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Flichy
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France: Getting back to work

How to organize the workplace safely for Covid-19

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The logo for L&E GLOBAL features a stylized globe icon composed of a grid of dots, with a red crosshair overlaid on it.

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I. The legal background pertaining to health and safety at work

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1.1. General obligations of the employer regarding risk prevention

1.1.1. The employer's duty to ensure safety (1/2)

- The employer must take **all necessary measures to ensure the employees' safety and protect their mental and physical health at work**

- These measures include:
 - preventive actions vis-à-vis occupational hazards

 - training and information measures

 - the implementation of an adapted organization and suitable means

- The employer must **evaluate the risks** of the business activities for the employees' health and safety and, afterwards, **implement preventive actions and working methods** ensuring the best level of protection for health and safety

1.1. General obligations of the employer regarding risk prevention

1.1.1. The employer's duty to ensure safety (2/2)

- The results of this assessment must be transcribed into a specific document: the **DUER** (*“Document Unique d’Evaluation des Risques”* – centralized report for risk assessment)
- The employer should make sure that these measures are **adapted in view of any potential change of circumstances** and improve the existing situations
- A health crisis such as Covid-19 constitutes a change of circumstances that must be taken into account by the employer
- The employer's duty to ensure his employees' safety is a **reinforced obligation of means** (i.e. he can waive his liability in case an accident occurs by proving that he has implemented the necessary preventive measures)

1.1. General obligations of the employer regarding risk prevention

1.1.2. The employer's duty to train and inform his employees

- The employer must **inform** the employees of the identified risks for health and safety at work and the implemented measures to remedy the situation

- The employer should organize practical and appropriate **training sessions regarding safety issues** for the employees
 - These training sessions should take place on a regular basis
 - The cost of the training sessions is borne by the employer

- The scope of the employer's duty to train and inform the employees mainly depends on the company's size, its business activity and the employees' types of job

1.2. Regulations on the prevention of biological hazards

- French Labor Code provides for specific prevention regulations in case employees face in the workplace **biological agents** which are likely to cause infection, allergy or intoxication
- Biological agents are ranked into 4 categories in the French Labor Code:
 - from level 1 which includes biological agents which are not likely to cause disease to humans beings
 - to level 4 which comprises biological agents that cause serious illness to humans beings and constitute a serious hazard for employees. The risk of their spread within the community is high. There is generally no effective prevention measures or treatment available
 - pathogenic biological agents are listed under levels 2, 3 and 4
- **Where should Covid-19 (SARS-CoV-2) be listed?**
- For the moment, Covid-19 is **not officially listed as a pathogenic biological agent or as an occupational disease**. These questions are currently under discussion:
 - according to the French Ministry of Labor, Covid-19 should be considered as a pathogenic biological agent of level 2 and should be addressed as such by the employers
 - however, level 2 comprises biological agents that can cause disease to human beings and constitute a danger for employees. Their spread in the community is unlikely and effective prevention measures or treatment is usually available
 - some other types of coronavirus (SARS-CoV and MERS-CoV) are listed under level 3

1.2. Regulations on the prevention of biological hazards

- In principle, the provisions regarding the prevention of biological risks are applicable to companies which activities may lead employees to be exposed to biological agents
 - According to the French Labor Code, many of these provisions are not applicable when the company's activity, although it may lead to the exposure of the employees, does not usually involve the deliberate use of a biological agent and when the risks assessment within the company did not identify a specific risk relating to a biological agent
- However, the French Ministry of Labor considers that the following employees should be considered as exposed to a biological risk:
 - employees who are systematically exposed to the risk of contamination due to the nature of their professional activity (e.g. health and rescue professionals)
 - but also employees whose duties expose them to a specific risk even though their company's activity would not usually involve the use of a biological agent. This situation may particularly concern employees in the care, home help or personal services sectors, when their tasks involve contact of less than one meter with potentially contaminated persons (e.g. toilette, clothing, feeding)

1.2. Regulations on the prevention of biological hazards

Main employer's obligations in the scope of the prevention of biological hazards (1/2)

