

Assignment 2

by Julien Andre

Submission date: 28-Feb-2019 07:01PM (UTC+0000)

Submission ID: 101414895

File name: 13541_Julien_Andre_Assignment_2_166315_2027234992.docx (8.82M)

Word count: 3690

Character count: 23125

UNIVERSITY OF WALES TRINITY SAINT DAVID

Human Resources Management

Assignment 2 of 2

André Julien

05/03/2019



Prifysgol Cymru
Y Drindod Dewi Sant
University of Wales
Trinity Saint David

In an EU country of your choice, identify current legislation related to employee training and development and critically evaluate to extent to which the legislation meets its aims.

Content

Introduction	1
I. Actual situation: The Vocational Training, Employment and Social Democracy Act – March 5, 2014.....	2
1) The role of vocational training actors.....	2
a) OPCA (Organismes Paritaires Collecteurs Agréés).....	2
b) FPSPP (Fonds Paritaire de Sécurisation des Parcours Professionnels).....	2
c) FONGECIF/OPACIF.....	3
d) The consultation bodies.....	3
e) Professional development consulting operators	3
f) The Regions.....	3
g) The Deposit and Consignment Fund.....	4
2) Advances in the law on employee training.....	4
II. The transformations of vocational training.....	6
1) Why is it necessary to change vocational training?	6
a) Because it is not fair: there is a double inequality	6
b) Because it is not up to the challenge of business transformation and technological change	7
c) Because it is not adapted to the aspirations of citizens.....	8
2) Examples of concrete measures to transform vocational training	8
3) Simplification of governance and financing.....	14
Conclusion.....	15
Bibliography	16

Introduction

Having access to training when you are a student is easy. But what about when it is an employee? Indeed, lifelong learning is very important since it allows employees to acquire new skills and competences in order to apply for positions of higher responsibility or to be able to retrain in another type of job that has no direct link with the job previously held. That is why we will focus on current legislation in France related to employee training and development. Then I will talk about the limits of this legislation and the solutions that can solve those kinds of problems.

I. Actual situation: The Vocational Training, Employment and Social Democracy Act – March 5, 2014

By creating the conditions to prepare better trained, more qualified employees for today's trades and technologies and of tomorrow, the law of 5 March 2014 on vocational training, resulting from the national interprofessional agreement of 14 December 2013, promotes the development of skills and the competitiveness of companies. Administrative procedures and contributions are simplified to allow employers to make vocational training as a strategic lever for competitiveness. Employers must make a one-time contribution that supports the training needs of businesses and individuals, especially those furthest from them. At the same time, they have more freedom to set up concerted and effective training plans (*Loi formation professionnelle, Emploi et Démocratie Sociale – Ministère du Travail – 6th of March 2014*)

1) The role of vocational training actors

(Formation professionnelle, guide pratique de la réforme – Ministère du Travail – 2015)

a) OPCA (Organismes Paritaires Collecteurs Agréés)¹

It is a major player with several missions:

-  It collects all mandatory, conventional contributions or volunteers;
-  It finances the personal training account (except in the case of a company agreement) for employees;
-  It is the guarantor of the quality of the training financed;
-  It contributes to the financing of employee training.

It is therefore the preferred contact for employers on all matters concerning vocational training.

b) FPSPP (Fonds Paritaire de Sécurisation des Parcours Professionnels)²

This organisation is in charge of redistributing part of the funds collected by the OPCA. He will be in charge of financing the actions in particular for training VSEs and SMEs, as well as the

¹ Joint Bodies Approved Collectors

² Joint Fund for the Security of Professional Paths

financing of the personal training account for jobseekers and employees as part of the individual training leave.

c) FONGECIF/OPACIF³

It is the joint body approved for the management of individual training leave.

He is in charge of financing:

-  Individual training leave;
-  Skills assessment leave;
-  Leave of absence from the validation of prior experience.

It is a professional development consulting operator.

d) The consultation bodies

CNEFOP and CREFOP⁴ are the consultative bodies on vocational training, employment and guidance, respectively at national and regional level: they are composed of employee representatives, employer representatives, regional representatives and the State. COPANEF is a national political body of the inter-professional social partners on employment and vocational training. COPAREF is the regional version.

e) Professional development consulting operators

This body helps the person to set up his or her professional development project in order to facilitate access to qualifications and training.

f) The Regions

As part of the vocational training reform, the regions finance the training of job seekers, people with disabilities and prisoners, and also manage all the programmes to combat illiteracy within the regional public vocational training service.

