

GLOBALG.A.P. Risk-Assessment on Social Practice (GRASP)

GRASP Module – Interpretation Guideline for FRANCE

Version 1.3, December 2016

English Version

Developed by National Technical Working Group France
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Toutes les références de ce guide d'interprétation sont issues de la législation nationale qui encadre le droit du travail. Il peut notamment exister des conventions collectives qui peuvent couvrir ces points et prévaloir sur la règle générale (code du travail articles L2221 à L2222-4).

En aucun cas, ce guide se veut un résumé de la législation nationale qui encadre le droit du travail. La mention « Ce point est couvert par le respect de la réglementation. » ne signifie pas que le point n'est pas applicable. Elle met simplement en évidence que le travail de comparaison entre la grille GRASP et la législation du travail en France a démontré que le point est inclus dans de la réglementation française.

Les points de contrôle GRASP ne sont pas applicables si le producteur n'emploie pas de salarié ou si les salariés sont un membre de la famille restreinte. Ce statut est défini comme « aidants familiaux » par le MSA. Il est réservé aux personnes, âgées d'au moins 16 ans, ascendants, descendants, frères, sœurs ou alliés au même degré du chef d'exploitation agricole, ou de son conjoint, et participent à sa mise en valeur sans avoir la qualité de salarié.

All references of this national interpretation guideline come from the national work regulations. Collective bargaining agreements may cover such matters and prevail over the general rule (code du travail articles L2221 à L2222-4).

In any way, this guideline shall be considered as a summary of the national work regulations. The statement «This control point is covered by French regulation.» doesn't mean that the CP is not applicable. It shows that the work of comparison between the GRASP grid and the labor legislation in France demonstrated the control point is included in the French regulations.

GRASP control points are not applicable if the producer doesn't employ any employee or if employees are a member of core family. This status is defined as "family assistant" by agricultural social security. It is reserved for person who is at least 16 years old, ascendants, descendants, brothers, sisters or allies of the same degree of the head of the farm or his spouse, and participates in its development without **having the status of employee.**

Control Point		Compliance Criteria	Interpretation for FRANCE	
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EMPLOYEES' REPRESENTATIVE(S)				
1	Is there at least one employee or an employees' council to represent the interests of the staff to the management through regular meetings where labor issues are addressed?	Documentation is available which demonstrates that a clearly identified, named employees' representative(s) or an employees' council representing the interests of the employees to the management is elected or in exceptional cases nominated by all employees and recognised by the management. The election or nomination takes place in the ongoing year or production period and is communicated to all employees. The employees' representative(s) shall be aware of his/her/their role and rights and be able to discuss complaints and suggestions with the management. Meetings between employees' representative(s) and the management occur at accurate frequency. The dialogue taking place in such meetings is duly documented. N/A if the company employs less than 5 employees.	<p>N/A si l'exploitation emploie moins de 5 salariés</p> <p>- La fonction du représentant du personnel est clairement définie par la législation. Sa désignation ne peut se faire que par élection dont le seuil d'ouverture est fixé à 11 salariés. Cf articles du code du travail : articles L2312-4, L2313-1/10, L2314-2, L2315-8/12,, L2322-1/3, LL2281-1/2/4/12, L2323-1/6/7, L2324-3/5/6/7/8/10, L2325 3/14/20/21/44</p> <p>- En dessous de ce seuil, un salarié peut assurer le lien avec la direction pour remonter les suggestions et réclamations des salariés. L'identité de cette personne est clairement précisée dans la documentation.</p> <p>Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.</p>	<p>- N/A if the company employs less than 5 employees.</p> <p>- The role of employees' representative is clearly identified by national law. He can only be designated by election with an opening threshold sets at 11 employees. Cf articles du code du travail : articles L2312-4, L2313-1/10, L2314-2, L2315-8/12,, L2322-1/3, LL2281-1/2/4/12, L2323-1/6/7, L2324-3/5/6/7/8/10, L2325 3/14/20/21/44</p> <p>- Below this threshold, an employee can ensure the link with the management and employees to discuss complaints and suggestions. His name is clearly written in documentation.</p> <p>This control point is covered by French regulation. Therefore, can be audited.</p>
COMPLAINT PROCEDURE				
2	Is there a complaint and suggestion procedure available and implemented in	A complaint and suggestion procedure appropriate to the size of the company exists. The employees are regularly	La présence d'un document attestant de la libre expression des demandes des salariés existe (réunion, boîte à idées ou cahier de	A document makes evidence of freedom of expression of any employee (meeting, ideas box, notebook, complaint form or any other tool). Employees are informed

