10, they directly contribute to the financing of their training.

Incentive, profit-sharing and employee shareholding

France Stratégie issued on 25 September 2020 a first annual report of the assessment committee of the Pacte law (L. No. 2019-486, 22 May 2019 relating to company growth and transformation) which allows to provide an update as to its implementation and its impact, especially in terms of incentive, profit-sharing and employee shareholding.

Employee saving schemes, which are set up within certain companies, consist of paying each employee a bonus related to the company's performance (incentive) or representing a share of its profits (profit-sharing). The Pacte law includes financial incentives: the *forfait social* (corporate social contribution) has been removed regarding sums paid as incentive in companies with fewer than 250 employees, along with all employee saving payments in companies of fewer than 50 employees. The Pacte law also contains measures which aim at facilitating the reaching of an agreement (online standard forms, industry-wide standard agreements), measures aiming at securing companies upon conclusion of the agreement, along with measures aiming at facilitating the use of an incentive agreement on a daily basis. According to the data of the French Asset Management Association (*Association Française de la Gestion Financière*) (April 2020), payments to employee and group retirement saving

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plans for 2019 reached 15.5 billion Euros (+325 million compared to 2018). The number of holders has slightly increased to reach 10.9 million (+2%). The number of companies having an employee saving plan is increasing substantially, with 378,000 companies providing a PEE (company saving plan) or a PEI (inter-company saving plan) (+11%).

The Pacte law furthermore includes several measures relating to employee shareholding. In particular, it authorises an employer, since 21 August 2019, to unilaterally decide to offer securities to its managers and employees. The *forfait social* (corporate social contribution) is 20% of when a company makes payments to a PEE (subject to uniform allocation) and 10% of when a company adds to the contribution made by the beneficiaries of the intercompany saving plan. The Pacte law also contains measures relating to the election of the representatives of employees holding shares. It also authorises a partner (natural person or legal entity) to give an undertaking, in case of a transfer of their securities, to share part of the resulting capital gain with all of the employees of the company whose securities are transferred. Based on the French Asset Management Association's data (April 2020), the total amount of the employee shareholding funds represented 54.7 billion Euros in 2019 (+19% compared to 2018).

Business protection and restrictive covenants

Subsidies granted to companies affected by the economic crisis

Numerous labour law rules were adjusted over the course of 2020 in order to assist companies in coping with the consequences of the COVID-19 outbreak. Among the adjustments which have been extended for 2021, and apart from the partial activity system which has for a year regularly been the subject of orders and decrees, one shall particularly consider the exemptions admitted in relation to working duration. The order No. 2020-323 of 25 March 2020 allowing to depart from the maximal working durations and from rest periods has been extended until 30 June 2021 by the order No. 2020-1957 of 16 December 2020 relating to emergency measures concerning paid leave and days of rest, the renewal of certain contracts and the supply of personnel. Thus, the maximal daily duration has increased from 10 hours to 12 and regarding night work, from eight hours to 12. The maximal weekly duration has increased from 48 hours to 60 and, when it is calculated on average over 12 consecutive weeks, from 44 hours to 48. The daily rest duration has been reduced from 11 consecutive hours to nine. Finally, Sunday rest is always permitted for employees.

Business transfer

The employment division of the Cour de cassation has just drawn the conclusions from an important decision of the Court of Justice of the European Union (CJEU, 26 March 2020, C-344/18) regarding partial business transfer (Cass. soc., 30 September 2020, No. 18-24881). In this case, the employment contract of an employee hired as a secretary by a law firm was divided following the transfer by her employer of part of his activity to a transferee company. Indeed, for the employee carrying out half of her activity for the transferee company, it was decided that her contract would be divided between the transferor and the transferee. The employee acknowledged the termination of her employment contract, which the trial judges considered to be justified. Referring to article L. 1224-1 of the Labour code, interpreted in light of the provisions of the Council's directive No. 2001/23/CE of 12 March 2001, the employment division, after having stated as a reminder its own case law in this respect along with that of the European court, affirmed that "*when an employee is affected both in the acquired sector, which constitutes an autonomous economic entity keeping its identity and whose activity is pursued, and in the non-acquired sector, this*

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employee's employment contract shall be transferred, for the activity part which deals with the transferred sector, unless splitting the employment contract, in proportion to the duties carried out by the employee, is impossible, entails a deterioration in the latter's working conditions or undermines the maintenance of his rights as guaranteed by the directive". Consequently, it considered that the court of appeal had violated the law by considering that the acknowledgment was justified. The employment division has thus abandoned its position regarding the full transfer of an employment contract based on the *accessorium sequitur principale* in order to lay down the principle of the severability of an employment contract, while including the exemptions laid down by the CJEU.