- Conducting a **risk assessment** to determine the nature, duration and conditions of employees exposure, taking into account the classification level of the biological agent
- The implementation of **preventive measures** consisting primarily of **avoiding the risk**
- If this is not technically feasible, these measures are intended to **reduce the risk**

In particular, these consist in:

- limiting the number of employees exposed to the risk
- defining working methods and measures to avoid or reduce the risk of release of biological agents, to implement individual protection measures
- enforcing hygiene measures
- implementing processes for the safe sorting, collection and transportation of waste

1.2. Regulations on the prevention of biological hazards

Main employer's obligations in the scope of the prevention of biological hazards (2/2)

- Providing the employees with **means of personal protection**, in particular appropriate protective clothing
- **Informing and training** employees on health risks and hygiene requirements, on the precautions to be taken to avoid exposure, on the wearing and use of personal protective clothing, on how to sort, collect, store, transport and dispose of waste, on the measures to be taken to prevent or alleviate accidents and on the procedure to be followed in the event of an accident
- Informing the **employees**, the **Social and Economic Committee** and the **Labor Doctor** of any accident or incident
- Creating a **list of employees exposed** to biological agents of levels 3 and 4
- Implementing **individual monitoring of the employees state of health** which modalities depend on the category of biological agents to which the employees are exposed

1.3 Recommendations, instructions and guidelines issued in the context of the Covid-19

- In the context of Covid-19, the necessary measures to be implemented are at the very least the recommendations made by the French Government and the Ministry of Labor
- The Ministry of Labor has issued a leaflet translated into English: "*What measures must employers take to protect the health and safety of their employees from the virus?*" (https://travail-emploi.gouv.fr/IMG/pdf/covid-19_measures_employer_must_take.pdf) and a list of practical tips for certain categories of jobs to which employers must refer
- Employers must keep themselves informed on a daily basis of the instructions from the public authorities and update the measures taken if necessary
- Business continuity plans and best practices issued by employers' unions should also be applied
 - *Examples* : guide books issued by employers' unions in the construction industry and in the Metalworking sector
- **However, the determination of the measures to be applied is primarily the legal responsibility of the employer, who must ensure that these measures are appropriate to the specific nature of the company's activity**

II. The employer lessons of the La Poste, Amazon and Carrefour Court rulings for Covid-19

- 2.1. Lille Tribunal ruling dated 3 April 2020 (“ADAR Flandres Métropole” Association)
- 2.2. Paris Tribunal ruling dated 9 April 2020 (La Poste)
- 2.3. Nanterre Tribunal ruling dated 14 April 2020 and Versailles Court of Appeal ruling dated 25 April 2020 (Amazon Logistique)
- 2.4. Lille Tribunal ruling dated 14 April 2020 (Carrefour Market)
- 2.5. French Administrative Supreme Court ruling dated 18 April 2020 on the Metalworking sector

2.1. Lille Tribunal ruling dated 3 April 2020 (“ADAR Flandres Métropole” Association)

Context:

- Business sector: Home Help services Association
- No deliberate recourse to a pathogenic biological agent. However, the Association’s **DUER** (centralized report for risk assessment) identifies a specific biological risk during an epidemic / pandemic (e.g. Covid-19) and classifies it as a deadly risk
- Claimant: the **Labor Inspector** who is entitled to ask in Court, through an emergency procedure, that the employer takes all measures to put an end to a serious risk of harm for the employees’ health

What were the Labor Inspector’s claims?

- On the **general safety obligation**: to reduce the number of interventions at home, draw up a list of the interventions that have been removed, contact the client before each intervention to inquire about the presence of symptoms, have the client wear a surgical mask, provide each employee with specific equipment (eye protection device, FFP2 or FFP3 mask, single-use charlottes, appropriate protective clothing, single-use gloves, etc.)
- To implement the **specific regulations pertaining to the prevention of biological hazards**: procedures for treating and disposing of contaminated waste, organizing training for each employee, informing staff and the Social and Economic Committee, drawing up a list of employees exposed to the virus, etc.