³ Individual Training Leave Management Fund / OPCA benefiting from an approval for the management of Individual Training Leave for employees of companies not falling within the scope of Fongecif's competence.

⁴ These bodies, which are respectively the National Council for Employment, Vocational Training and Guidance and the Regional Committee for Employment, Vocational Training and Guidance, bring together the State, the regions and the social partners.

g) The Deposit and Consignment Fund

This public financial institution carries out activities in the public interest on behalf of the State and local authorities. As part of the reform of vocational training, it is responsible for managing all personal training accounts.

2) Advances in the law on employee training

A global reform

The new organization of vocational training responds to current economic challenges and the evolution of professions and skills. The objective is to develop the desire to train employees and to provide companies with a tool to support their performance. To this end, the reform of vocational training is taking place at two levels:

- ✚ It promotes the acquisition of skills related to economic realities. Good point
- ✚ It simplifies the legal procedures and obligations related to vocational training.

(Loi formation professionnelle, Emploi et Démocratie Sociale – Ministère du Travail – 6th of M Improper Citation

The removal of the obligation to spend money under the training plan

The training plan is the responsibility of the employer who, for companies with more than 10 employees, freely decides the amounts allocated. A one-time reduced contribution is collected each year from all employers to finance qualifying training for employees. Once this contribution has been paid, each employer is free to set up the training plans that they think are best suited to their company (*Formation professionnelle, guide pratique de la réforme – Ministère du Travail – 2015*).

Resources directed to those who need them most

The contributions of all companies are pooled. They finance employees' access to the Personal Training Account (PTA), Individual Training Leave (ITL) and professionalization. They support small businesses as a matter of priority by helping to finance the training of their employees.

The dialogue between employer and employee

The choice of training results from a constructive exchange between employee and employer. A professional interview is mandatory every two years. It makes it possible to study the

professional development prospects of employees and to assess the training already followed. Every six years, it takes the form of an assessment of the employee's professional career path with his employer. Within the framework of the personal training account, this dialogue makes it possible to find the qualifying training for the employee that is most likely to benefit the company as well (*Formation professionnelle, guide pratique de la réforme – Ministère du Travail – 2015*).

The person at the heart of the system

Each employee becomes an actor in the development of his or her skills, in partnership with his or her employer. To guide him in this evolution, he may at any time be accompanied by an operator of the Professional Development Consulting (PDC). The personal training account is associated with each individual and follows him/her throughout his/her professional life. It provides access to qualifying training that provides skills that meet the needs of employers and are in line with the most promising sectors of activity (*Loi formation professionnelle, Emploi et Démocratie Sociale – Ministère du Travail – 6th of March 2014*).

Better consultation

Social dialogue on vocational training is being strengthened within companies and in the various professional sectors. The obligation to inform the works council is strengthened, particularly with regard to new measures. In addition, the schedule for consulting the works council on the training plan can be adapted to the situation of each company (*Formation professionnelle, guide pratique de la réforme – Ministère du Travail – 2015*).

A real management of training

The training available via the personal training account is defined jointly by all the actors: social partners, professional branches. They best reflect the reality of the labour market and, as a result, the needs of employers (*Loi formation professionnelle, Emploi et Démocratie Sociale – Ministère du Travail – 6th of March 2014*).

II. The transformations of vocational training

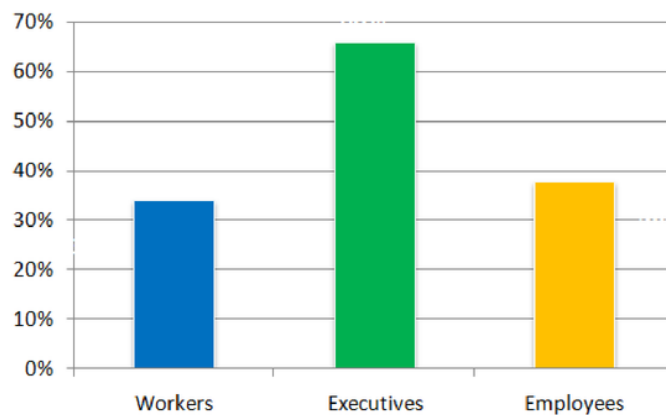
1) Why is it necessary to change vocational training?