Economic redundancies

With the law No. 2013-504 of 14 June 2013 relating to employment stabilisation, the legislator has transferred an essential part of the litigation related to massive collective redundancies to the administrative courts by implementing an administrative authorisation to be granted prior to the employer's final decision. Two main objectives were being pursued: to constitute a scope of jurisdiction for the profit of administrative courts; and to put an end to the abundant judicial litigation concerning notably the supply of documents to the chartered accounted appointed by the works council along with the phase of consultation of the works council. However, litigants, especially staff representative bodies, have kept their prior reflexes and have multiplied actions in hope of a recognition of a jurisdiction reserve for the court of justice as to litigation relating to restructuring. As a consequence, the *Cour de cassation* had to rule, on several occasions, on the question of the division of powers between judicial and administrative courts when dealing with an employment safeguard scheme (PSE). It was again the case in a decision of 30 September 2020 (Cass. soc., 30 September 2020, No. 19-13714). The question was to determine whether a works council and a trade union could refer a case to a judge in emergency interim proceedings to order the suspension of the implementation of a restructuring project during the procedure of information and consultation of the council with respect to a reorganisation project which required the establishing of a PSE. The Highest court stated as a reminder that articles L. 1233-57-5 and L. 1235-7-1 of the Labour code imply that any request seeking an injunction against an employer to provide the elements of information relating to the current procedure or to comply with a rule of procedure provided for by pieces of legislation shall be addressed to the administrative authority, when such request is made before the transmission of the validation request of a collective agreement or of the approval request of an employer's document fixing the content of the PSE. Consequently, the decisions taken in this respect along with the regularity of the collective redundancy procedure may not be involved in a dispute distinct from that relating to the validation or approval decision. For this reason, these decisions are within the jurisdiction, in the first instance, of the administrative courts with the exception of any other administrative or judicial remedies. This solution complies with the rules established by the law No. 2013-504 of 14 June 2013 and with the legislator's will. It is thus up to staff representatives to modify their practices and their litigation reflex.

Compulsory liquidation

Employees of a company were laid off following compulsory liquidation of the latter. The manager of said company was ordered to bear all of the asset shortfall due to his management errors, pursuant to article L. 651-2 of the Commercial code. Could the employees have consequently invoked it for the lay-off to be considered as lacking real and serious cause? The *Cour de cassation* affirmed that "*the fact that the cessation of business of the company results from its compulsory liquidation does not deprive the employees of the possibility of*

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claiming the existence of the employer's misconduct which caused the cessation of business, so as to deprive the lay-off of any real and serious cause" (Cass. soc., 8 July 2020, No. 18-26140). This solution has been given as an extension to a recent decision considering that an employer's mismanagement shall be taken into account with respect to a lay-off founded on economic considerations (Cass. soc., 24 May 2018, No. 17-12560). That shall thus also be the case for lay-offs notified as part of a compulsory liquidation. A few months later, the employment division of the Cour de cassation added that "*if the employer's misconduct which posed the threat to the company's competitiveness making its reorganization necessary is likely to deprive the lay-offs consecutive to said reorganization of a real and serious cause, the error potentially committed in assessing the risk inherent to any management choice shall not, by itself, constitute such a misconduct*" (Cass. soc., 4 November 2020, Nos 18-23029 and 18-23033).

Discrimination protection

Discrimination

The Ministry of Labour published a report regarding employment discrimination on 7 February 2020, entitled "Recruitment discrimination in large companies: a multi-channel approach". The recruitment processes in 40 large companies drawn by lot among the SBF 120 (*Société des Bourses Françaises*)[1] were tested according to two discrimination criteria: place of residence (address in and out of a priority neighbourhood); and origin.

Discrimination is measured by the difference of the rates of positive responses between the reference applicant and the potentially discriminated applicant. Out of all the tested companies, it is estimated that the success rate of an applicant with a Maghrebi sounding name is 9.3%, against 12.5% for an applicant with a European sounding name. As to the place of residence criterion, the difference between applicants is less significant.

That being so, two methodological limitations have been stressed by the authors of the test themselves and through exchanges with the companies:

- the majority of the tests relied on channels (unsolicited applications) that are unrepresentative or no longer representative of the recruitment process in large companies according to the latter; and/or
- the posts tested are, for some, not in their core target (service technician and receptionist).

