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## Remuneration of an employee who is partially unemployed

Verified 01 mai 2022 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Labour

In the case of partial employment, employees who have lost their wages due to the reduction in their working time are compensated by the employer. In return, the latter receives a partial activity allowance co-financed by the State and the Unedic.

### Who does partial unemployment apply to?

In the event of a reduction or suspension of company activity, some employees may benefit from partial unemployment.

#### Employees concerned

##### General case

An employee with a contract of employment under French law ( CDI (), CDD () (in particular) benefits from partial unemployment, whether:

- Full-time or part-time
- Package agreement in hours or days of the year
- Traveller, Representative and Placer (VRP)
- Employee employed in France by a foreign company without establishment in France
- Paid at the stamp
- Acting employee on assignment contract following suspension, cancellation or termination of a signed contract of supply
- In the framework of the [salary carry \(https://www.service-public.fr/professionnels-entreprises/vosdroits/F31620?lang=en\)](https://www.service-public.fr/professionnels-entreprises/vosdroits/F31620?lang=en)
- Executive in case of **total closure** of the company or part thereof (e.g. closure of a company workshop or service)
- Home worker paid for the job
- Freelance journalist

##### Vulnerable persons, child care or persons with disabilities

The following persons shall be granted partial unemployment until a date fixed by decree and at the latest until **31 July 2022** :

- Vulnerable
- Parents forced to keep their child from the **2 September 2020**
- Parents forced to keep a disabled person from the **2 September 2020**

➔ **FYI** : since 1<sup>st</sup> in September 2020, persons living with vulnerable persons no longer benefit from partial unemployment.

#### Excluded employees

The following employees do not benefit from partial unemployment:

- Employees whose reduction or suspension of work is caused by a collective labour dispute (e.g. strike)
- Employees with a contract of employment under French law who work at the foreigner
- Expatriate employees with local law contracts

### What are the hours compensated?

#### General case

The hours compensated shall be those not worked within [legal working time \(https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en) or if it is less than the collective or contractual period.

#### Working time greater than 35 hours

##### Duration of employment contract (contract agreement)

Contract of employment concluded before 24 April 2020

The hours compensated shall be those nonworking within the limit of [the duration of the employment contract \(https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en) (e.g. 39 hours per week or 169 hours per month).

➔ **FYI** : [package agreement \(https://www.service-public.fr/particuliers/vosdroits/F19261?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F19261?lang=en) is provided for in the employment contract or attractive to this one.

Contract of employment concluded from 24 April 2020

The hours compensated shall be those not worked within [legal working time \(https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en) or if it is less than the collective or contractual period.

 **FYI** : [package agreement \(https://www.service-public.fr/particuliers/vosdroits/F19261?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F19261?lang=en) is provided for in the employment contract or attractive to this one.

Duration of collective agreement

Collective agreement concluded before 24 April 2020

The compensable hours shall be those without work within the working time limit laid down in collective agreement.

For example, in the National Collective Agreement for Hotels, Cafes and Restaurants, the conventional working time is 39 hours per week.

Collective agreement concluded from 24 April 2020

The hours compensated shall be those unemployed within the limit of the collective working time.

## What is the salary paid to the employee?

General case

The employer shall pay the employee compensation equivalent to **60% of his gross salary** per hour unemployed, or 72% net hourly wage.

This allowance may not be less than €8.59, or more than a ceiling of €29.29 per nonworking hour.

The allowance is paid by the employer **at the usual date of payment of salary.**

The employer must include on the employee's pay slip (or in an attached document) the number of hours compensated, the rates applied and the amounts paid.

A collective agreement or agreement and a unilateral decision of the employer may provide for additional compensation.

In the event of a safeguard, reorganisation or judicial winding-up, the Service and Payment Agency (ASP) pays the sum directly to the employee by decision of the Prefect.

Vulnerable

The employer shall pay the employee compensation equivalent to **70% of his gross salary** per hour unemployed, or 84% net hourly wage.


This allowance may not be less than €8.59 net, not more than €34.18 per nonworking hour.

The allowance is paid by the employer **at the usual date of payment of salary.**

The employer must include on the employee's pay slip (or in an attached document) the number of hours compensated, the rates applied and the amounts paid.

A collective agreement or agreement and a unilateral decision of the employer may provide for additional compensation.

In the event of a safeguard, reorganisation or judicial winding-up, the Service and Payment Agency (ASP) pays the sum directly to the employee by decision of the Prefect.

 **Please note** : employees on a contract of apprenticeship or of a professional nature whose remuneration is less than Smic ( ) also receive a partial hourly allowance. Its amount is equal to the percentage of Smic ( ) or the treaty provisions applicable to them.

## Statute and miscellaneous references

- Labour Code: Articles L5122-1 to L5122-5 [↗ \(https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006072050/LEGISCTA000006178128/\)](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000006178128/)  
*Partial Activity*
- Labour Code: items R5122-1 to R5122-26 [↗ \(https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006072050/LEGISCTA000018494194/\)](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000018494194/)  
*Assistance for employees in partial employment*
- Labour Code: Article L5124-1 [↗ \(https://www.legifrance.gouv.fr/codes/section\\_lc/LEGITEXT000006072050/LEGISCTA000006178130/\)](https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000006178130/)  
*Penalties and fines*
- Order of March 31, 2020 amending the annual quota of hours compensable for the partial activity for the year 2020 [↗ \(https://www.legifrance.gouv.fr/loda/id/JORFTEXT000041780655/\)](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000041780655/)  
*annual quota of hours compensable for the partial activity for the year 2020*
- Order of 26 August 2013 fixing the annual compensable hours quotas [↗ \(https://www.legifrance.gouv.fr/loda/id/JORFTEXT000027932297/\)](https://www.legifrance.gouv.fr/loda/id/JORFTEXT000027932297/)
- FPDD Circular No. 2013-12 of 12 July 2013 on the implementation of the partial activity (PDF - 1.4 MB) [↗ \(https://www.legifrance.gouv.fr/circulaire/id/39848\)](https://www.legifrance.gouv.fr/circulaire/id/39848)

- **Sanctions against fraud on part-time work** [↗](https://travail-emploi.gouv.fr/actualites/presse/communiqués-de-presse/article/covid-19-sanctions-contre-les-fraudes-au-chomage-partiel) (https://travail-emploi.gouv.fr/actualites/presse/communiqués-de-presse/article/covid-19-sanctions-contre-les-fraudes-au-chomage-partiel)  
*Sanctions against fraud on part-time work*
- **Decree No. 2020-1316 of 30 October 2020 on the partial activity and the specific partial activity mechanism in case of reduction of sustainable activity** [↗](https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042481972) (https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042481972)

#### Online services and forms

- **Estimate partial activity allowance or allowance** (https://www.service-public.fr/particuliers/vosdroits/R15061?lang=en)  
Simulator
- **Application for prior authorisation and partial activity compensation** (https://www.service-public.fr/particuliers/vosdroits/R31001?lang=en)  
Online service

#### For more information, please contact

- **Pajemploi Service - Frequently Asked Questions Covid-19** [↗](https://www.pajemploi.urssaf.fr/pajewebinfo/cms/sites/pajewebinfo/accueil/foire-aux-questions.html) (https://www.pajemploi.urssaf.fr/pajewebinfo/cms/sites/pajewebinfo/accueil/foire-aux-questions.html)  
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