PARTIAL ACTIVITY MEASURES
rules and regulations - instruction manual

PRACTICAL SHEET

• Rules and regulations

• How to complete voucher to declare partial activity?
Rules and regulations

In order to limit the effects of a decrease of activity following COVID 19 epidemic, French government decided to resize partial activity measures (also called partial or technical unemployment).

Regarding employees:

Following an overview of applicable rules to apply regarding compensation you should pay your employees on usual wages deadlines.

The provided information might be subject to subsequent amendments to the texts.

As of January 1, 2021 employee placed in short time work from that date will get 70% of their previous gross pay, taken into account within the limit of 4,5 SMIC.

As of February 1, 2021 the amount of compensation paid to employees will be reduced to 60% of their previous gross pay, taken into account within the limit of 4,5 SMIC, except for employers in "sheltered" sectors (tourism, hotel and catering trade, sports, cultural, events and air transport sectors), in sectors depending of above mentioned ones, for employers located in a catchment area of a ski resort or located in the a territorial district subject to specific restrictions on the conditions for exercising economic activity and movement of persons, for which the 70% rate will be maintained for a certain period of time (until March 31, or June 30, depending on the sector).

→ As in 2020 "gross past earnings" is the usual gross hourly wage (as taken to calculate paid leave compensation) reported to non-work hours during the month of short activity within the limit of 151h67.

By way of derogation, when the employee works compensable overtime (see "Good to know" below) or equivalence hours, he/she gets right to a compensation equal to 70% of his/her usual hourly remuneration (complementary or equivalence hours included) reported to the number of non worked hours entitled by short time activity within the limit of:

• equivalence duration in case of equivalence hours,
• or collective agreement duration or stated duration for individual agreement with fixed bundle, in case of complementary structural hours.

They cannot get compensation lower than €8,11 per hour.

Good to know...

By way of derogation, as in 2020, complementary hours included in work volume fixed by bundle agreements or collective work agreements with work duration higher than the one fixe by arangements or collective work agreements (branche, company...) entered into before April 23, 2020 are compensable.
Regarding employers:

→ Short time compensation paid by the employer are free of social contributions and salary taxes but are taxable. However they are subject to CSG and CRDS on replacement income, to respective rates of 6.20% and 0.50% after abatement of 1.75% on total amount of these compensations. This social regime is also applicable to complementary compensation that employer pays beyond their legal obligation of short time compensation. If this levy draws net amount of the compensation under gross minimum wage (SMIC), if need be cumulated with work payment, CSG and CRDS are reduced.

→ Where employer pays complementary short time work compensation, it becomes a replacement income within the limit of cumulated amount (legal compensation + complement) of 3.15 hourly SMIC. Complementary compensation paid beyond this amount is subject to social contributions applicable to work payments.

→ In consideration for this paid compensation, you will get a compensation from the State.

In 2021 conditions under which short time work activity allowance is paid by the State will change:

• During January 2021 a compensation of 60% of gross pay will be paid to employers, taken into account within the limit of 4.5 SMIC. By way of derogation, employers in "sheltered" sectors (tourism, hotel and catering trade, sports, cultural, events and air transport sectors), in sectors depending of above mentioned ones, or employers located in a catchment area of a ski resort or located in thea territorial district subject to specific restrictions on the conditions for exercising economic activity and movement of persons, continue to benefit from a 100% of legal compensation, i.e. 70% of the remuneration gross pay within the limit of 4.5 SMIC.

• As of February 1, 2021 the rate of the compensation paid to employers will be reduced to 36% of gross pay, taken into account within the limit of 4.5 SMIC. By way of derogation, employers in "sheltered" sectors (tourism, hotel and catering trade, sports, cultural, events and air transport sectors) and in sectors depending of above mentioned ones benefit from an allowance calculated on the basis of 60% of gross pay, within the limit of 4.5 SMIC. At last, employers located in a catchment area of a ski resort or located in the a territorial district subject to specific restrictions on the conditions for exercising economic activity and movement of persons, continue to benefit from a 100% of legal compensation, i.e. 70% of the remuneration gross pay within the limit of 4.5 SMIC.

For all employers, compensation paid to employee and social security scheme for paid compensation to employee and any supplement paid by the employer remain unchanged. The provided information might be subject to subsequent amendments to the texts.

NB : meanwhile to the updating of your declaration space, we are inviting you to give your employee, attached to the pay slip, a document referring to hourly rate of short time compensation, amount of nonwork hours compensated and the sums paid out by way of short time.
How to complete voucher to declare partial activity?

Declaration means of payment details and compensation due to your employees during this period on social voucher:

1. Indicate amount of hours really worked by your employee in space "Number of hours compensated";
2. Enter salary corresponding to hours really worked in space "Elements for compensation";
3. Declare remuneration items concerning time off hours in space "Short-time work":
   A. Amount of non-work hours entitled to reimbursement of the State;
   B. Number of days your employee was off work during given month corresponding to days of closure of your business;
   C. Gross amount paid for concerned month (additional compensation over and above the statutory shorttime allowance, if any);
   D. Period(s) during which your employee was placed in short-time work during the month.

- Indicate hours which are not concerned by partial activity.
- Payment corresponds to paid hours (in this case €12 an hour).
- Indicate here elements related to partial activity.
  In this example, 2 partial activity weeks (i.e. 14 calendar days) to be compensated up to 70% of €12.