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	the company through which employees can make a complaint or suggestion?	informed about its existence, complaints and suggestions can be made without being penalized and are discussed in meetings between the employees' representative(s) and the management. The procedure specifies a time frame to answer complaints and suggestions and take corrective actions. Complaints, suggestions and follow-up solutions from the last 24 months are documented.	liaison ou tout autre outil en place). Les salariés sont informés de l'existence des outils mis en place. Le délai de réponse de la direction est spécifié. Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.	of the tools in place. The response time of the direction is specified. This control point is covered by French regulation. Therefore, can be audited.
SELF-DECLARATION ON GOOD SOCIAL PRACTICES				
3	Has a self-declaration on good social practice regarding human rights been signed by the management and the employees' representative and has this been communicated to the employees?	The management and the employees' representative(s) have signed, displayed and put in practice a self-declaration assuring good social practice and human rights of all employees. This declaration contains at least commitment to the ILO core labor conventions (ILO Conventions 111 on discrimination, 138 and 182 on minimum age and child labor, 29 and 105 on forced labor, 87 on freedom of association, 98 on the right to organize and collective bargaining, 100 on equal remuneration and 99 on minimum wage) and transparent and non-	La France a ratifié toutes les conventions ILO mentionnées. Elles sont toutes incluses dans le droit du travail. La personne identifiée dans le CCCP1 et la direction ont signé cette auto-déclaration. Exemple en annexe.	France ratified all mentioned ILO conventions which are taken into account in work regulations. The identified person in CCCP 1 and the direction have to sign the self-declaration of good social practices. Example in annex

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		discriminative hiring procedures and the complaint procedure. The self-declaration states that the employees' representative(s) can file complaints without personal sanctions. The employees have been informed about the self-declaration and it is revised at least every 3 years or whenever necessary.		
ACCESS TO NATIONAL LABOR REGULATIONS				
4	Do the person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to recent national labor regulations?	The responsible person for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to national regulations such as gross and minimum wages, working hours, trade union membership, anti-discrimination, child labor, labor contracts, holiday and maternity leave. Both the RGSP and the employees' representative(s) know the essential points of working conditions in agriculture as formulated in the applicable GRASP National Interpretation Guidelines.	Il est porté à la connaissance des salariés les moyens de consultation de la réglementation en vigueur en libre accès (cf portails officiels : www.legifrance.gouv.fr ou www.vosdroitsservicepublic.fr ou contact de l'inspection du travail). Les entreprises ont des obligations d'affichage, la liste est consultable dans l'Annexe II. Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.	Employees are informed about ways to consult the last updated national law by free access (official website : www.legifrance.gouv.fr or www.vosdroitsservicepublic.fr or a contact in labor inspection). Companies are required to display information, the list is available in the Annex II. This control point is covered by French regulation. Therefore, can be audited.
WORKING CONTRACTS				
5	Can valid copies of working contracts be	For every employee, a contract can be shown to the assessor	En France, le contrat de travail est obligatoire pour les personnes	In France, working contract is compulsory for people employed from 1994 (except