2.1. Lille Tribunal ruling dated 3 April 2020 (“ADAR Flandres Métropole” Association)

Tribunal ruling:

- On the general safety obligation:
 - implementation of **prevention actions and issuing of clear instructions** to ensure the employees’ safety (e.g. adaptation of the services organization, provisions of protection equipment to be worn in the event of an intervention at home, wearing of the mask by the client, phone contact with the patient before any intervention, etc.) and **make sure that these various measures are observed in practice**
- On the implementation of the specific regulations pertaining to the prevention of biological hazards:
 - the Association does not use deliberately pathogenic biological agents in its activities. However, its **DUER identifies a specific biological risk** related to home intervention during an epidemic or pandemic "(e.g. Covid-19)" and classifies it as a deadly risk
 - as a consequence, **the ADAR Association should comply with the specific regulations for the prevention of biological hazards** (e.g. to provide individual protection equipment against Covid-19, to organize training sessions for each employee, provide a reinforced medical surveillance for employees exposed to biological agents, etc.)

Sanctions:

- To implement the obligations **within 3 working days** following the notification of the ruling, subject to a penalty of **€500 per day of delay and per obligation not performed**

2.2. Paris Tribunal ruling dated 9 April 2020 (La Poste)

Context:

- Business sector: postal services (delivery of letters and parcels)
- La Poste already **implemented various measures** to protect its employees' health and safety during Covid-19 (e.g. a crisis unit dedicated to this issue, barrier gestures, provision of surgical masks and hydro-alcoholic gel, a Q&A for the employees relating to Covid-19, working from home, site closures)
- However, **no relevant and updated DUER** after 4 weeks of containment due to Covid-19
- The **trade unions** are entitled to defend in Court the collective interest of the employees belonging to the business sector where they operate

What were the SUD trade union Federation's claims?

- To carry out an **assessment of the occupational risks** relating to Covid-19 epidemic throughout the country and in all the company's branches of activity, as soon as possible, in conjunction with the occupational health services, the competent staff representatives and the trade unions
- To **implement barrier gestures and means of protection** adapted to each of the company's activities

2.2. Paris Tribunal ruling dated 9 April 2020 (La Poste)

Tribunal ruling:

- On the implementation of the barrier gestures and the necessary means of protection:
 - the employer cannot simply paraphrase public and official recommendations: he must **adapt the official recommendations to the company's activity and its specific context**
 - the **measures implemented by La Poste so far are sufficient**: they have been discussed with the competent staff representatives and are based on the company's occupational health services recommendations
- On the assessment of the occupational risks:
 - the employer has a **duty to inform** the staff representatives and the employees about the occupational risks in the scope of his prevention obligation by involving the occupational doctor, the staff representatives and, if possible, the employees themselves
 - La Poste must issue a **detailed assessment of each occupational risks identified** specifically as a result of the current health crisis of the Covid-19 epidemic (the risks for mental health should not be neglected in this assessment)

Sanctions:

- To prepare and issue the risks assessment document as soon as possible, **without penalty**

2.3. Nanterre Tribunal ruling dated 14 April 2020 Versailles Court of Appeal ruling dated 24 April 2020 (Amazon Logistique)

Context:

- Alerts for serious and imminent danger triggered by the staff representatives and withdrawal right used by some employees
- Several company's sites received letters of formal notice from the French Administration (*Direccte*) in order to implement Covid-19 risk prevention measures
- Criminal complaint issued by some employees against Amazon Logistique for Endangerment (« *endangering the lives of others* »)

What were the trade unions' claims?

- to **stop the activity of the warehouses employing more than 100 employees** in the same enclosed area at the same time
- to **stop the sale and delivery of non-essential products** until Amazon has implemented:
 - **an assessment** of the occupational risks relating to Covid-19
 - based on the risks assessment, **the barrier gestures and means of protection** adapted to each of the activities of the company

2.3. Nanterre Tribunal ruling dated 14 April 2020 Versailles Court of Appeal ruling dated 24 April 2020 (Amazon Logistique)

Tribunal and Court of Appeal rulings:

- Breach of the employer's general safety obligation:
 - no sufficient risks assessment
 - no implementation of the necessary protection measures
 - no upstream discussion with the staff representatives on the protection measures to be implemented

Sanctions:

- For the Nanterre Tribunal: **restriction of the company's activities** to the essential products (i.e. food, hygiene and medical products) as long as it has not implemented the necessary measures, subject to a penalty of **€1,000,000** per day of delay and per infringement observed
- For the Versailles Court of Appeal: **confirmation** of the first instance decision (especially on the necessity to consult the staff representatives beforehand on the risks assessment)

However, the Court of Appeal limited the sanctions against Amazon Logistique:

- the **list of authorized activities is broader** (i.e. high-tech and stationery goods, products for animals, hygiene, medical and food products)
- the financial penalty is less severe (**€100,000** for each reception, preparation and/or dispatch of unauthorized products)

2.4. Lille Tribunal ruling dated 14 April 2020 (Carrefour Market)

Context:

- Business sector: mass retailing, sales activity of goods
- Claimants: the **Labor Inspector** (and a trade union)
- The **barrier gestures were not implemented** within the store (no safety distance of 1 meter between the employees and the clients), **no masks or gloves** for some employees
- The store's **DUER identified Covid-19 as a specific biological risk**

What were the Labor Inspector's claims?

- On the effectiveness of the employer's duty to ensure his employees' safety:
 - to implement a working organization protecting the employees against Covid-19
 - to inform and train the employees on the individual protection equipment in drafting and issuing instructions for their use
- To implement the specific regulations pertaining to biological hazards

2.4. Lille Tribunal ruling dated 14 April 2020 (Carrefour Market)

Tribunal ruling:

- On the general safety obligation:
 - the employer must **give strict instructions (and make sure that they are observed)** regarding social distancing and mask and gloves wearing
 - the employer should make individual protection equipment **user manuals** available, issue **instructions for their use, inform and train** his employees on how to wear these protection equipment
- On the implementation of the specific regulations pertaining to biological hazards: these regulations shall apply since **Covid-19 was clearly identified in the store's DUER** as a biological risk

Sanctions:

- To implement the obligations ordered by the Tribunal **within 3 working days** following the notification of the ruling, subject to a penalty of **€500 per day of delay and per obligation not performed**

2.5 French Administrative Supreme Court ruling dated 18 April 2020 on the Metalworking sector

Context:

- Emergency procedure (“*référé-liberté*”) before the Administrative Judge in case one considers that the Administration or the French State has violated a fundamental right
- The Administrative Judge is entitled to suspend an Administration’s decision and to order the implementation of specific measures to rectify the situation
- The French State has issued in March 2020 a **list of sites open to the public which must close** due to Covid-19 since their activity is not essential for the French Nation (e.g. restaurants, non-food stores, schools, museums, etc.). This list does not include the companies in the Metalworking sector

What were the claims of the CGT trade union Federation in the Metalworking sector?

- To force the French State to:
 - **issue a list**, for each business sector within the Metalworking sector, of the companies which activity is **essential** for the French Nation
 - **close** the companies in the Metalworking sector which activity is **not essential** for the French Nation
 - impose specific **measures to protect health and safety of employees** who will continue to work in companies which activity is essential for the French Nation (e.g. individual protection equipment, tests, etc.)

2.5 French Administrative Supreme Court ruling dated 18 April 2020 on the Metalworking sector

Administrative Supreme Court ruling:

The French Administrative Supreme Court **rejected** the trade union's requests:

- Application of the proportionality principle: validation of the French Government's choice to only close sites open to the public which activity is not essential for the French Nation
 - **total containment is not necessary** to fight Covid-19 epidemic
 - **difficult to decide which activities are essential** for the French Nation
- On the employers' general safety obligation: **the French Government already took several measures** to enforce this obligation, notably in the Metalworking sector (preparation and issuing of practical recommendations for companies, increase of the powers of the occupational health services, formal notices sent by the Administration to companies in the Metalworking sector which did not comply with the general safety obligation, etc.)
- On the provision of protection masks:
 - priority set by the French Government to provide the available masks to health care personnel
 - In view of the limited number of available masks and of the protection measures already imposed by the Administration, the absence of systematic distribution of masks to employees does not constitute a serious and illegal lack