a) Because it is not fair: there is a double inequality

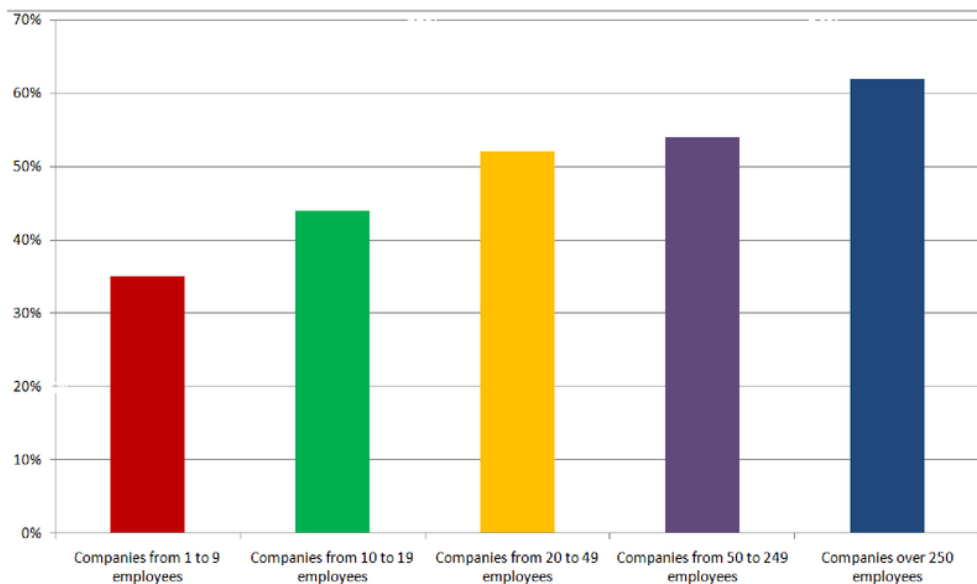
Indeed, workers are half as likely to be trained as managers. In addition, employees of Very Small Enterprises (VSEs) are half as likely to be trained as those of companies with 250 or more employees (*Guide à l'usage des organismes de formation professionnelle Franciliens – DIRECCTE d'Ile de France – January 2017*).

Here is the proportion of employees with access to vocational training each year according to:

✚ The employee subgroup



✚ The size of the companies



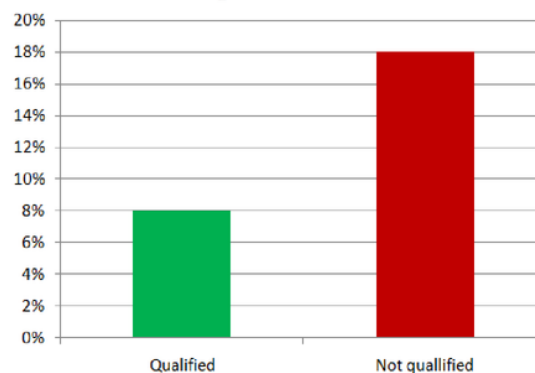
For some time now, the job market has been picking up again and entrepreneurs are therefore looking for skills. Within 10 years, 50% of the businesses will be transformed, impacted by digital and ecological transitions (*Transformation de la formation professionnelle – Ministère du Travail – 5th of March 2018*). It is through vocational training and apprenticeship reforms that society will be able to prepare for the trades of tomorrow. **Good point** Our ambition is to build a company of skills. Competence is a necessity, a right, a chance. It gives everyone the freedom to choose their professional future, and gives companies the means to be more efficient" (*Muriel Pénicaud, French Minister of Labour - 2018*). In addition, training in new skills increases the chance of meeting the needs of recruiters and thus finding a job more quickly: "The first protection against unemployment is competence, and the first lever for competence is training (*Muriel Pénicaud, French Minister of Labour - 2018*). **Good point**

b) Because it is not up to the challenge of business transformation and technological change

France is no longer among the leaders in vocational training (*Transformation de la formation professionnelle – Ministère du Travail – 5th of March 2018*):

- ✚ 50% of employees access vocational training in France, compared to nearly 60% in Denmark and the Netherlands, and about 70% in Sweden and Switzerland;
- ✚ It is mainly for non-graduates that the gaps are significant: almost 50% of non-graduates are trained in Sweden, compared to less than 30% in France;
- ✚ For job seekers, the rate of access to training in 2012 (excluding the exceptional plan) was about 1.5 times higher in Germany than in France.

