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Extended health pass and compulsory vaccination of health workers: what the law says

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Illustration 1

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Health pass extended to bars, restaurants and on board trains for long journeys, vaccination required for health workers, suspension of the employment contract... Due to the alarming circulation of the Delta variant throughout the territory, new health measures are put in place as of August 9, 2021 to curb a strong recovery of the Covid-19 epidemic. *Service-Public.fr* details these provisions in the Law on the Management of the Health Crisis promulgated on 6 August 2021 in *Official Journal* following the announcement by the President of the Republic of 12 July 2021. A decree issued on 8 August 2021 specifies certain modalities.

The health emergency exit regime (<https://www.service-public.fr/particuliers/actualites/A14937>), established by the law of 31 May 2021 until 30 September 2021, was extended for the first time by the law of 5 August 2021. It was to be completed on 15 November 2021. « *Health surveillance* » thus extends the exit regime from the state of health emergency until 31 July 2022. During this period, the government can take certain health measures to curb the epidemic, such as restricting travel, access to certain establishments or public gatherings and gatherings.

If the health situation so warrants in view of the circulation of the viral virus and on the basis of specific health indicators (vaccination rate, positive test rate, incidence rate and saturation rate of the beds of resuscitation), the health pass may be extended until 31 July 2022.


The sanitary pass is extended

The sanitary pass was introduced until 15 November 2021 and can now be imposed until 31 July 2022.

Already obligatory for travellers to or from France and since 21 July 2021 in all places planned for cultural, sports and leisure activities as well as fairs and lounges accommodating more than 50 people, sanitary (<https://www.service-public.fr/particuliers/actualites/A15121>) becomes also payable **from 9 August 2021** in places of conviviality (bars, cafes, restaurants...), health places (hospitals, Ehpad, retirement homes...), long distance public transport (planes, trains, interregional buses) and shopping centres above 20 000 m² where the incidence rate is less than 200/100,000. The 50-person threshold disappears **from 9 August 2021** except for seminars outside the company.

The sanitary pass is required:


- for adults in all places and establishments concerned **from 9 August 2021**,
- **for the staff working there** (<https://www.service-public.fr/particuliers/actualites/A15104>) **since 30 August 2021**;
- for **teenagers aged 12 years and two months to 17 years included** (<https://www.service-public.fr/particuliers/actualites/A15179>) **since 30 September 2021**.

 **Please note** : Failure to present a pass may result in a minimum fine €135. The use of the authentic sanitary pass belonging to another person or the loan of an authentic sanitary pass to someone for the purpose of its fraudulent use is punishable by a violation of 4^e class (flat-rate fine of 135 € and 750 € maximum). However, the use, establishment and sale of fake health passes, especially via social networks, is punishable by 5 years in prison and a maximum fine of €75,000.

Traders and professionals who do not control the pass are liable to a fine of €1 000, a formal notice and a possible temporary closure of the establishment, followed by a one-year prison sentence and a fine of €9,000 fine.

Mask Port

In places where the sanitary pass is required, the wearing of the mask is no longer mandatory for persons with the pass. However, the organiser, the operator and the Prefect may make this mandatory. Thus, in aeroplanes, coaches and TGVs, the mask must continue to be worn. Staff working in these establishments are not affected by this exemption from wearing masks.

 **Please note** : Following the Defence Council of 11 August 2021, the government spokesperson announced that in departments where the incidence rate exceeds 200 cases per 100,000 inhabitants, prefects must re-establish the mandatory indoor mask in places where the public is present.

Compulsory vaccination of carers

Vaccination against Covid-19 is mandatory, except against medical indication, for persons working in health and medical-social institutions and services (<https://www.service-public.fr/particuliers/actualites/A15106>). These include:

- medical professionals and paramedics who work as a liberal or in hospitals, clinics, Ehpad and nursing homes, as well as professionals, students or students who work in these institutions;
- professionals in contact with vulnerable persons, such as firefighters, ambulance workers, employees at the homes of certain recipients of the personalised autonomy allowance (APA) or the disability compensation benefit (PCH).

Since October 16, 2021, staff who are subject to the vaccination obligation have to prove to their employer that they have a complete vaccination plan or that they are not subject to it because of a medical contraindication or a recovery following contamination by Covid-19.

