



Identify current legislation related to employee training and development and critically evaluate to extent to which the legislation meets its aims.

Human Resource Management (M6X01291)

BSc – Logistics and Supply Chain Management

Senior lecturer: Graham ORR

Student: Julien LANNIAUX-MUNOZ (1904610)

Abstract

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Introduction

According to the OECD, 32% of French people enter vocational training every year (OECD, 2019).

Vocational training is a system enabling individuals to acquire knowledge necessary for the exercise of a professional activity.

This professional training can be carried out on an initial or continuous basis.

Initial training supervises individuals with a school status who prepare professional diplomas. It is a system mainly used by students pursuing their studies before entering in the job market or carried out in parallel.

Continuing education supervises employees, job seekers and all workers wishing to learn, specialize and certify in a sector of activity after leaving the school system.

The field of professional training radically changed in 2019 with the application of "The law of September 5, 2018 for the freedom to choose one's professional future" organized around three main axes (Legifrance, 2019).

The first axis, "Towards a new skills society", consists of the various measures enabling workers to be informed and to access training.

The second axis, entitled "More universal and fairer unemployment benefits", covers the benefits received during a resignation as well as those of the self-employed. The objective is to allow them to benefit from an allowance and allow them access to training.

Finally, the third axis, entitled "Provisions relating to employment", regulates access to employment for people with disabilities, strengthens the fight against fraud at work and imposes a reduction in the pay gap between men and women.

Vocational training is available at the request of the employer, the employee or in the case of alternation with professional and apprenticeship contracts.

This time spent in training constitutes an effective working time, which allows the employee to maintain his remuneration.

The assessment is divided into three parts to identify the legislation on vocational training and development of employees and critically evaluate the extent to which the legislation is achieving its objectives.

In a first we will identify the legislation framing the right to information and advice then we will present the systems allowing access to development and training. Finally, we will identify the objectives set by the legislation and how to achieve them.

1. Right to information and advice

1.1. Professional meeting

According to the article L6315-1 of the Work Code, an employer has the obligation to meet his employees once every two years, at least, to take stock of their career prospects and discuss the training available to them (Legifrance, 2020).

1.1.1. Beneficiaries

According to the article L6315-1 of the Work Code, all employees of a company, with the exception of temporary workers, are concerned by these interviews (Legifrance, 2020):

- Fixed-term, indefinite-term contract
- Full-time, part-time employee

Interim employee, although working in and for the company, are not employees. They are employed by an interim agency (LawInsider, s.d.).

Employees with professionalization or apprenticeship contracts must also benefit from this system. In fact, despite their specific status due to the fact that they are employed by the company while

studying at a school or university, they are still hired and therefore an employee of the company (Interfor, s.d.).

1.1.2. Objectives

According to the article L6315-1 of the Work Code, the interview aims to be devoted to the prospects of professional and salary developments of employees. It is also during this interview, if this has not already been done before, that the employer must inform the employee of the activation and operation of his CPF account (Personal Training Account) (Legifrance, 2020).

1.1.2.1. *Employee*

According to the article L6315-1 of the Work Code, the professional meeting is an opportunity for the employee to (Legifrance, 2020):

- Express his wishes for changes (Salaries, employment, training)
- Be kept informed of future strategic developments for the company
- Dialog with his managers about his professional ambitions

1.1.2.2. *Employer*

According to the article L6315-1 of the Work Code, the professional meeting is an opportunity for the employer to:

- Know the desires of evolution of its employees
- Prepare training plans

1.1.3. Meetings

1.1.3.1. *Frequency*

According to the article L6315-1 of the Work Code, the company must have an appointment at least every two years with each of its employees. The dates taken into account under the date of entry into the company and that of the previous interview (Legifrance, 2020).

1.1.3.2. Beneficiaries

According to the article L6315-1 of the Work Code, the professional interviews can take place in different ways depending on the employees with a different periodicity while respecting the deadline of two years.