Unemployment rate of French people according to their level of qualification



c) Because it is not adapted to the aspirations of citizens

Indeed, only 6% of workers and 12% of employees report that they themselves have chosen to take training (compared to 28% of managers). In addition, both employees and companies consider the current system to be opaque and far too complex. However 78% of French people consider it important to train throughout their life. Good analysis *Transformation de la formation professionnelle – Ministère du Travail – 5th of March 2018*).

In response to this problem, the government made an announcement: "In a world that is changing at a very intense pace, it is our duty to redesign the vocational training system so that it better adapts to the challenges of each individual: that it allows employees to reorient or improve according to their desires, that job seekers acquire relevant skills on the labour market and that companies have motivated and trained employees in the trades of tomorrow." (*Muriel Pénicaud, French Minister of Labour - 2018*)

2) Examples of concrete measures to transform vocational training

(Guide à l'usage des organismes de formation professionnelle Franciliens – DIRECCTE d'Ile de France – January 2017) + Transformation de la formation professionnelle – Ministère du Travail – 5th of March 2018)

Through 7 concrete measures, employees and job seekers will have more important and easily accessible rights.

All employees will have their Personal Training Account (PTA) credited with 500€ per year to allow them to freely choose their training:

-  Each full-time employee will have their personal training account (PTA) credited with 500€ per year.
-  After 10 years, the PTA will reach 5,000€ its ceiling, to which may be added a contribution from the company.
-  For employees on fixed-term contracts, the account will be credited according to the duration of the contract.

- ✚ The PTA may be subscribed by companies and sectors, in particular through collective agreements.

- ✚ The PTA is thus consolidated as a personal right guaranteed collectively.

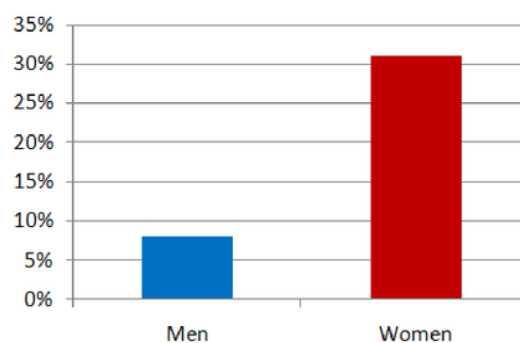
For unskilled employees, 800€ per year with a maximum of 8,000€ will allow them to change professional category:

- ✚ In accordance with the agreement signed by the social partners, the rights of people without qualifications will be increased compared to other employees: for these people, the PTA will be credited with 800€ per year, capped at 8 000€.
- ✚ This will allow all unskilled employees to quickly change professional category and develop professionally.

All part-time employees, the majority of whom are women, will have more rights:

- ✚ All employees who work part-time or more will have the same rights as full-time employees.
- ✚ Women represent 80% of part-time employees: they will therefore be the first to benefit from these new rights.

**Percentage of employees
working part-time**



Working part-time is not always easy: unstable schedules, low wages and no possibility of professional development. That is why Muriel Pénicaud, Minister of Labour in France,

said in 2018: "I deeply believe that competence is the key to successful social and professional integration. It is also the key to the social lift and sustainable employment. Let's not leave anyone by the side of the road."

The transitional PTA will provide more rights for long training courses:

- ✚ In accordance with the agreement signed by the social partners, for employees who have a long-term training project but do not have sufficient funds in their account to finance it, an employer contribution system will be set up after validation of a joint committee. This project will necessarily be preceded by a personalized positioning service to adapt the duration of the training to the needs of the individual.
- ✚ The company's contributions to their employees' PTAs will be encouraged by the negotiation of collective agreements, particularly those relating to quality of life at work.