III. Practical legal tips for preparing the return to work

3. Practical legal tips for preparing the return to work

- **Set up both a central and local crisis cells:**
 - Must include all the actors concerned to coordinate with actions prescribed by the public authorities
- **Update its single risk assessment document:**
 - Anticipate the risks linked to the Covid-19 epidemic (and in particular those generated by the degraded functioning of the company)
 - Identify transmission risk work situations
 - Analyze work situations from the moment you enter the workplace to the moment you leave it
(Not only at the workstation)
- **Involve the social partners and the CSE in the analysis of work situations and in the recommended measures:**
 - The role played by employee representatives must be active: the CSE must be consulted in advance on all measures that may be adopted by the employer which significantly change the work organization and which concern the health and safety of employees
 - Article 9 of the ordinance provides for the establishment of adjusted consultation periods
 - Information on measures taken and changes in work organization after the fact is insufficient (Amazon case)

3. Practical legal tips for preparing the return to work

- **Seek the advice of the Labor Doctor and the occupational health services, even if it is ultimately the judge who will decide in the event of a dispute**

The Labor Doctor participates in the fight against the spread of Covid-19 through:

1. Spreading prevention messages to employers and employees on the risk of contagion
 2. Support to the companies in the definition and the implementation of the adequate prevention measures
 3. Supporting companies that have had to increase or adapt their activity
- **Adopt relevant precautionary rule**
 - **Adapt measures in line with experience and evolving knowledge**
 - **Establish prevention plans with external companies (cleaning, security, temporary work companies, etc.) with new specific protocols**

3. Practical legal tips for preparing the return to work

- **Train and inform employees about the safety measures and the protective equipment provided**
- **Information and training of employees in safety instructions, in this case in the respect of barrier measures in the fight against Covid-19, are essential:**

Display clear instructions and regular communication on the actions implemented

This training and information should include:

- Clear instructions drawn up and made available to employees
- Repeat training as often as necessary
- Should cover in particular, the wearing and removal of gear, the storage and storage methods of gear, the methods of washing gear and the treatment of waste from gear used by contaminated employees
- **Make sure employees fully understand the rules and follow them**
- **Ensure "formalization" so that the company can justify what it has done**

IV. Key prevention measures to be implemented upon business restart

- 4.1. Preventing the risk of virus intrusion into the site
- 4.2. Organizational prevention measures
- 4.3. Prevention of risks related to the reorganization of work
- 4.4. Means and equipment for personal protection
- 4.5. Procedure to be followed if an employee is infected with Covid-19 or suspected of being contaminated at the workplace

4.1. Preventing the risk of virus intrusion into the site

4.1.1 The commute to work

- Generalize and remind employees of **basic safety measures in transportation**
- Encourage employees to **use their personal vehicle**:
 - If the use of public transport cannot be avoided, provide employees with **personal protective equipment (masks, gloves)**
 - Prohibit car-pooling for more than two people. Recommend positioning diagonally in relation to the driver (right rear seat) in order to respect the distance rule
 - If public transport is organized by sites, limit the number of passengers in the vehicles, **respect the distance rule** with one seat occupied every two seats and diagonal positioning between two rows of seats. **Apply cleaning and disinfection rules**
 - **Cancel non-essential work trips**

4.1. Preventing the risk of virus intrusion into the site

4.1.2. Arrival at workplace

- Facilitate distancing and movement: **respect distances** (one by one)
- **Keep doors open** (avoid touching)
- For the reception of visitors whose arrival could not be delayed:
 - **Signal hygiene instructions** to be respected directly upon arrival
 - Implementation of **barrier measures**
 - Setting up a courtesy zone with **social distances indicated by markers**
 - Installation of protective Plexiglas windows
- **Wearing a mask is compulsory for reception staff**
- No need to carry identity papers, just presentation by the visitor
- Box for visitor badges upon departure
- **Disinfection of badges every evening**

4.1. Preventing the risk of virus intrusion into the site

4.1.3 Body temperature monitoring

- **Temperature check** of all persons entering the site

There is **no ban** on taking the temperature at the entrance to the company, provided that the **personal data of each person is not saved** (CNIL notice of 6 March 2020)

