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Employee working time: package agreement in hours or days

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The contract is a document that provides for a different working time than the legal or conventional working time, based on a fixed amount in hours (week, month or year) or days (year).

Package agreement in days

What's that about?

The individual contract in days is a written document, which formalises the conditions allowing the employee to work within the framework of a plan in days.

The conditions applicable to the employee shall be:

- Either by a collective agreement of company or establishment
- Either by a branch agreement or agreement

Employee approval is required.

The employee must sign the individual contract.

Who is concerned?

An individual package agreement in days over the year can only be offered to the following employees:

- Executives with autonomy in the organisation of their schedules and not subject to a scoring system (manual, automatic or computer)
- Employees whose working time cannot be predetermined and who have autonomy in the organisation of their working time

Working time

The employee's working time is not counted in hours. The employee in a day plan is required to work a certain number of days in the year. The number of working days in the year shall be **218 days** maximum. However, a collective company or establishment agreement (or, failing that, a collective agreement or a branch agreement) may set a number of working days lower than 218.

The employee is therefore not subject to the maximum daily and weekly working hours.

On the other hand, he continues to enjoy the legal guarantees provided for rest [daily](https://www.service-public.fr/particuliers/vosdroits/F990?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F990?lang=en>) and [weekly](https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en>), [paid vacation](https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en>) and [holidays](https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en>) unemployed in the company. To ensure that these guarantees are respected, the employer must regularly ensure that:

- that the employee's workload is reasonable and allows for a good distribution of his or her work over time
- the correct link between the employee's professional activity and his personal life

Counterparties for Employee

Rest

The employee shall be granted a number of days of rest, provided in advance.

However, the employee may give up part of his rest days. In return, he receives an increase in his salary for additional working days. An agreement must then be drawn up in writing between the employee and the employer.

The salary increase is specified by an addendum to the individual contract. Its rate is at least 10%.

If the employee waives part of the rest period, he or she may not work more than 235 days in the year, unless the agreement or agreement applicable in the company provides for a different period (upper or lower). In all cases, the number of days worked must not jeopardise the employee's guarantees of rest [daily](https://www.service-public.fr/particuliers/vosdroits/F990?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F990?lang=en>) and [weekly](https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en>).

(<https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en>), [paid vacation \(https://www.service-public.fr/particuliers/vosdroits/F2258?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2258?lang=en) and [holidays \(https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en) unemployed in the company.

Remuneration

The employee's pay must take into account the workload imposed on the employee in the days package.

The remuneration of the employee and the employer shall be the subject of an annual interview with the employer (unless different conditions are laid down by the agreement or agreement applicable in the company).

If the remuneration is manifestly unrelated to the constraints imposed on the employee, the latter may [to the council of prud'homme \(https://www.service-public.fr/particuliers/vosdroits/F2360?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2360?lang=en) to claim compensation. This compensation shall be calculated on the basis of the injury suffered.

Employee's RTT rights to day plan

The calculation of the number of days of reduction of working time (RTT) under the individual contract of package is carried out under the following conditions:

- Determination of the number of days in the year
- Deduction of maximum number of days worked in the year
- Deduction of weekly rest days (number of Saturday and Sunday)
- Deduction of paid leave working days
- Deduction of holidays falling between Monday and Friday

For the year 2021: $365 - (218 + 104 + 25 + 7) = 11$.

Thus, for 2021, the number of days of RTT for an employee on a day plan is 11.

Hour Package Conventions

What's that about?

A lump-sum agreement in hours allows for predictable overtime to be built into an employee's working hours over a predetermined period.

The company has a strong activity at the end of the year. It is possible, for example, to sign an agreement providing in advance for the payment to the employee of 15 additional hours during the month of December.

Weekly, monthly or annual hourly rate.

Employee approval is required.

The employee must sign the individual contract.

Who is concerned?

An individual package agreement in hours over the year can be offered only to the following persons:

- Executives whose nature of duties does not allow them to apply the collective schedule in force within the workshop, service or team to which they are integrated
- Employees with real autonomy in the organisation of their schedule
- And provided that a collective agreement of company or establishment provides for the establishment of time-based packages throughout the year

Every employee can benefit from an individual contract in hours scheduled on the week or on the month.

Working time

The working time is fixed in the individual contract. It provides in advance for a certain number of overtime hours worked and paid, but not exceeding [maximum daily and weekly \(https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1911?lang=en) work.

If the employee works overtime in excess of the plan, overtime shall be paid in [standard conditions. \(https://www.service-public.fr/particuliers/vosdroits/F2391?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2391?lang=en)

The employee continues to benefit from the statutory guarantees provided for rest [daily \(https://www.service-public.fr/particuliers/vosdroits/F990?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F990?lang=en) and [weekly \(https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2327?lang=en), [paid vacation \(https://www.service-public.fr/particuliers/vosdroits/F2258?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2258?lang=en) and [holidays \(https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2405?lang=en) unemployed in the company.

Remuneration

The remuneration of the employee who has entered into a contract of service in hours shall be at least equal to the minimum remuneration applicable in the company.

If overtime is included in the contract, increments are due.

Statute and miscellaneous references

- Labour Code: Articles L3121-53 to L3121-55 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003095&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003095&cidTexte=LEGITEXT000006072050)
Working time: common provisions
- Labour Code: Articles L3121-56 and L3121-57 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003176&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003176&cidTexte=LEGITEXT000006072050)
Package agreements in hours (public order)
- Labour Code: Articles L3121-58 to L3121-62 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003217&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003217&cidTexte=LEGITEXT000006072050)
Package agreements in days (public order)
- Labour Code: Articles L3121-63 and L3121-64 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003275&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003275&cidTexte=LEGITEXT000006072050)
Package agreements in hours and days of the year (collective bargaining field)
- Labour Code: Articles L3121-65 and L3121-66 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003367&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000033003367&cidTexte=LEGITEXT000006072050)
Package agreements in days (additional provisions)