Training will be easily accessible and evaluated in a transparent manner:

A mobile PTA application will be created so that everyone, whether an employee or a job seeker, has the freedom to choose their professional life. "The law for the freedom to choose one's professional future, with apprenticeship and training, must provide opportunities for the 1.3 million young people who are not in employment, training or study." (*Muriel Pénicaud, French Minister of Labour - 2018*). With the application, everyone will be able to:

- ✚ Know the rights acquired on your account, the different certified training courses offered in your employment area or region and the session dates of the different courses;
- ✚ Register for the training and pay for it directly, without calling an intermediary and without administrative validation;
- ✚ Choose your training by knowing the rate of integration into employment at the end of the training, the expected salary at the time of hiring and the difference in cost between similar training courses;

- ✚ Choose your training based on the comments left by former employees and job seekers trained.

A new professional development council will be created to support employees:

- ✚ Throughout France, a professional development advisory service will be set up for employees, enabling them to be supported in their professional development projects, in accordance with the agreement signed by the social partners.
- ✚ The advice will focus on the evaluation of the employee's skills, the challenge of his professional project, the different training courses available, etc.
- ✚ In each region, a professional development consulting operator will be selected by call for tenders, according to specifications co-constructed between the State, the social partners and the Regions, and benefiting from dedicated funding.
- ✚ The new career development consultancy will reduce inequalities in access to training, particularly for workers and employees.

Job seekers will have more access to training as part of the Skills Investment Plan:

- ✚ Refresher modules on basic skills and digital knowledge will be systematically offered to job seekers who so wish.
- ✚ An additional one million low-skilled jobseekers and one million young people away from work will be trained over the five-year period.
- ✚ From the first month, job seekers will be supported to identify their needs and aspirations and then supported in an adapted training programme.

The Skills Investment Plan, with which the regions will be involved on a contractual basis, proposes a real change in scale and method. 1 million low-skilled jobseekers and 1 million young people far from employment will be trained within 5 years:

- ✚ 15 billion Euros dedicated to the Skills Investment Plan;

- ✚ Support for the development of businesses and major transformations, particularly digital and ecological;
- ✚ A call for projects to encourage experimentation and innovation, and thus, generalize what is really effective;
- ✚ Priority given to low-skilled or unskilled people, priority districts of the city, disabled jobseekers, young dropouts and people on the way to inclusion in employment.

=====

Through 5 other measures, the rules will be simpler for all companies and funds will be pooled for Very Small Enterprises (VSEs) and Small and Medium Enterprises (SMEs).

VSEs and SMEs will benefit from the financial solidarity of large companies to facilitate their employees' access to training:

- ✚ The training plan for VSEs and SMEs will continue to be supported by a financial pooling system.
- ✚ A solidarity system from large companies to very small and medium-sized companies will be set up.
- ✚ The training plan will be financed by a contribution from all companies dedicated to this plan, but reserved for very small businesses and SMEs (less than 50 employees).

Companies will only pay one contribution, the vocational training contribution, instead of two today (1% training and apprenticeship tax):

In total, the current contribution rate will not be increased.

The professional training contribution will be automatically collected by the URSSAF (Union de Recouvrement pour la Sécurité Sociale et les Allocations Familiales), which will simplify the administrative procedures of companies:

- ✚ Companies will no longer be solicited by several organizations to pay their training contribution and apprenticeship tax.
- ✚ For companies, there will no longer be any particular administrative approach to training fees, unlike today.

The construction of the training plan will be greatly simplified:

- ✚ Companies will no longer be forced to build their training plan by distinguishing between actions to adapt to the workplace or linked to the evolution or retention in employment in the company, actions to develop skills and periods of time of professionalization.
- ✚ All these categories, which unnecessarily complicate the training plan, will be deleted.
- ✚ The employer's obligation to ensure that employees are adapted to their workplace and that their employability is maintained does not change.

“No one is unemployable: let us mobilize so that everyone can find their way by putting an end to the "human waste" of exclusion from the labour market, let us mobilize for inclusive growth.”
(Muriel Pénicaud, *French Minister of Labour* - 2018).

Pedagogical innovation will be liberated and encouraged:

In line with the work carried out by the social partners, the definition of the training action will be reviewed in order to:

- ✚ Freeing up pedagogical innovation;
- ✚ Encourage innovative training;
- ✚ Simplify training in the workplace.