- According to the latest version of the Government's Q&As: "Companies, as part of a comprehensive set of precautionary measures, may implement systematic monitoring of the temperature of people entering their site"
- Safeguards must be provided for:
 - The taking of measurements in conditions **that preserve individuals' dignity**
 - **Prior information on the system**, in particular on the temperature standard allowed + consequences of high temperature: being asked to leave the worksite, details of the steps to be taken, consequences of an employee's refusal

4.1. Preventing the risk of virus intrusion into the site

4.1.3 Body temperature monitoring

- **Detection at the entrance of the site of a person showing symptoms of Covid-19**

- **Exclusion measure for people with flu-like symptoms** (coughing, difficulty breathing, runny nose, sneezing) and/or fever:
 - **Notify the Labor Doctor**, who has the option of carrying out a screening test and prescribing the sick employee to stop work (Order No. 2020-386 of 1 April 2020)
 - **Inform direct co-workers** if they were physically present on the site
 - The employee may also consult his or her doctor

4.1. Preventing the risk of virus intrusion into the site

4.1.4. Contamination risks related to deliveries and mail

- **Plan for a procedure for delivery of material/equipment:**
 - **Limit contacts as much as possible** and communicate only remotely//from a distance
 - Use boxes to exchange documents with drivers and handle documents with disposable gloves
 - Formalize a specific protocol for loading and unloading
 - Delivery person to use their **own pen**
 - In the event of temperatures above 37.5 degrees Celsius, allow delivery of the material to a dedicated area where no employee will have access for 24 hours
- **Set out a procedure for opening mail:**
 - **Handwashing** after opening mail or disinfectant gel

4.2. Organizational prevention measures

4.2.1. Preventing close and extended contact between individuals in the workplace

- Generalize and **raise employee awareness of barrier gestures**
- For functions that allow it, **the principle is teleworking** (working from home - WFH) as long as the virus circulates
- For essential functions for which telework is not possible:
 - **Rotations and schedules** arranged to limit the simultaneous presence of employees in the same space
 - **Cancellation of all physical meetings** except essential meetings
 - In this case, limit the number of participants to a maximum number and ensure that there is more than one meter between each speaker
 - Prohibition of collective meetings

4.2 Organizational prevention measures

4.2.1. Preventing close and extended contact between individuals in the workplace

- **Staff in contact with the public:**
 - Transmission of the virus occurs through "close contact" with an already infected person, through inhalation of infectious droplets emitted when the infected person sneezes or coughs.
- Two situations must therefore be distinguished:
 - when contacts are brief, **barrier measures**, available and updated on Government website
 - when contacts are prolonged and close, the **barrier measures should be supplemented**
- The employee must comply with the instructions given to him by the employer according to his training and according to his possibilities (French Labor Code, Section L. 4122-1)
- The Ministry of Labour has put online and regularly updates "advice sheets" by trade and sector of activity to assist employees and employers in implementing protective measures

4.2. Organizational prevention measures

4.2.1. Preventing close and extended contact between individuals in the workplace

- **Situation of vulnerable people for whom telework is not possible:**
 - Pregnant women in the third trimester of pregnancy and people under long-term care (LTC) can request a work stoppage on the site "*ameli.fr*" without having to consult a doctor
 - People "at risk of developing a serious form of Covid-19 infection", the list of which has been defined by the High Council of Public Health (HCSP) (examples: cardiovascular history, insulin-dependent diabetics, morbid obesity, etc.): they must consult their general practitioner or the Labor Doctor to obtain a work stoppage
 - People living with a vulnerable person must consult their doctor or the Labor Doctor to obtain a work stoppage

4.2. Organizational prevention measures

4.2.1. Preventing close and extended contact between individuals in the workplace

- **Organizing the workspace:**
 - Organizing the movement of people: **elimination of crowding** in narrow spaces such as lifts, stairs, corridors, lobbies, break rooms, changing rooms, warehouses, etc.:
 - For elevators: provide one person for each trip and make disinfectant gel available in front of each elevator door
 - For stairs: if possible, provide a staircase to go up and a staircase to go down on each floor
 - Formalize foot-traffic routes by signaling a distance of more than one meter (use colored markers or ribbons to limit the zones)