For this reason, the results showing the existence of a presumption of discrimination are not transposable to all the concerned companies' recruitment channels and processes, no more than they show a deliberate intent to discriminate certain people. It should moreover be noted that the chosen scientific method, which lies on fictitious applications, cannot be used to reveal criminal offences.

On the basis of this study, the companies have been contacted to discuss the tests and their HR policies with respect to the fight against discriminations. The methodological limitations of this type of testing shall not conceal the general conclusion thereof: discriminations, whether intentional or not, may exist in our country, including within the largest companies.

Harassment

An employee who claims to be the victim of harassment shall present facts indicating the existence of such behaviour. Medical certificates may support such claim to prove the materiality of the facts. In a case, the trial judges had considered that "*if the elements provided by the concerned person, considered as a whole, constitute an inappropriate behavior in the workplace, they do not impose a presumption of the existence of sexual*

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harassment". However, they had not taken into consideration the fact that "*the employee claimed that her superior had acknowledged having been keen on her and that the employer had taken sanctions against the latter by a warning regarding his inappropriate behavior towards his subordinate*". In other words, the judges had "*not taken into consideration all of the elements provided by the employee*". The Cour de cassation disapproves of their decision (Cass. soc., 8 July 2020, No. 18-23410), as it did, for the same reasons, in another decision rendered the same day regarding psychological harassment (Cass. soc., 8 July 2020, No. 19-12791). Pursuant to article L. 1152-1 of the Labour code, repetition is a condition for psychological harassment. Hence, we fully understand the position of the Cour de cassation.

Religious freedom

The employment division has rendered an essential decision regarding the balance between religious freedom and principle of safety (Cass. soc., 8 July 2020, No. 18-23743). This case involved an employee who was providing safety and defence consulting services to public and private entities in a rather sensitive environment since they were provided, notably, in Yemen, a country which is prey to major conflicts. While carrying out his assignment, an employee had grown a beard (and had refused to remove it) and his employer dismissed him on grounds which, according to the trial judges, constitute a direct discrimination justifying its annulment. The Cour de cassation dismissed, in this respect, the employer's appeal. It stated as a reminder that an employer is "*charged with the mission to see that each employee's fundamental rights and freedoms are respected within the working community*" and then added that any neutrality clauses that may be inserted in companies' internal rules may be applied "*only to employees who are in contact with clients*", even if the objective of safety (of the personnel and of the clients) may justify imposing on the employees a neutral appearance in order to "*prevent an objective danger*".

Protection against dismissal

Employee's legal action and dismissal

The employment division of the Cour de cassation has abandoned any presumption of infringement to the fundamental freedom to take legal action with respect to a dismissal decided following the legal action taken by an employee (Cass. soc., 4 Nov. 2020, No. 19-12367). Two employees had submitted claims regarding rest time to their employer, who dismissed them. After a memo on this issue was published, the employer notified them of a disciplinary sanction for failure to comply with the memo. These two employees referred their case to a judge hearing applications for interim measures, in order to obtain the annulment of the sanction, damages and also the suspension of the memo. The hearing was scheduled to take place on 30 January 2018. However, the employer provisionally laid off the employees on 29 January 2018 before dismissing them on grounds of serious misconduct because of a forbidden and dangerous bilateral collection of waste. The employees referred their case to the judge hearing applications for interim measures in order for their reinstatement to be ordered, claiming that their dismissal had been decided in violation of the fundamental freedom to take legal action and shall face nullity. Their claim, and subsequent appeal, was dismissed: "*[T]he sole fact that a legal action taken by the employee was contemporaneous with a dismissal measure shall not impose a presumption that the latter results from an infringement to the fundamental freedom to take legal action.*" Yet, in this case, "*the legal actions that were taken related to the question of the place for taking breaks, i.e., a question unrelated to the grounds for dismissal [and] the letter of dismissal contained no reference to these legal actions*", so that "*the dismissal did not appear as patently unlawful*". The Court

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of appeal has thus, "*without reversing the burden of proof, and conducting the search which had been allegedly omitted, rightly deduced the absence of a patently unlawful infringement*". The temporal coincidence between an employee's legal action and the termination of their employment contract no longer imposes a presumption of unlawful termination due to the infringement to the right to take legal action.