An interview must be carried out with each employee who resumes work following an interruption due:

- Maternity leave
- Parental leave (full or part time)
- Adoption leave
- Caregiver leave
- Sabbatical leave
- A period of secure voluntary mobility
- A sick leave of more than 6 months
- A union mandate

Indeed, following a prolonged absence or an important event in the employee's life, it is possible that his vision of his professional development may evolve and may have different expectations.

The employee can request that the date of his interview be within the date of return to work if he wishes (Legifrance, 2020).

1.1.3.3. State of play

According to the article L6315-1 of the Work Code, the professional interview must be carried out in the form of an status report every six years in order to produce a summary of the employee's professional career (Legifrance, 2020). This is an opportunity to ensure that the employee has

carried out the previous interviews, that he has participated in a training action, acquired elements of professional certification and whether he has benefited from salary and professional progress. According to the article R6323-3-2 of the Work Code, if the employee has not benefited from a training action or if the deadline for an appointment, every two years at least, has not been respected, the employer must pay him 3,000 € on his CPF (Legifrance, 2020).

According to the article L6315-1 of the Work Code, the employer must give a copy of the status report to his employee following this interview (Legifrance, 2020).

1.2. Professional development consulting

Set up under the law of March 5, 2014, (Legifrance, 2014) the CEP (Professional Development Council) is a system used to promote the development and securing the professional career of employees.

According to the article L6111-6 of the Work Code, it is an interview to be carried out to obtain precise answers on the follow-up to give to your desires for development before committing to the achievement of a skills assessment, a VAE (Validation of Acquired), CPF Experience or training (Legifrance, 2020).

The CEP takes place in three parts:

- Individual interview to identify the professional situation
- Advice to define the professional project
- Support to set up the project

1.2.1. Objectives

- Identify the person's strengths and weaknesses
- Identify skills
- Work on an orientation
- Ensure consistency with societal demand
- Establish a plan detailing the steps to be followed and the steps to be taken to reach the defined objective

1.2.2. Beneficiaries

This is a system which is aimed at all people with professional status (Legifrance, 2019)

- Civil servant
- Self employed
- Craftsman
- Auto entrepreneur
- Private sector employee
- Liberal profession

It is also possible for retirees as well as for students to take advantage of this system if they have a professional activity.

1.2.3. Responsible organizations

Five organizations are authorized by law to dispense this system (Legifrance, 2020).

- Job center
- The association for the employment of executives (Apec)
- Local missions
- The Opacifs
- The “CAP emploi” for people with disabilities

According to the article R6111-1 of the Work Code, the employee has the possibility of not informing his employer of the use of this system if it is carried out using the aforementioned organizations. In addition, the employer is obliged to inform its employees of the possibility of using this system during professional interviews (Legifrance, 2020).

However, the employer is not required to grant leave to his employee to take advantage of this arrangement. Participation must be carried out during the employee's free time.

1.3. Skills assessment

According to the article L6313-4 of the Work Code, The skills assessment is a system allowing an employee to return to his professional career and to build a professional or training project in coherence with the profile and the offers present on the job market (Legifrance, 2020).

1.3.1. Objectives

The advantage of the skills assessment is to assess the personal and professional skills of an employee in order to establish a professional or training project consistent with their capabilities and the job market. It is also a negotiation tool in order to develop professionally (Ministère du travail, 2019).

1.3.2. Beneficiaries

According to the article L6312-1 of the Work Code, the skills assessment may be offered by the company that wishes to develop professionally one of its employees, or by an employee on its own initiative. If an employee wishes to carry out a interview outside of his working time, he is not obliged to inform his company.

The company can offer its employees to carry out a skills assessment in order to offer them opportunities as part of a business skills development plan (Legifrance, 2020).

According to the article L6313-4 of the Work Code, the employee must be consenting, and his refusal cannot be considered as a reason for dismissals. He has 10 days to give his decision to his company (Legifrance, 2020).

1.3.3. Process

The assessment is carried out with a consultant outside the company (Opcalia, 2019).