4.2. Organizational prevention measures

4.2.1. Preventing close and extended contact between individuals in the workplace

- **Stagger the shifts** to avoid crossing teams
- For offices shared by several employees: **divide the workforce by half** and check that the distance is respected
- For open spaces: reorganize the workstations **to respect distancing rules**

4.2. Organizational prevention measures

4.2.1. Preventing close and extended contact between individuals in the workplace

- **Fitting out of the catering premises:**
 - In rooms where employees can eat, a distance of more than one meter must be respected. Arrange the furniture accordingly
 - Avoid queues
 - If possible, facilitate air circulation (remove or block the doors in the open position)
 - Split break times to reduce crossings and crowding in break rooms
 - If possible, arrange the space by moving the furniture to ensure that the distance of at least 1 meter between two employees is respected by signaling a distance of 1 meter
- **If the layout of the catering rooms does not allow the barrier measures to be respected: close these rooms**

4.2. Organizational prevention measures

4.2.2. Avoiding contagion via the air

- **Check that the ventilation and air-conditioning systems are in good working order:**
 - In the absence of mechanical ventilation, **regularly ventilate the premises** by opening the windows
 - Do not obstruct the air inlets and vents
 - For buildings equipped with a single or double flow mechanical ventilation system, maintain ventilation and close the doors
 - In the case of buildings equipped with an air handling unit, maintain the supply of outside air and stop, if possible, recycling the air

4.2. Organizational prevention measures

4.2.3. Avoiding contagion via surfaces

- **More frequent cleaning of all areas, equipment and tools in contact with employees:**
 - Eliminate as far as possible the presence of unnecessary objects handled by more than one person
 - Ask employees not to exchange materials
 - Removing shared equipment (coffee makers, microwaves, etc.)
 - Favour sending photocopies directly from the computer to avoid contact with the photocopier
 - Use of disinfectant gel near common equipment that is still in operation
 - Provide employees with disinfectant gel and disinfecting wipes
 - Remove water fountains with spouts
 - Be careful with the storage of the employees' materials
 - Take appropriate measures to limit the risk of contact
 - Favour bins that open automatically or by foot

4.2. Organizational prevention measures

4.2.4. Reduce contamination risks with external actors

- **Limit the intervention of external companies to the strict minimum**
- If the intervention of an external company is unavoidable:
 - Provide disinfectant gel for external persons, posting of barrier gestures and site rules (communicated to the employers of external persons brought to the site)
 - If necessary, provide for an update of the prevention plan

4.3. Preventing risks linked to reorganization of work

4.3.1. Preventing risk during “downgraded” operations

- The reduction in the number of employees on a site, the partial or total stoppage of manufacturing processes, as well as a lack of supply **may have an impact on the safety of personnel** and equipment and **give rise to new risks**, which implies:
 - safety of installations in degraded/off mode
 - the implementation of a "business continuity plan" to maintain the company's essential activity, including in a downgraded mode, and to protect the health and safety of employees (setting up a crisis unit, identifying essential activities to be maintained according to the evolution of the situation, establishing crisis exit procedures, etc.)
 - guidelines from the General Secretariat for Defense and National Security
 - there is also an ISO standard (NF EN ISO 22301)
 - particular attention must be paid to the risks when restarting the activity
- **Emergence of new risks:**
 - Malicious acts on sites due to reduced presence of workers

4.3 . Preventing risks linked to reorganization of work

4.3.2. Preventing risks related to Remote Work

- **Remote work set up in the context of the Covid-19 epidemic differs from the regular remote work already implemented in companies for several reasons:**
 - It is a matter of "imposed" telework, the decision to set up telework has often been very quick
 - This telework is carried out on a full-time basis, without a regular period of return to the office
 - It is necessarily carried out at home or at a relative's home, most of the time in a particular family environment (spouse also teleworking, children at home following their courses at a distance)
- According to a survey of 2,000 teleworkers conducted from March 31 to April 8, **18% "show signs of severe mental illness, anxiety or even depression"**