Statutory employment protection rights (such as notice entitlements, whistleblowing, holiday, parental and maternity leave, etc.)

Characterisation of an employment contract

After the *Take It Easy* decision (Cass. soc., 28 November 2018, No. 17-20079), the employment division has again ruled on the issue of platform workers deciding to convert an employee into a VTC[2] (car with driver) chauffeur said to be self-employed working through a digital platform (Cass. soc., 4 March 2020, No. 19-13316). After having stated as a reminder the definition of a subordination relationship, "*characterized by the carrying out of work under the authority of an employer who has the power to give orders and directives, to monitor the carrying out thereof and to punish his subordinate's failings*", the employment division states that "*work within an organized service may constitute a sign of subordination when the conditions for carrying out said work are unilaterally determined by the employer*". Yet the Court considers that the court of appeal has justified its decision based, firstly, on the fact that the chauffeur, compelled to have registered himself as self-employed, joined a transportation service created and entirely organised by this company, a service which exists only thanks to this platform, through the use of which he does not constitute his own clientele, does not freely fix his prices or the conditions for providing his transportation service, secondly, on the fact that the chauffeur has a specific itinerary imposed on him and for which price adjustments are made should he decide not to follow said itinerary, thirdly on the fact that the final destination of the ride is sometimes unknown to the chauffeur, who is unable to really freely choose, as would a self-employed chauffeur, rides suitable for him and lastly, on the fact that the company is able to temporarily disconnect the chauffeur from the application after three ride refusals and that the chauffeur may lose access to his/her account in case he/she exceeds a rate of cancellation or of "*misconduct reporting*".

Paternity leave

Paternity leave is to be extended to 28 days as of July 2021, seven of which shall be mandatory (L. No. 2020-1576 of 14 December 2020 regarding social security financing for 2021). Until now, paternity leave was a maximum of 11 consecutive days and could follow after the allocated three days of childbirth leave. The mandatory seven days of leave shall replace the three days of childbirth leave, which shall then be taken at the time of the child's birth. Pursuant to the *communiqué* issued by the French Presidency, "*experts have shown that the duration of the paternity leave is currently too short to allow a newborn to develop in the best possible way. Two weeks is thus insufficient. It's not enough for newborns. It's not enough for the mothers who, too often, after giving birth and during the child's first weeks end up alone and have to take on family responsibilities. It's not enough for the fathers, many of whom request to spend more time with their child, their family*". It is specified that three days shall be financed by the employer, and the 21 remaining days by social security.

Proof of working hours

The employment division of the Cour de cassation relying on recent European case law relating to control on working hours, has developed its case law relating to the proof of extra hours (Cass. soc., 18 March 2020, No. 18-10919). Referring to article L. 3171-4 of the Labour code, it asserts that "*in case of a dispute relating to the existence or to the number of*

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hours worked, it is up to the employee to provide, in support of his claim, elements that are sufficiently precise regarding unpaid hours that he claims he has worked in order to allow the employer, who is in charge of controlling hours actually worked, to usefully respond thereto by producing his own elements. The judge shall form his opinion by taking into account all of these elements based on the requirements stated in the aforementioned legal and regulatory provisions. After analyzing the documents produced by both parties, in the case where he admits the existence of extra hours, he shall assess at his entire discretion, without having to provide details as to his calculation, the importance of said hours and shall fix the related wages". It thus disapproves the decision of the court of appeal who dismissed the employee's claim by considering that the elements provided by the employee were not precise enough as to the hours actually worked to support his claim and allow the employer to respond by providing his own elements, and thus had placed the burden of proof exclusively on the employee.

