

DIF means “Droit Individuel à la Formation”, i.e. “Individual Right to Training”. It has been established by the Law issued on 7th May 2004.

Every employee, under a permanent contract and with at least one year of service in the company, acquires **each year 20 DIF hours**. This number is prorated when the employee is a part-time worker.

The acquisition of DIF hours is limited to 120 hours per employee (i.e. the DIF hours can be cumulated only over a 6 year rolling period for a full-time employee).

Every year, the employer has to **inform in writing his employees about their DIF rights**. This is usually done on 31st December. For this information, the DIF hours are calculated pro rata temporis for every employee with at least one year of service in the company.

Examples:

- information as at 31/12/2009 for a full-time employee hired on 01/07/2008: DIF right = $20 \times (1+6/12) = 30$ hours
- information as at 31/12/2009 for a full-time employee hired on 01/05/2009: DIF right = 0 hours
- information as at 31/12/2009 for a full-time employee hired on 01/08/2007: DIF right = $20 \times (2+5/12) = 28$ hours

The collective bargaining agreement may stipulate additional measures concerning DIF, more favourable to the employee than those above. In this case, the collective bargaining agreement will prevail on the Labour Code.

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The acquired DIF rights **can be used by the employee to train** in various fields. The employee should take the initiative to propose the training he wants to attend, but the employer has to give his approval. The selected course should be one for acquiring or improving professional skills. The employer has one month for notifying his answer. If he does not reply, his silence is considered as an acceptance.

The training should not take place during the employee's working time, except if the collective agreement stipulates that it can (e.g. SYNTEC CBA). If the training takes place during the employee's working time, the employee will receive nevertheless his full normal salary. If the training takes place out of working time, the employer should pay the employee a training allowance (which roughly corresponds to the number of training hours multiplied by 50% of the employee's hourly net salary). The training allowance should be disclosed on payslip.

In case of **dismissal** (except for serious offence or gross negligence), the employee may use his DIF rights in order to attend training or skill appraisal, provided he makes the request by the end of his notice period. The letter notifying to the employee his dismissal has to indicate the number of DIF hours and the possibility to use them.

This information is only a rough summary. It does not cover all the situations nor resume the whole French Employment Code - which is very intricate. Please contact us for accurate information adapted to your situation. We cannot be held responsible for any misinterpretation of this document. Edition Jul-10

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