4.3 . Preventing risks linked to reorganization of work

4.3.2. Preventing risks related to Remote Work

- **Risk of feelings of isolation:**
 - Hold regular team meetings at a distance (videoconferences)
 - The manager keeps in touch with his or her team
- **Risk linked to a feeling of inoccupation:**
 - Encouraging employees to train
 - Respect for the right to disconnection
- **Make managers aware of the importance of respecting working hours** (no meetings before 9am, after 6pm and during lunchtime)
 - Make managers aware of the attention they must pay to the workload of their team members
 - Limit as much as possible the sending of late emails
 - Avoid as much as possible sending solicitations that require an immediate response

4.3 . Preventing risks linked to reorganization of work

4.3.2. Preventing risks related to Remote Work

- **Workplace risks**
 - Reminder of the principles of workstation ergonomics, gestures and postures to adopt
 - Provide conditions for carrying out work with the computer equipment used by employees (use of secure means) and **alert them to the threat of cyber attacks**
 - If not provided for in the company, set up a hotline for employees who have difficulty using computer equipment

4.4. Individual protective equipment

4.4.1. Masks

- **Different types of masks:**
 - The surgical mask is designed to **prevent the droplets emitted by the wearer** from being projected towards the surroundings. It protects the wearer against infectious agents that can be transmitted by "droplets" but not by "air" (the packaging must bear the reference dated EN 14683 and the CE mark)
 - For single use, there are three types (filtration of 3-micron particles from 95% to over 98%)
 - The FFP mask (with respiratory protection) **protects the wearer from the risks of inhalation of airborne infectious agents** (the packaging must bear the number and year of standard EN 149 and the CE mark)
 - For single use, there are three types: FFP1, FFP2 and FFP3 (filtration of 80 %, 94 % and 99 % of particles down to 0,6 microns, respectively)

4.4. Individual protective equipment

4.4.1. Masks

- **Two new categories of masks for non-medical use, known as "general public" masks, have been created:**
 - Individual filtering masks for use by professionals in contact with the public:
 - The use of these filtering masks is intended for people who receive visitors from the public in the course of their professional activities. The filtration of three-micron particles is 90%
 - Filtering masks for collective protection to protect an entire group (without contact with the public):
 - These filtering masks are intended for use by individuals who have occasional contact with other people in the workplace. The filtration of three-micron particles is 70%
 - The technical specifications and instructions for use of these "general public" masks are detailed in Annexes 1 and 2 of the order of the information note of the Ministries of Health, Economy and Finance and Labour of 29 March 2020

4.4. Individual protective equipment

4.4.1. Masks

- **To date, there is no text requiring all employees to wear masks:**
 - The wearing of masks for health or general public use by all employees is an additional barrier measure, provided that a sufficient number of masks are available
 - Wearing an FFP mask is reserved for positions identified as being particularly at risk (contact with a person suspected of being contaminated)
 - Please note that only the respiratory protection mask (FFP) is considered as personal protective equipment (DGT circular 2007/18 of 18 December 2007)

4.4. Individual protective equipment

4.4.1. Gloves

- **Gloves:**

- If gloves are used to avoid contamination of hands on contact with surfaces, care must be taken as the gloves may be contaminated
- Therefore, it is important to:
 - **not touch your face** with the gloves
 - **wash hands** after removing gloves

4.5. Procedure in case of infected employee

- **Provide for a specific procedure in case of suspicion of infection of the employee in the workplace:**
 - Isolate the employee in a dedicated area (as close as possible to the site exit)
 - Make sure that the employee wears a mask as well as the people in charge
 - Contact occupational health services
 - Send the employee home or dial “15” (French Emergency health number) in case of severe symptoms
 - Alert the employee's manager
 - Inform employees of a possible infection and refer them to the Labor Doctor
 - In the event of a report, record the date and identity of the person suspected of having been exposed as well as the organizational measures taken (confinement, teleworking, orientation and contact with the Labor Doctor, etc.) (CNIL opinion of March 6, 2020)
 - The occupational health service must be involved in the development and validation of procedures in cases of suspected contamination
- **Plan a specific procedure for cleaning up the areas in which the employee has been circulating**

Thank you for your attention!