3) Simplification of governance and financing

There will only be one training fee left and it will be collected by the URSSAF. Companies and professional sectors will be able to rely on skills operators, who will replace Joint Body Approved Collector, to anticipate the transformation of professions, build a forward-looking management of jobs and skills and build their training plan. Skills operators will be built on the logic of coherent economic sectors (*LOI n° 2018-771 pour la liberté de choisir son avenir professionnel – Legifrance – 6th of March 2018*).

They will finance the Approved Training Centres, in application of the contract costs defined by the professional branches, and will support the actors who so wish in the co-construction of diplomas. Compulsorily equipped with a local service, the skills operators will also finance the training plan for VSEs and SMEs. A national agency, "France compétences", will replace the three current governance bodies (*Transformation de la formation professionnelle – Ministère du Travail – 5th of March 2018*). This agency will be in charge of regulating the quality and prices of training, in particular the contract costs of work-study training. It will also ensure mechanical inter-professional equalisation in terms of work-linked training and education for very small and medium-sized businesses. It will be composed of three parts: State, social partners, regions.

Both employees and jobseekers will be able to choose and pay for their training themselves with their PTA: the digital PTA application will enable them to know all the available training, the integration and satisfaction rates of these training courses, to register for training and to pay for the training. The training organization will be paid directly by the deposit and consignment fund. The State and the social partners will carry out multi-year monitoring of the PTA's ramp-up to ensure its sustainability (*Guide à l'usage des organismes de formation professionnelle Franciliens – DIRECCTE d'Ile de France – January 2017*).

Conclusion

To conclude, we have just seen through two main parts that the current situation regarding employee training, which is described in the law of 5 March 2014, offers a great diversity of opportunities for employees to access training and thus evolve hierarchically or make a professional reconversion. Training is at the heart of the company's strategy and the employee is offered the opportunity to finance his training through a specialized organization. Nevertheless, this situation is not perfect. Indeed, there are still inequalities between employees (depending on the position held and the size of the company) and improvements must be made, particularly on the complexity of the current system. Nevertheless, solutions exist to ensure that this complex situation evolves and improves. The objective now is to adopt them as soon as possible!

Bibliography

(Loi formation professionnelle, Emploi et Démocratie Sociale – Ministère du Travail – 6th of March 2014)



DP_loi_Formation_professionnelle_emploi_democratie_sociale_6mars2014.pdf

(Formation professionnelle, guide pratique de la réforme – Ministère du Travail – 2015)



GUIDE_reforme_formation_professionnelle.pdf

(LOI n° 2018-771 pour la liberté de choisir son avenir professionnel – Legifrance – 6th of March 2018)



loi-2018-771-05-09-2018-publiee-jo_1_.pdf

(Guide à l'usage des organismes de formation professionnelle Franciliens – DIRECCTE d'Ile de France – January 2017)



directcte-guide_des_of_v4-ok.pdf

(Transformation de la formation professionnelle – Ministère du Travail – 5th of March 2018)



dossier_de_presse_reforme_de_la_formation_professionnelle.pdf

(Service-Public-pro, <https://www.service-public.fr/professionnels-entreprises>, January 25th)

(Ministry of labour, <https://travail-emploi.gouv.fr/>, January 27th)

Assignment 2

GRADEMARK REPORT

FINAL GRADE

61 / 100

GENERAL COMMENTS

Instructor

Good evidence of research from relevant, credible sources.

Good knowledge and understanding of topic demonstrated.

Fair analysis of legislative areas but required further discussion and arguments from different perspectives for higher marks.

Well structured and presented. Marks lost in this area because citations and referencing not in correct Harvard format.

Overall, very good assignment.

PAGE 1

PAGE 2

PAGE 3

PAGE 4

PAGE 5

PAGE 6



Good point

Good point



Improper Citation

Improper citation:

Improperly cited material. Please use the link below to find links to information regarding specific citation styles: http://www.plagiarism.org/plag_article_citation_styles.html

PAGE 7

PAGE 8

PAGE 9



Good point

Good point



Good point

Good point

PAGE 10



Good analysis

Good analysis

PAGE 11

PAGE 12

PAGE 13

PAGE 14

PAGE 15

PAGE 16

PAGE 17



Stylistics

Stylistics. Academic reports should be written in 3rd person not 1st person

PAGE 18
