



According to French employment legislation, entities with 20 or more employees must ensure that at least 6% of their workforce is composed of handicapped persons. Entities who reach this threshold for the first time have normally 3 years to comply with this obligation.

**Employers who fail to meet this quota have several options at their disposal:**

## Employment of handicapped persons

Direct employment of handicapped personnel is the most obvious method of fulfilling your legal obligations. Handicapped employees working more than half the normal working duration (whether by the standard legal definition, i.e. 35 hours per week, or by any definition imposed by a collective bargaining agreement) count as one unit, while employees working less than half of the normal working duration are counted as a half-unit. Moreover, if the handicapped employees didn't work all the calendar year throughout, this is adjusted pro rata temporis.

**For example**, if an entity has a total of 100 employees, it would need either 6 handicapped employees working more than half the normal working duration, or 12 handicapped employees working less than half the normal working duration, or any combination of the above, in order to fulfill its legal obligations regarding the employment of handicapped personnel.

## Hosting disabled interns

Entities can meet part of their employment obligation by hosting disabled interns (provided that the internship has a total duration of 40 hours or more), up to a maximum of 2 % of their total workforce.

Only the following types of internship are valid, with regard to the employment obligation of handicapped personnel:

- Internships paid and accredited by the state;
- Internships organized by the AGEFIPH's "appui projet" service;
- Internships organized by the "Pole Emploi" (the French unemployment agency);
- Certain types of courses combining work and academic study in secondary schools;
- Student internships.

The disabled interns are taken into account only during the calendar year in which their internship ends. The contribution of the internship to the employment obligation is calculated by dividing the duration of the internship by the duration of a normal working year in the entity. Furthermore, the internship requires a tripartite agreement between the intern, the entity and the training organization or agency organizing the internship.

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## Outsourcing work to sheltered workshops

Companies may fulfill up to 50 % of their employment obligation by outsourcing work to sheltered workshops employing handicapped personnel.

In France these organizations have several appellations: “Atelier protégé”, “établissements et services d’aide par le travail” and “Centre de Distribution de travail à Domicile”.

## Applying a company-wide or industry-wide agreement

If such an agreement relative to the employment obligation is validated by the relevant authorities, it may exonerate the entity from the habitual employment obligations throughout its period of validity.

This agreement must contain a recruitment program specific to handicapped individuals, and at least 2 of the following clauses:

- An integration and training plan for handicapped individuals
- A plan for helping the handicapped employees to adapt to technological changes
- An engagement to prioritize the employment of handicapped employees if the employer is forced to implement economic redundancies

## Incurring expenses for the integration or retention of disabled staff members

The entities may take into account expenses that they incur, besides any specific legal obligation, for the integration or the retention of handicapped staff members:

- work undertaken on the entity’s premises intended to facilitate access for handicapped staff,
- outfitting of workstations for disabled employees or studies undertaken in collaboration with the work health service - “medecine du travail” – and with the health and safety at work committee – “CHSCT” - aimed at identifying the specific needs of handicapped staff,
- extra training expenses...

This expenditure is capped at a maximum value of 10 % of the total contribution due to the AGEFIPH by the entity (see below).

## Making a financial contribution to the AGEFIPH

Instead of implementing the aforementioned measures, or if the entity fails to meet its legal obligations regarding the employment of handicapped personnel using said measures, it may instead make a payment to the AGEFIPH.

This payment is variable in magnitude, but is often equal to between 400-600 times the French minimum hourly wage (the “SMIC”, set at €9.22 per hour in 2012), multiplied by the number of missing units (i.e. the difference between the number of handicapped staff the entity actually employs and its 6% quota, less any reductions from the measures stated above).

Moreover, if the entity has no disabled staff, and has taken none of the measures listed above during 3 years, the magnitude of the AGEFIPH payment rises to 1,500 times the French minimum wage, per missing unit.

