

## DEFINITION

In 1998, a law on time worked was set up by the French government in the hope of reducing unemployment and encouraging new hires. Since then, employers in France are compelled to give extra vacation days in order to reduce the annual working time (besides the regular paid holidays).

These vacation days are called by the French law “RTT days” for non-executives and “**Additional rest days**” for executives. But in common language these days are called “RTT days” for all employees.

RTT means “Reduction du temps de travail”, i.e. “reduction of working time”.

## DIFFERENT KINDS OF EXECUTIVE STATUS

Most often the collective bargaining agreement indicates the possibility of defining a fixed number of days or hours to be worked over the year. But, if not, it is impossible to implement this kind of working time agreement with executives.

### ■ Executives who are subject to collective working hours (“cadres intégrés”):

This category, which is quite infrequent, refers to executives who apply the working hours of their department, as their working time can be easily controlled.

These executives are subject to all the French legislation concerning work duration, minimum rest, etc.

For the hours worked beyond the agreed working time, this kind of executive may either be paid extra hours and/or be entitled to RTT days, which compensate the additional hours worked.

### ■ Executives whose working time is counted in hours and are subject to a fixed number of working hours per year (“cadres au forfait heures”):

To this category may belong executives who cannot apply the collective working hours due to their functions.

These executives are not subject to French legislation concerning normal work duration (35 hours per week), nor maximum work duration, but they have to comply with the rules concerning minimum rest (11 hours of daily rest and 24 hours of weekly rest in a row).

The salary paid corresponds to a fixed number of hours to be worked.

For the hours worked beyond, the employer will have to pay each extra hour at a higher rate (which is determined by the law or the collective agreement).

Consequently, this kind of executive is not allowed to obtain RTT days.

### ■ Executives who are subject to a fixed number of working days (“cadres au forfait jours”):

To this category may belong executives who have the greatest autonomy in the organisation of their work and cannot apply the collective working hours due to their functions.

If the conditions of validity are met (please see our information sheet about “The system of forfait jours in question”), these executives may have an agreement for an annual fixed number of working days (“cadres au forfait jours”).

These executives are not subject to French legislation concerning normal work duration (35 hours per week), nor maximum work duration, but they have to comply with the rules concerning minimum rest (11 hours of daily rest and 24 hours of weekly rest in a row).

Moreover these executives have to keep track of their working days. Once a year, they have to discuss with their employer their working time and work responsibilities.

According to law, the maximum number of days to be worked by these executives is 218 days per year. The collective bargaining agreements may stipulate fewer days to be worked. This kind of employee cannot ask for the payment of their extra hours.

They are entitled to RTT days, which number is determined each year.

■ **Senior managing executives (“cadres dirigeants”):**

This category refers to executives who are in charge of great responsibilities which entail a large independence in the organisation of their working time, who are empowered to make decisions on their own, who participate to the company management, and whose remuneration is one of the highest within the company.

These executives are not subject to French legislation concerning work duration (normal work duration, overtime, maximum work duration, etc.), night work, part time and sporadic work, public holidays. Their working time doesn't have to be followed-up.

## NUMBER OF RTT DAYS PER YEAR

The number of RTT days that employees are entitled to is generally calculated on a calendar year basis. According to French Labour Law, the minimum number of RTT days per year, for executives subject to a fixed number of working days, is calculated according to the following formula:

$$\text{RTT days} = D - (\text{WD} + \text{WE} + \text{PL} + \text{PH})$$

D	Number of days in the calendar year
WD	Annual number of days to be worked by the concerned executives of the company (no more than 218 days)
WE	Number of weekend days
PL	Number of days of paid leave (five weeks)
PH	Public holidays falling on a work day

According to this formula, in 2016, the number of RTT days for an executive entitled to RTT days (who worked during the full year for the company) is 11 days with the Whit Monday worked (10 days with the Whit Monday considered as a public holiday – see our information sheet about Whit Monday). In 2015 it was 10 days, in 2014 and 2013, it was 9 days; in 2012 and in 2011, 11 days; in 2010, 12 days.

Please note that the French Labour Law sets the minimum number of RTT days, but some collective agreements may stipulate a higher number of RTT days.

## RTT DAYS-TAKING PROCESS

The collective bargaining agreement stipulates how RTT days are to be taken. According to some collective agreements, the employer may unilaterally set half the dates of the RTT days for all the company staff.

The employee shall take his RTT days at such dates as shall be agreed between the parties. For this purpose, the employee shall submit an RTT leave application form for approval to the employer.

Practically, the employee may suggest some dates and the employer decides if it is compatible with the firm's schedule or if it is better to postpone them.

RTT can be taken by full day or by half day (but not less). RTT days cannot be scheduled on a public holiday.

The scheduled dates can be modified by the employee or the employer informing, 7 days in advance.



Before the year-end, the employer has to sit down with his employee to check if he will be able to take all of his RTT days before 31<sup>st</sup> December.

If some RTT days remains by 31st December, he must inform his employee that he can request the payment of his remaining RTT days. The employee will have to make the request in writing that he wants to buy out his remaining RTT rights and stipulates the number of RTT days concerned. The employer cannot initiate the procedure and he can accept or not this request. If the employer accepts to pay RTT days on the payroll, the RTT are grossed up with an additional charge of at least 10% (for employees under Syntec CBA, the mark-up is at least 20%).

Your Accountant is your best consultant.  
**Do not hesitate to contact us to know what exact rules apply to your employees in France.**