Worker consultation, trade union and industrial action

Consultation of staff representatives

Due to the COVID-19-related health crisis, the regulatory timeframes for consulting the CSE[3] with respect to employers' decisions aiming at coping with the economic, financial and social consequences of the outbreak have been considerably reduced (Order No. 2020-507, 2 May 2020, Decree No. 2020-507 and Decree No. 2020-508 of 2 May 2020) until 23 August 2020. These measures are not extended but it is interesting to observe it to question the relevance of the timeframes which apply "under normal circumstances", especially regarding the main objective of many of these timeframes: to give the CSE members time to peruse and understand the information. The timeframe for communicating the agenda is reduced from three to two days prior to the meeting for the CSE and from eight to three days prior to meeting for the central CSE. These timeframes are, however, applicable only "*when the information or the consultation of the economic and social committee and of the central economic and social committee relates to the employer's decisions which have the objective of coping with the economic, financial and social consequences of the Covid-19 outbreak*". The timeframes in which the CSE must express its opinion, usually within one month, or two in case an expert is used and three in case of one or more expert's assessment(s) are involved as part of the consultation both at the level of the central economic and social committee and at the level of one or more establishment economic and social committee(s), are reduced, respectively, to eight, 11 and 12 days. When both the central economic and social committee and one or more establishment economic and social committee(s) are to be consulted, article R. 2312-6 specifies that the aforementioned timeframes apply to the central economic and social committee and that each economic and social committee's opinion shall be given and communicated to the central economic and social committee at the latest seven days prior to the date on which the latter is deemed to have been consulted and to have given an unfavourable opinion. Failing this, the establishment committee's opinion shall be deemed unfavourable. The said timeframe is reduced to one day. The reduction of the timeframes is drastic to such a point that one may wonder whether the staff representatives still have "the sufficient review period" provided for at article L. 2312-15 of the Labour code to give their opinion. The minimum timeframe between the submission of the expert's report and the expiry of the timeframes for consulting the committee is reduced to 24 hours, when it is usually of 15 days (Labour code, article R. 2315-47, §1) and the timeframe available to the expert, from his appointment, to request from the employer any additional information he deems necessary to carry out his mission and the timeframe available to the employer to respond to such request is reduced to 24 hours, instead of between three and five days (Labour code, article R. 2315-45). The timeframe available to

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the expert to notify the employer of the estimated cost, scope and duration of the assessment (Labour code, article R. 2315-46) is reduced from 10 days to 48 hours from the expert's appointment or, if a request has been made to the employer, 24 hours from the response given by the latter. Finally, the timeframe available to the employer to refer his case to the judge dealing with expert assessment-related disputes referred to at article L. 2315-86 of the Labour code, in principle of 10 days (Labour code, article R. 2315-49) is reduced to 48 hours.

Trade union representation

May a "primary" trade union organisation cover, through its articles of association, an interprofessional scope? Such was the question submitted to the employment division in a dispute which arose during the vote aiming at measuring the audience of trade union organisations concerning companies with fewer than 11 employees (Cass. soc., 21 October 2020, No. 20-18669). The Highest court first noted that the labour code draws a distinction between trade unions known as primary, which, pursuant to the provisions of article L. 2131-2 of the labour code include persons of the same profession, similar jobs or closely related jobs contributing to the establishment of determined products or to the same independent profession, and associations of trade unions, within which, pursuant to article L. 2133-1 of the labour code, professional unions regularly constituted may consult for the defence of their material and moral interests. According to the Court, it results from this distinction that if associations of trade unions may relate to several categories at the same time, primary professional unions must comply with, in their articles of association, the provisions of article L. 2131-2 and may thus not claim to represent all the employees and all lines of business.

Other recent developments in the field of employment and labour law

The number of employees under labour law

The Pacte law of 22 May 2019 (L. No. 2019-486, article 11) has reduced the number of employment thresholds of the Labour code and has grouped them into three categories: 11; 50; and 250 employees (see the France chapter for *Global Legal Insights – Employment & Labour Law 2020*). A decree of 31 December 2019 (Decree No. 2019-1586) has clarified the way the number of employees is to be calculated. It excludes corporate officers from the calculation of the number of employees and provides that, for the application of certain thresholds, the number of employees and the rules for exceeding employment thresholds be determined according to article L. 130-1 of the social security code, created by the Pacte law: obligation of dematerialised communication of the attestations to *Pôle emploi*; provision of catering premises; and appointment of a hyperbaric prevention advisor who is not the employer and keeping of a document regarding any changes in the occupational doctor's sector, if within a company, or in his assignment, if within an inter-company occupational health service. The threshold for making catering premises available is thus modified: so far this is fixed at 25 employees who wished to have their meals in the establishment on a regular basis; it is now fixed at 50 employees within the establishment. The thresholds for a dematerialised communication of the attestations to *Pôle emploi* and the appointment of a hyperbaric prevention advisor are on the other hand increased from 10 to 11 with an objective of harmonisation with the other pieces of legislation. A second decree of 31 December 2019 (Decree No. 2019-1591) also draws the consequences of article 11 of the Pacte law, which has harmonised the rules for calculating the number of employees in companies and of exceeding the employment thresholds regarding the payment intended for public transportation (General territorial collectivity code), the information relating to the amount of greenhouse gases emitted by the modes of transportation used to provide a service (Transportation code) and the single financial assistance for employers who hire apprentices (Labour code).

