

Recent Developments in Labor and Employment Law: a new right for employees - a new financial aid for small and medium-sized companies

1. Family Support Leave

Introduced by the Social Security Finance Act of 2007, the family support leave has become a reality after the publication of Decree n° 2007-573 dated April 18, 2007.

Employees may now reduce working time or stop working for a few months to take care of a dependant relative: spouse, common-law spouse, civil union partner / ascendants or descendants / dependent child (as defined in the regulation governing family allowances) / collaterals up to the fourth degree / ascendants, descendants or collaterals up to the fourth degree of the spouse, common-law spouse and civil union partner.

Any employee with at least two years of seniority is by law eligible to such leave which is neither paid nor compensated, unless the applicable collective bargaining agreement stipulates otherwise.

Employers may neither refuse nor defer a family support leave.

The family support leave has a duration of three-months and may be renewed but not for more than one year during the employee's entire working-life. Employees wishing to benefit from the family support leave must make a request by registered letter, return receipt requested, or by letter delivered personally by hand against receipt, at least two months prior to the projected start date of the leave, this notice period being reduced to 15 days in case of emergency. Employees must also produce a certain number of justifying documents.

In certain circumstances (death of the dependent person taken care of for instance) the employee may prematurely terminate the leave, in which case he/she must make a reasoned request at least one month prior the effective resumption of his/her job, this notice period being reduced to 15 days in case of death of the dependent person.

At the end of the leave the employee must resume his/her job or a similar occupation with a remuneration at least equivalent to the previous one.

2. Financial aid for the replacement of employees on maternity or adoption leave within small and medium-sized companies

The Law on wage equality between men and women dated March 23, 2006 introduced a new financial aid for companies with less than fifty employees in view to replacing employees on maternity or adoption leave. Decree n° 2007-414 specified the implementing conditions of the Law and a governmental order dated April 6, 2007 set the amount of the financial aid granted under said Law.

To benefit from this new financial aid, the replacement must last for at least eight weeks and the replacing employee must work a minimum of sixteen hours per week.

The replacing employee may be hired under a fixed-term employment agreement or be assigned to the company by a temporary work agency or a group of employers.

The aid is fixed at EUR 400 per replacing employee and is to be paid to the company in a single instalment.

The employer must file a request with the *Direction Départementale du Travail* (local labor authority) three months after the date of hiring of the replacing employee at the latest.

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