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	<p>shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at least full names, a job description, date of birth, date of entry, wage and the period of employment? Have they been signed by both the employee and the employer?</p>	<p>on request (on a sample basis). Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, the regular working time, wage and the period of employment (e.g. permanent, period or day laborer etc.) and for non-national employees their legal status and working permit. The contract does not show any contradiction on good social practices. Records of the employees must be accessible for the last 24 months.</p>	<p>employées à partir de 1994 (sauf cas particulier des CDI à temps plein et en l'absence d'exigence dans la convention collective). Le contenu de ce contrat est réglementé et répond au CCCP. La mention de la nationalité n'est pas obligatoire, seule la mention de l'appartenance ou non à l'espace Schengen est nécessaire. Tous les employés travaillant en France doivent avoir l'autorisation de travailler, ce qui comprend l'obtention d'un visa ou permis de travail, même si l'employeur est basé hors de France. Les employés de l'Union Européenne (incluant les français) sont généralement exempt de ces formalités. Cf articles du Code du travail, L3123-17, L3123-33 à L3123-37 L5134-24 à L5134-29, R6222-2 à R6222-5, D6325-1 à L6325-5, L1221-1 à L1221-5, R1221-9</p> <p>Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.</p>	<p>full-time "CDI" and in the absence of requirement in the collective bargaining agreements). The content of the working contract is a legal requirement and is fully compliant with the CCCP. The mention of nationality is not compulsory, only the mention of belonging to the Schengen area is necessary. All employees working in France must have the right to work, which may entail obtaining a visa and a work permit, even if the employer is based outside France. Employees from the European Economic Area (including French nationals) are generally exempt from such formalities.</p> <p>Cf articles du Code du travail, L3123-17, L3123-33 à L3123-37 L5134-24 à L5134-29, R6222-2 à R6222-5, D6325-1 à L6325-5, L1221-1 à L1221-5, R1221-9</p> <p>This control point is covered by French regulation. Therefore, can be audited.</p>
PAYSLIPS				
6	<p>Is there documented evidence indicating regular payment of salaries corresponding to the</p>	<p>The employer shows adequate documentation of the salary transfer (e.g. employee's signature on pay slip, bank transfer). Employees sign or</p>	<p>Les documents pour prouver le versement des salaires peuvent être le bulletin de paie signé, le virement bancaire, le reçu signé du salarié ou tout autre document</p>	<p>The documentation to give evidence of salary transfer could be signed pay slips, bank transfer, signed receipt by employee or any other suitable documented evidence by independent</p>

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	contract clause?	receive copies of pay slips / pay register that make the payment transparent and comprehensible for them. Regular payment of all employees during the last 24 months is documented.	validé par une tierce partie indépendante (exemple : centre comptable externe) ... Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.	third parties (example : external payroll offices)... This control point is covered by French regulation. Therefore, can be audited.
WAGES				
7	Do pay slips / pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?	Wages and overtime payment documented on the pay slips / pay registers indicate compliance with legal regulations (minimum wages) and/or collective bargaining agreements as specified in the GRASP National Interpretation Guideline. If payment is calculated per unit, employees shall be able to gain at least the legal minimum wage (on average) within regular working hours.	Le salaire minimum légal (SMIC) en vigueur est consultable sur les portails officiels : - www.service-public.fr - www.insee.fr Il est commun à tous les secteurs professionnels sans exceptions. Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.	The minimum legal wages (SMIC) is available and updated on official websites : - www.service-public.fr - www.insee.fr It is common to all professional sectors with any exceptions. This control point is covered by French regulation. Therefore, can be audited.
NON-EMPLOYMENT OF MINORS				
8	Do records indicate that no minors are employed at the company?	Records indicate compliance with national legislation regarding minimum age of employment. If not covered by national legislation, children below the age of 15 are not employed. If children -as core family members- are working at the company, they are not	Le travail est autorisé à partir de 16 ans, parfois même à compter de 14 ans. Cependant, jusqu'à l'âge de 18 ans, le jeune est protégé par des règles spécifiques qu'il soit salarié ou en stage d'initiation ou d'application en milieu professionnel effectué dans le cadre d'un enseignement alterné	Work is permitted from the age of 16, sometimes even from the age of 14. However, up to the age of 18, the young person is protected by specific rules whether he is an employee or a trainee. Every citizen of the European Union is allowed to work in compliance with Labour Code. Minors are allowed to work from 16 years of age with parental consent. Working hours are strictly regulated by

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		engaged in work that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.	<p>ou d'un cursus scolaire. Tous les citoyens de l'Union Européenne sont autorisés à travailler par le Code du Travail. Les mineurs sont autorisés à travailler à partir de 16 ans avec l'accord parental. Les heures de travail sont strictement encadrées par la loi. Le travail de nuit est interdit. Il est interdit d'employer des travailleurs de moins de dix-huit ans à certaines catégories de travaux les exposant à des risques pour leur santé, leur sécurité, leur moralité ou excédant leurs forces. Ces catégories de travaux sont déterminées par voie réglementaire. Par exemple, il est interdit de les exposer à des substances chimiques dangereuses (Article du Code du Travail D 4153-17, 4412-3, 4412-60)</p> <p>Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.</p>	<p>law. Night work is prohibited for minors. Minors are allowed to do "light work". You will find the potential activities and conditions about work for minors in articles L4153-1 following of the Labour Code. For example, it is forbidden to expose to hazardous chemical agents (French Labour Code, Article <u>D4153-17</u>, <u>R. 4412-3</u> and <u>R. 4412-60</u>)</p> <p>This control point is covered by French regulation. Therefore, can be audited.</p>
ACCESS TO COMPULSORY SCHOOL EDUCATION				
9	Do the children of employees living on the company's production/ handling sites have access to compulsory school	There is documented evidence that children of employees at compulsory schooling age (according to national legislation) living on the company's production/ handling	<p>La scolarité est obligatoire pour tous jusqu'à 16 ans. Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.</p>	<p>School is compulsory until the age of 16 years old, according to French law. This control point is covered by French regulation.</p>