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Monetary jurisdiction of the labour courts

The monetary jurisdiction of the labour courts has been increased to 5,000 Euros, as from 1 September 2020, by a decree of 17 August 2020 (Decree No. 2020-1066). Article D. 1462-3 of the Labour code has thus been consequently modified, thereby ensuring a harmonisation and simplification of the procedures in civil matters (since 1 January 2020, the monetary jurisdiction has been fixed at 5,000 Euros for the courts of justice, commercial courts and agricultural rent tribunals).

Teleworking

The national inter-branch agreement (ANI) of 26 November 2020 gives teleworking an intentionally broad definition, encompassing any form of work organisation in which work that could also have been carried out within the employer's premises is carried out voluntarily by an employee outside these premises using information and communication technologies. The ANI adds that teleworking may be carried out at the employee's residence or at a third location, such as a coworking space, other than the company's premises, on a regular or occasional basis, or in the case of exceptional circumstances. By developing on a compelled basis since the start of the health crisis, but by showing on this occasion all of its applications – to employers and to some employees – teleworking leads to modifying certain practices, especially but not exclusively regarding recruitment, which is more willingly carried out over a wider area, beyond the traditional employment area. Job interviews have been carried out remotely and the recruited worker may also be required to only work remotely.

Occupational health

Submitted to the *Assemblée nationale*[4] on 23 December 2020, a bill "*to reinforce occupational health prevention*" includes the provisions of the national inter-branch agreement (ANI) on occupational health entered into by employers' organisations and trade unions on 10 December 2020 adding measures resulting from the hearings conducted by the authors of the text. With 30 articles, the text centres "*on four strong and structuring ambitions*": to reinforce prevention within companies and to open up public health and occupational health (a prevention passport has been created, the content of the single document on risk assessment at work has been reinforced, occupational health services have become the prevention and occupational health service); to define the offer of services to be provided to companies and employees, notably with respect to prevention and support; to better assist certain audiences, notably vulnerable ones, and to fight against occupational exclusion; and to reorganise prevention and occupational health governance. The bill was adopted at first reading by the *Assemblée nationale* on 17 February 2021. We shall obviously provide an update as to the final text, whose measures shall apply later, before April 2022, in the next edition of this guide.

* * *

Endnotes

1. Namely the French Stock Exchange Association.
2. VTCs being chauffeured passenger cars.
3. CSE stands for "*comité social et économique*", i.e., economic and social committee.
4. The *Assemblée nationale* is the lower house of the French Parliament.

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Admitted to the Bar in 1997, Lionel Paraire founded Galion Avocats in 2008. He worked for six years with Cabinet Jeantet Associés and then at Baker & McKenzie, followed by Mayer Brown, where he became Of Counsel.

He is a senior lecturer at the University of Montpellier I (DJCE and Certificate of Special Studies in Labour Law), where he teaches employment litigation.

Lionel has developed an acknowledged expertise in the area of individual employment relations and (high-risk) litigation and dispute resolution. He regularly assists companies with restructuring, and the labour and employment law aspects of corporate transactions. His activity extends to Alternative Dispute Resolution (ADR), notably as a mediator.

He is a member of various national and international organisations: Avosial (Association of French Employment Lawyers Association); EELA (European Employment Lawyers Association); and the IBA (International Bar Association). He is also an active member of IR Global.

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Holder of a Master's degree in Working Relationships Law and Practice (*Master 2 Droit et pratique des relations de travail*) (University of Montpellier) and of a Doctorate in Private and Criminal Law (*Doctorat en Droit privé et sciences criminelles*), Anaëlle is a lecturer at the University of Montpellier. As such, she teaches international and European labour law and working relationships in struggling companies.

Anaëlle is also in charge of the co-direction of the *Master 2 Droit et pratique des relations de travail*, the direction of a university degree in labour law and struggling companies (*DU Droit social et entreprises en difficulté*), the direction of a university degree in labour law and international companies (*DU Droit social et entreprises à dimension internationale*) and the co-direction of a university degree for a certificate of specialised studies in labour law (*DU Certificat d'études spécialisées en droit social*).

Anaëlle is the author of numerous publications on labour law. She also carries out various scientific and educational activities, both within the University of Montpellier and at a professional level.

Anaëlle joined Galion as a consultant in June 2017 to give the firm her scientific and doctrinal input.

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