1.3.3.1. *Duration*

According to this article R6313-4 of the Work Code, the skills assessment is a system that can be spread up to 24 hours at most, spread over several weeks. These hours are divided into three phases which organize the interviews (Legifrance, 2020)

1.3.3.2. Preliminary phase

This first phase aims to ensure the commitment of the candidate in the process. It is also the time when your needs are analyzed and defined in terms of development or training. Finally, it is important to inform him about the progress of the assessment as well as the techniques and methods used.

1.3.3.3. Investigation phase

This second step allows the consultant to analyze the personal and professional motivations and interests of the candidate as well as these skills and aptitudes. This makes it possible to determine its possibilities of evolution.

1.3.3.4. Conclusion phase

The consultant gives the results of the investigation phase to the candidates and informs him of the possibilities for development or training offered to him.

1.3.4. Remuneration

The candidate carrying out a skills assessment is paid only if it is carried out during working time, and therefore, at the request of the employer. In this case, the employer must also provide his employee with paid leave.

Otherwise, the balance being drawn up during free time, the employee is not paid.

2. Right to development and training

2.1. Personal training account (CPF)

Replacing the DIF since January 1, 2015 following the legislative reform of March 5, 2014, the CPF is a system allowing to accumulate hours of training during periods of professional activity in order to follow qualifying training (Legifrance, 2014).

2.1.1. Beneficiaries

The personal training account is a system accessible to all of the following people according to the Article L6323-2 of the Work Code (Legifrance, 2020) :

- Employees
- Job seekers
- Liberal or self-employed professions

2.1.2. Account creation

The creation of the account is not carried out automatically when a person first uses it.

It is necessary to register on the online platform "My training account" from the age of 16 with an e-mail address and social security number.

It is necessary to register from the age of 16 on the online platform (Ministère du travail, s.d.).

2.1.3. Account feeding

The CPF account is credited annually with an amount depending on the professional situation of the employees according to the article L6323-10 of the Work Code (Legifrance, 2020).

- € 500 is credited when the employee works full-time or more than 50% part-time up to a ceiling of € 5,000 according to the article L6323-1 of the Work Code (Legifrance, 2020).

- The amount credited is prorated in the case of an employee on a fixed-term contract or part-time less than 50% up to a ceiling of 5,000 € according to the article L6323-1 of the Work Code (Legifrance, 2020).

- € 800 is credited when the employee has no level 3 diploma up to a ceiling of € 5,000 according to the article L6323-11-1 (Legifrance, 2020).

2.1.4. use

2.1.4.1. *Driver's license*

Under the "Equality and Citizenship" law, people looking for work and the active have the possibility of using the money credited to their CPF account to finance their driving license. However, this is only possible when the *permit* is necessary for the professional development of the person according to the article D6323-8 of the Work Code (Legifrance, 2020).

2.1.4.2. *Eligibility*

Not all training courses are eligible for the use of CPF. It is mandatory that the training followed be diplomat and certifying. It is therefore possible to use it to achieve:

- A validation of the achievements of the experience, according to the article D6323-6 of the Work Code (Legifrance, 2020).
- A skills assessment, according to the article D6323-6 of the Work Code (Legifrance, 2020).
- Takeover or business creation training, according to the article D6323-7 of the Work Code (Legifrance, 2020).

2.1.4.3. *Additional funding*

According to the article L6323-14 of the Work Code, the employer, employee or government agencies and associations can supplement the cost of training if the amount available on the personal training account is not sufficient to cover the costs (Legifrance, 2020).

2.2. Professional transition project

Set up on January 1, 2019, the PTP (Professional Transition Project) replaces the CIF (Individual Training Leave). This new system is also called the transition CPF (Nouvelle vie professionnelle, s.d.).

2.2.1. Description

This system allows an employee of a company to undergo training by taking time off from work. This training does not have to be related to the activity of the employee or the company. It is possible for the employee to use this system in order to retrain.

2.2.2. Beneficiaries

The conditions to benefit from this system are defined in the article D6323-9 of the Work Code (Legifrance, 2020).