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	education?	sites have access to compulsory school education, either through provided transport to a public school or through on-site schooling.		
TIME RECORDING SYSTEM				
10	Is there a time recording system that shows working time and overtime on a daily basis for the employees?	There is a time recording system implemented appropriate to the size of the company that makes working hours and overtime transparent for both employees and employer on a daily basis. Working times of the employees during the last 24 months are documented. Records are regularly approved by the employees and accessible for the employees' representative(s).	L'enregistrement du temps de travail est encadré par le code du travail. Les outils possibles sont les registres des heures de travail régulièrement validés par le salarié, les pointeuses et badgeuses. Ces documents doivent être archivés 24 mois (la législation française exige 12 mois avec une recommandation jusqu'à 5 ans). Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié.	Record of working time is compulsory, according to the national Labor Code. The tools could be the registers of the hours of work regularly validated by the employee or electronic clocking-in system . These documents must be archived 24 months (French legislation requires 12 months with a recommendation up to 5 years). This control point is covered by French regulation. Therefore, can be audited.
WORKING HOURS AND BREAKS				
11	Do working hours and breaks documented in the time records comply with applicant legislation and/or collective bargaining agreements?	Documented working hours, breaks and rest days are in line with applicant legislation and/or collective bargaining agreements. If not regulated more strictly by legislation, records indicate that regular weekly working hours do not exceed a maximum of 48 hours, during peak season (harvest), weekly working time does not exceed a maximum of 60 hours. Rest breaks/days are	La réglementation encadre la durée hebdomadaire et journalière de travail. la durée hebdomadaire est limitée à 44H en moyenne sur 12 semaines et 48H maximum par semaine isolée. Cependant la durée peut être allongée périodiquement à titre exceptionnelle et sur dérogation jusqu'à 60h maximum. Les temps de pause sont définis par la réglementation, soit 20 min toutes les 6h consécutives de	The national regulations rules the weekly and daily working hours. The weekly duration is limited to 44 hours on average over 12 weeks and 48 hours maximum per single week. However, the duration can be extended periodically as an exception and on derogation up to 60h maximum. The pause times are defined by the regulation, ie 20 min every 6 consecutive hours of work (and 11h every day). Labor code, articles L3121-21 / 33/35/36

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		also guaranteed during peak season.	<p>travail (et le salarié doit avoir au minimum 11 heures de repos entre 2 jours de travail consécutifs).</p> <p>Code du travail, articles L3121-21/33/35/36 Articles L. 3111-1 à L. 3121-10, R. 3121-1 et R. 3121-2 du Code du travail. L713-1 et suivants du code rural</p> <p>Ce contrôle est couvert par la réglementation française. Par conséquent, il peut être vérifié..</p>	<p>Articles L. 3111-1 to L. 3121-10, R. 3121-1 and R. 3121-2 of the Labor Code. L713-1 et seq. Of the Rural Code</p> <p>This control point is covered by French regulation. Therefore, can be audited.</p>
ONLY APPLICABLE FOR PRODUCER GROUPS				
INTEGRATION INTO QMS				
QMS	Does the assessment of the Quality Management System (QMS) of the producer group show evidence of the correct implementation of GRASP for all participating producer group members?	The assessment of the Quality Management System of the producer group demonstrates that GRASP is correctly implemented and internally assessed. Non-compliances are identified and corrective actions are taken to enable compliance of all participating producer group members.		
ADDITIONAL SOCIAL BENEFITS				
R 1	What other forms of social benefit does the company offer to employees, their families and/or the community?			

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	Please specify incentives for good and safe working performance, bonus payment, support of professional development, social benefits, child care, improvement of social surroundings etc.).			