Failure to vaccinate on time will result in employees or public officials being suspended without pay. However, dismissal in case of failure to vaccinate Covid is not possible.

Vaccinating adolescents

For Covid-19 testing and vaccination of minors aged 12 and two months to 16 years, the agreement of only one parent is necessary. Adolescents over the age of 16 may decide to be vaccinated alone, without parental permission. **For more information, see this news.** (<https://www.service-public.fr/particuliers/actualites/A14973#:~:text=Vaccination%20Covid%2D19%20%2DLa%20vaccination.service%2Dpublic.fr>)

Immunisation absence

The **employees** (<https://www.service-public.fr/particuliers/actualites/A14803>) and **public officials** (<https://www.service-public.fr/particuliers/actualites/A15050>) are granted leave of absence to attend medical appointments related to Covid-19 vaccinations (including accompanying a minor child).

Statute and miscellaneous references

- Decree No. 2021-1059 of 7 August 2021 amending Decree No. 2021-699 of 1 June 2021 prescribing the general measures necessary for the management of the health crisis [↗](https://www.legifrance.gouv.fr/eli/decret/2021/8/7/SSAZ2123898D/jo/texte) (<https://www.legifrance.gouv.fr/eli/decret/2021/8/7/SSAZ2123898D/jo/texte>)
- Act No. 2021-1040 of 5 August 2021 on the management of the health crisis [↗](https://www.legifrance.gouv.fr/eli/loi/2021/8/5/PRMX2121946L/jo/texte) (<https://www.legifrance.gouv.fr/eli/loi/2021/8/5/PRMX2121946L/jo/texte>)
- Decision No. 2021-824 DC of 5 August 2021 [↗](https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043909702) (<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043909702>)

Additional topics

- Everything about the sanitary pass (<https://www.service-public.fr/particuliers/actualites/A15121?lang=en>)
- Covid-19: Who can get vaccinated and where? (<https://www.service-public.fr/particuliers/actualites/A14722?lang=en>)
- Which professionals must present their health pass since August 30th? (<https://www.service-public.fr/particuliers/actualites/A15104?lang=en>)
- Vaccination becomes mandatory for certain professions (<https://www.service-public.fr/particuliers/actualites/A15106?lang=en>)

For more information, please contact

- Council of Ministers of 13 October 2021. Health surveillance provisions of the Covid-19 epidemic. [↗](https://www.gouvernement.fr/conseil-des-ministres/2021-10-13#dispositions-de-vigilance-sanitaire-de-l-epidemie-de-covid-1) (<https://www.gouvernement.fr/conseil-des-ministres/2021-10-13#dispositions-de-vigilance-sanitaire-de-l-epidemie-de-covid-1>)
Prime Minister
- "Sanitary Pass": to stay together in the face of the virus [↗](https://solidarites-sante.gouv.fr/actualites/presse/dossiers-de-presse/article/pass-sanitaire-pour-rester-ensemble-face-au-virus) (<https://solidarites-sante.gouv.fr/actualites/presse/dossiers-de-presse/article/pass-sanitaire-pour-rester-ensemble-face-au-virus>)
Ministry of Solidarity and Health
- Law of 5 August 2021 on the management of the health crisis [↗](https://www.vie-publique.fr/loi/280798-loi-5-aout-2021-vaccination-obligatoire-pass-sanitaire-crise-covid-19) (<https://www.vie-publique.fr/loi/280798-loi-5-aout-2021-vaccination-obligatoire-pass-sanitaire-crise-covid-19>)
Vie-publique.fr
- "Sanitary Pass" [↗](https://www.gouvernement.fr/info-coronavirus/pass-sanitaire) (<https://www.gouvernement.fr/info-coronavirus/pass-sanitaire>)
Prime Minister
- Address by Emmanuel Macron of 12 July 2021 [↗](https://www.elysee.fr/emmanuel-macron/2021/07/12/adresse-aux-francais-12-juillet-2021) (<https://www.elysee.fr/emmanuel-macron/2021/07/12/adresse-aux-francais-12-juillet-2021>)
Presidency of the Republic