2.2.2.1. *CDI*

The employee wishing to carry out training must be able to justify at least two years of salaried activities. It doesn't have to be consecutive. However, he must have worked at least one year in the same company.

However, the seniority condition is not compulsory if the employee holds the employment obligation for disabled workers or if he has suffered an economic dismissal without having undergone training.

2.2.2.2. *CDD*

When the employee has a fixed-term contract, he must prove that he has worked for two years in the last five years, four months of which in fixed-term contracts in the last twelve months.

In addition, he must submit his training request while still being employed and must begin his training no more than 6 months after the end of his contract.

2.2.3. Validation

Until January 1, 2020 the Fongecif (Individual Training Leave Management Fund) was responsible for processing the training request.

Since January 1, 2020, the CPIRs (Regional Interprofessional Joint Commissions), called Transitions Pro, have been responsible for examining the management of professional transition projects (Assemblée Nationale, 2020).

Project is considered relevant if it meets the following criteria:

- Consistency of the project
- Relevance of the course and training methods
- Viable job market in the requested field

According to the article R6323-10 of the Work Code, the employee must make a written absence request to his employer within a period of (Legifrance, 2020):

- 120 days before the start of the procedure if the duration of the training is more than six months
- 60 days before the start of the procedure otherwise

The employer is not entitled to refuse the request if it meets the conditions set out above. However, in the event of exceptional conditions, he may request a postponement of the training for a maximum of nine months.

However, according to the article R6323-10-1 of the Work Code, he may request a postponement of up to nine months maximum in the following cases (Legifrance, 2020):

- Absence could have harmful consequences for the production and the running of the business
- Staff simultaneously absent

2.2.4. Funding

The employee is paid by the Fongecif when he wishes to follow training within the framework of the TPP on his working time.

According to the article D6323-18-4 of the Work Code, the salary is calculated according to a predefined percentage (Legifrance, 2020).

Compensation is received at 100% when the employee generally receives a salary less than or equal to twice the French minimum wage.

When the salary is more than twice the French minimum wage:

- the employee receives 90% of his salary if the training is spread over a year or 1,200 if the training is discontinued
- The employee only receives 60% of his salary after one year or from 1201 hours.

2.2.5. Status

Paid holidays and bonuses are due in full to the employee during his training. His training time is considered to be working time.

2.3. Validation of acquired experience (VAE)

Appeared in 1985 with the “decree n ° 85-906 of August 23, 1985 fixing the conditions of validation of studies, professional experiences or personal acquired with a view to access to different levels of higher education” (Legifrance, 1985), the validation of the acquired experiences is a system allowing to obtain a certification thanks to the professional experience acquired during its work. This makes it possible to enhance parallel and self-taught routes.

2.3.1. Beneficiaries

According to the article L613-3 of the Education Code, the VAE is accessible to everyone with at least 1 year of full-time professional experience. However, an employer cannot compel an employee to carry out one. It is only according to the employee's wishes (Legifrance, 2020).

The certification carried out must correspond to the field relating to the experience acquired by the person.

2.3.2. Objectives

This system allows the employee to:

- Obtaining a certification
- Validate and have recognized professional experience as well as skills

- Obtain a higher level of qualification in order to access competitions or training
- Develop professionally

The certification obtained following the successful validation of prior learning has the same value as the diploma obtained during more traditional training.

2.3.3. Application process

According to the article L6412-2 of the Work Code, the applicant must submit an admissibility file including a CERFA 12818 VAE request form as well as the following supporting documents (Legifrance, 2020):

- Certifications and diplomas previously obtained
- Application form
- Certificate of the activities carried out by the candidate

The file is examined by a jury composed by the establishment, responsible for delivering the diploma, chosen by the candidate.

Depending on the admission conditions, it is possible that the candidate will be summoned for an interview to ascertain his motivations and expectations.

The candidate is then notified of the organization's response by mail according to deadlines defined by the latter within two months.

2.3.4. Funding

According to the article R6422-9, R6422-10 and R6422-11 of the Work Code, the candidate can finance the training at his own cost or that of his company. He can also take advantage of the money credited to his CPF account to finance it (Legifrance, 2020).

