Extension procedure for collective agreements and agreements in France
Article L. 2261-15 of the labor code:

“Condition of an collective agreement of sector of industry or a professional or interprofessional agreement, answering the particular conditions determined by the sub-section 2, can be made compulsory for all the employees and the employers joined in the perimeter of application of this collective agreement or this agreement, by order of Minister for Labor, after opinion motivated by the National Committee of the Collective Bargaining (CNNC).

The extension of the effects and the penalties of the collective agreement or the agreement is made for duration and on the conditions planned by the convention or the agreement in cause.”
Main elements on the Extension

Objective: making applicable, by ministerial order, a collective agreement or an agreement to all the employees and the employers included in its perimeter of application.

Consequences: compulsory application for companies which are not members in one of the signatory employers' labor unions.

Initiative:
1. representative labor unions of employers or employees in the considered perimeter of application
2. Minister of Labour.

Conditions of time: 6 month.
Brief history of the procedure of extension

- Law of May 4th, 2004: Company agreements can be less favorable than collective agreements, excepted in four domains.
- Law of August 20th, 2008: subsidiary role of collective agreements and agreements of sector of industry with regard to company agreements in numerous domains (working time, additional hours...).
Labour ministry organisation for extension procedure

Ministry of labour

Head Office of the Labour

Division of the labor individual and collective relations

RT2
Office of the labor collective relations

Extension section

Technical Office

Technical Office
Two types (chaps) of extension procedure

- **Normal procedure (NP)**: the National Committee of the Collective Bargaining (NCCB) is every five weeks consulted approximately to examine the requests of extension.

- **Accelerated procedure (AP)**: the NCCB is consulted, besides, in writing, every three weeks for the examination of the agreements concerning only wages.
Detail of the "normal" said procedure (NP)

Reception of the request of extension

Instruction of the request
Writing of a report of observation

Publication to the Official Gazette of a preliminary notice in the extension

Consultation of the NCCB
Periodicity: about every 5 weeks

Multiple oppositions within the same employers' or employees' labor-union group: new passage in NCCB

Decision of extension by the Minister
Publication of an order of extension to the Official Gazette
Instruction of the NP request (1)

- Examination on the shape by Extension section
  - Examination in legality by the technical specialized offices
  - Examination in opportunity by Extension section
  - Ext. Section: Examination criticizes proposed observations
Instruction of the NP request (2)

The administration drafts a report of observation on the text subjected to the extension.

Types of Observations

- Appeal to the attention
- Reserve
- Exclusion
- Dismissal in the negotiation
- Refusal of extension
Examination by the National Committee of the Collective Bargaining (NCCB) (1)

- Composition of the NCCB:
  1. Five employees' representative labor unions in the interprofessional plan: CGT, CFDT, CFTC, FO and CFE-CGC
  2. Five employers' main labor unions: MEDEF, CGPME, UPA, UNAPL and FNSEA
- Examines agreements on the basis of the report of observation
- Right of opposition.
Case of double opposition during the examination by the National Committee of the Collective Bargaining (NCCB) (2)

- Double opposition in the same group (employers/employees)
- New report: answering the arguments lifted by opposite organisations
- Second examination on NCCB
  - Withdrawal of the opposition
  - Resumption of the standing procedure of extension
  - Preservation of the double opposition
    - Report to minister of Labour
      - Decision of extension or not by the Minister
Order of extension

- Statutory act published to the Official Gazette
- Resumes the observations formulated by the administration and reserved by the members of the NCCB
- Extension returns current as from the publication of this order
Instruction of Accelerated Procedure (AP)

- Reception of the request of accelerated extension procedure
  - Written consultation of the NCCB
    - Periodicity: about every 3 weeks
  - Publication to the Official Gazette of a preliminary notice in the extension
- Instruction of the request
  - Examination in NCCB in case of multiple oppositions within the same employers' or employees' organisation group
- Decision of extension by the Minister
  - Publication of an order of extension to the Official Gazette
# Number of requests of extension (1)

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Number of agreements which was extended

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## Average deadlines

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