ANNEXE II - FRANCAIS

La liste des documents à afficher à été considérablement réduite par les décrets 2016-1417 et 2016-1418 du 20 Octobre 2016

Sous peine d'amende, l'employeur a l'obligation d'afficher certaines informations dans des lieux facilement accessibles aux salariés. D'autres informations peuvent être communiquées par tout moyen offrant aux salariés des garanties équivalentes en termes de droit à l'information. Par exemple, une diffusion via le site intranet de l'entreprise.

Affichages obligatoires dans toutes les entreprises		
Type d'information	Contenu	Références du code du travail
Inspection du travail	Adresse, nom et téléphone de l'inspecteur du travail compétent	D4711-1
Service d'accueil téléphonique	Téléphone	L.3111-1
Consignes de sécurité et d'incendie	Consignes incendie selon la norme NF EN ISO 7010 ** Noms des responsables du matériel de secours et des personnes chargées d'organiser l'évacuation en cas d'incendie.	R4227-34 à R4227-38
Horaires collectifs de travail	Horaire de travail (début et fin) et durée du repos	L3171-1 , D3171-2 à D3171-3
Repos hebdomadaire	Jours et heures de repos collectifs (si le repos n'est pas donné le dimanche)	R3172-1 à R3172-9
Congés payés	Période de prise des congés (2 mois avant le début des congés) Ordre des départs en congés et Raison sociale et adresse de la caisse des congés payés à laquelle sont affiliées les employeurs d'artistes du spectacle et du bâtiment (pas d'affichage obligatoire)	D3141-6, D3141-28
Interdiction de fumer	Interdiction de fumer et de vapoter dans les locaux de l'entreprise	R3512-2 et du code de la santé publique
Document unique d'évaluation des risques professionnels	Modalités d'accès et de consultation de l'inventaire des risques, qui contient les résultats de l'évaluation des risques pour la santé et la sécurité des travailleurs (avec une mise à jour annuelle obligatoire du document unique)	R4121-1 à R4121-4
Panneaux syndicaux (selon modalités fixées par accord avec l'employeur)	Panneaux pour l'affichage des communications syndicales : <ul style="list-style-type: none"> • pour chaque section syndicale de l'entreprise, • pour les délégués du personnel (dans les entreprises à partir de 11 salariés), • pour le comité d'entreprise (dans les entreprises à partir de 50 salariés). 	L2142-3 et suivants

Affichages obligatoires en fonction des effectifs de l'entreprise			
Nombre de salariés	Type d'information	Contenu	Références du code du travail
À partir de 50 salariés	Accord de participation	Information sur l'existence d'un accord et de son contenu	D3323-12

ANNEX II – ENGLISH

The list of documents to be displayed in workplaces was considerably reduced pursuant to 2 decrees : 2016-1417 and 2016-1418 of the 20th October 2016.

Under penalty of a fine, the employer has the obligation to display certain information in places easily accessible to the employees. For some points, there is an obligation to disclose information by any means, providing employees with equivalent guarantees in terms of the right to information. For example, a distribution via the intranet site of the company.

Required displays in all companies			
Type of information	contents		Labor Code References
Work inspection	Address, name and telephone of competent labor inspector		D4711-1
Telephone reception service	Phone		L.3111-1
Safety and fire regulations	Fire regulations according to NF EN ISO 7010 ** Names of persons responsible for the rescue equipment and persons responsible for organizing evacuation in case of fire.		R4227-34 to R4227-38
Working hours	Work schedule (start and end) and duration of rest		L3171-1, D3171-2 to D3171-3
Weekly rest	Days and hours of collective rest (if rest is not given on Sundays)		R3172-1 to R3172-9
Paid vacation	Period for taking leave (2 months before the start of the leave) Departure order Name and address of the fund of paid leave with which employers of performing and building artists are affiliated		D3141-6, D3141-28
No smoking	No smoking at company premises		R3512-2 and the Public Health Code
Single occupational risk assessment document	Procedures for accessing and consulting the risk inventory, containing the results of the risk assessment for the health and safety of workers (with mandatory annual updating of the single document)		R4121-1 to R4121-4
Trade union signs (as determined by agreement with employer)	Signs for posting union communications: <ul style="list-style-type: none"> • For each union section of the company, • For staff representatives (in enterprises with 11 or more employees), • For the works council (in companies with 50 or more employees). 		L2142-3 and following
Required displays based on the company's workforce			
Number of employees	Type of information	contents	Labor Code References
From 50 employees	Participation agreement	Information on the existence of an agreement and its content	D3323-12