2.3.5. Leave

According to the article R6422-1 and following of the Work Code, validation of prior learning does not require you to stop working for an extended period. The candidate may have to go to the place of study to take courses (Legifrance, 2020).

The specification of the VAE, being to validate learning, the employee is not required to undergo training requiring him to stop his work. However, he may on several occasions be summoned to attend classes in an irregular manner.

However, the candidate must carry out the work requested by the study organization in his spare time.

If the courses take place during the candidate's working time, his company is obliged to allow him to go there.

According to the article D6422-8-1 of the Work Code, the company cannot lower the employee's salary while on leave for training (Legifrance, 2020).

2.3.6. Validation

According to the article L613-4 of the education code, the jury can issue three types of responses during the final assessment of the candidate (Legifrance, 2020).

2.3.6.1. *Full validation*

When the candidate is able to justify that these skills correspond to the skills, aptitudes and knowledge necessary for the validation of the certification concerned, the jury is able to award it entirely.

2.3.6.2. *Partial validation*

When the candidate is able to justify that part of the skills, aptitudes and knowledge required for issuing the targeted certification, the jury is able to partially validate it.

This means that the employee will have to justify the missing elements during an additional exam.

2.3.6.3. *Refusal of validation*

When the candidate is unable to justify the achievements corresponding to the elements necessary for the validation of the certification concerned, the jury is able to refuse validation.

3. Achievement of legislative objectives

Many articles have been introduced in French Work and Education codes to ensure the development of workers. The legislation governs the information and advice of workers until the validation of certifications and diplomas.

This legislation has a final objective following worker certification, but nevertheless accomplishes a certain number of objectives throughout the procedure.

3.1. Information and advice

The legislation begins with an obligation to inform itself, every two years, of the wishes and professional objectives of its employees. This obligation also implies informing the employee of the various systems from which he can benefit in order to develop himself professionally.

Otherwise the company is required to pay € 3,000 to the CPF of the employee in question.

Legislation fulfills its first objective at this stage when the employee becomes aware of the possibilities available to him.

The second objective, the most important in a developed country which needs its workforce to be more and more qualified, is completed when the employee wishes to carry out a training in adequacy with his profile and the vacant places on the market of employment.

3.2. Training

The legislation also regulates the training of workers wishing to benefit from training programs.

The CPF allows workers to benefit from funds in order to be able to train as they wish within the framework of a TPP or an VAE.

The objective of the legislation at this stage is to allow the employee to validate certification training. However, even if it allows the use of systems such as the PTP or VAE, it does not guarantee the success of the candidate.

3.3. Professional development

The legislation in no way obliges companies to develop their employees professionally following their certification. This certification can then represent an element of negotiation during future interviews.

However, the legislation does not achieve its main objective in worker certification.

Representing a significant investment on the part of companies, this legislation achieves its objectives by increasing the value and competitiveness of the employees. They become certified and are trained with the latest techniques learned in training establishments and thus allow the company to benefit from them as well.

The candidate considers that this legislation has achieved its objectives when it benefits from professional development following its certification. This can take the form of salary increase, a change of position to rise in the hierarchy of his company or even a change in professional environment if the training was aimed at a reorientation.

4. Conclusion

The legislation established in France relating to the training and development of employees ensures the professional development of their employees.

It begins by obliging companies to find out about the desires and changing needs of their employees every two years.

Although not specified, it is possible to define the success of the main objective, of this legislation, acquired when the worker evolves in a position or an environment made accessible thanks to his certification obtained.

These systems are used more and more over the years by people wishing to develop or reorient themselves professionally.

Companies also encourage employees to use its systems by funding part of their training or by promising a more attractive job for the employee. This allows the company to benefit from the latest techniques taught and to benefit from a more qualified payroll. It also strengthens the bond between the company and its employees by nourishing their motivations.

Legislation does not oblige the immediate candidate to develop professionally, it is possible to wonder if it will not evolve in this idea.

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