

Assignment 2 - Le Moal Romain - Level 6

by Romain Le moal

Submission date: 05-Mar-2019 11:06PM (UTC+0000)

Submission ID: 101737863

File name: 13540_Romain_Le_moal_Assignment_2_-_Le_Moal_Romain_-_Level_6_166315_2051607300.docx (63.83K)

Word count: 2758

Character count: 16453



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

- Student name : Romain LE MOAL
- Student number : P1805720
- Programme : HND/BSc(Hons) Logistics and Supply Chain Management Level 6
- Lecturer : Carl SINGLETON

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.

Human Ressource Management (M6X01291)

Contents:

Abstract	3
Introduction	3
Law of 5 March 2014	4 - 9
Presentation	4
What has changed	5 - 7
Critical analysis	8 - 9
The Apprenticeship	10 - 12
Definition and Presentation	10 - 11
Some Statistics	12
The Apprenticeship Tax	12
Conclusion	13
References	14 - 15

Abstract:

Before starting this report, it is important to note that the field of education / training is constantly evolving.

French legislation is a very good example of this, since it has been the subject of two major reforms of employee training over the past ten years. In this report, therefore, will present these two reforms, which were of crucial importance for the labour sector.

It is important to note that all this assignment will deal with French legislation, in fact almost all sources will be in French. In addition, some information within this assignment was shared with Alexis Seité, studying in the same class as me.

Introduction:

It is therefore of paramount importance that the legislation in force closely follows the sector in question so that the actors; employees, employers, can develop both on a personal and professional level (sharing of resources, better management of training, etc.). It is therefore now important for companies to ensure that their employees are always trained in line with the changes in our society (mainly technological)

It is therefore essential that the legislation in force closely follows the sector in question so It is therefore for these reasons that we have witnessed one major changes in the French legislative landscape: the law of 5 March 2014, which promotes the development of the skills of a company's economic assets (employees). Then this assignment will talk about the omnipresence of apprenticeship and the professionalization contract (particularly for young people under 26 years of age).

This report will therefore focus on the presentation of these two aspects of French legislation based on official documents and statistics.

Law of 5 March 2014

This law on vocational training, employment and social democracy was promulgated on 5 March 2014 and published in “le journal officiel” on 6 March 2014 (*French republic website – 7 July 2018*). It is from the moment a law is published in this newspaper, that it is definitively adopted. However, it only enters into force the day after this publication. It was presented in the Ministers consideration by *Michel Sapin*, Minister of Labour at the time of the adoption of the law.

Presentation

To make it simple and clear, this law is therefore mainly based on the professional training of employees and has the main counterpart objective of promoting the development of employee’s skills through continuous training to improve the inter-competitiveness of companies.

To this end, the law greatly simplifies the administrative procedures that previously represented a real obstacle to training. Indeed, employers did not do Good analysis because there were too many obstacles.

In addition, to make companies training needs more accessible, employers no longer have to pay taxes to have the opportunity to train their employees. In fact, all companies, regardless of their size, can access these training courses.

And training for all means, of course, greater competitiveness between companies.

What has changed?

After examining the law in question, 7 main changes concerning vocational training emerged to make it more effective.

Here is the explanatory list of these 7 advances:

- A "global" reform

With the constant modification of activities and skills, "the objective is to develop the desire to train and provide companies with a tool to improve their performance" (*Practical guide of the reform – French labour Ministry - 2014*)

- It will be easier to acquire the skills specific to your sector of activity
- There will be significantly less steps to take to access vocational training (documents, obligations, etc.)

- A better exchange of information

For each decision taken by the employer regarding the proper functioning of his company or regarding professional training, the works council must be kept informed. Indeed, the "social dialogue on vocational training is strengthened within companies and in the various professional branches" (*Practical guide of the reform – French labour Ministry - 2014*).

- More focused financial resources

The company takes full responsibility for employees' access to the Personal Training Account and the Individual Training Leave.

- Personal Training Account: Thanks to this system, the employee can, at his request, have access to additional training courses
- Individual Training Leave: This is training that allows the employee to access higher qualifications or even change his or her orientation.

So, it will be much easier for employees to have access to these training courses taken into account by companies. This will therefore improve employees' knowledge and therefore competitiveness.

- Employer's responsibility:

As seen above, the employer is now the sole decision-maker for the training of these employees. This means that he is the sole decision-maker of the amounts allocated to training. However, the law sets a minimum according to the size of the company.

- Less than 10 employees: Minimum of 0.55% of the company's total payroll
- More than 10 employees: Minimum of 1% of the total payroll of the company

Note that in both cases, the percentage is divided between several things: Individual Training Leave, Personal Training Account, Professionalization, Training Plan. This two percentages represents an average decrease of 25% in the amount of payroll allocated to training. (*Practical guide of the reform – French labour Ministry – 2014*)

- A better dialog between the employer and the new employee

Vocational training is not only the result of a decision by one party. Indeed, it is a bilateral agreement between the employer and the employee to determine the latter's needs and wishes. The law then requires an interview once every two years to determine the intentions of the company's economic assets. This dialogue makes it possible to find the qualifying training for the employee that is most likely to benefit the company as well. (*Practical guide of the reform – French labour Ministry - 2014*).

- The favoured employee

"Each employee becomes an actor in the development of his skills in partnership with his employer" (*Practical guide of the reform – French labour Ministry - 2014*). As seen above, it is the employee who is the sole decision-maker in his or her career. Admittedly, the employer plays a major role mainly in financing training, but it is still the employee who decides. Thanks to this law of 5 March 2014, the employee can be guided in his evolution via a professional development consulting operator who will guide him in his new training.

- Precise training

The training courses that are offered are not specific to companies. Indeed, they are defined in advance by a multitude of actors, whether they are the social partners or the professional branches. This being mainly done to best respond to the reality of the labour sector.

This law of 5 March 2014 has therefore had a real impact on vocational training, mainly due to the fact that the law makes 7 major advances for more effective vocational training. It is important to note that this reform represents a real step forward for employees, employers and businesses in general.

Critical analysis

One year after the implementation of this law of 5 March on vocational training, numerous reports have been published on its advantages and disadvantages. In principle, the law should significantly change the system, but of course the reality is quite different.

A major survey was conducted by two major French audit firms, Fidal and Amplitude. The results of these studies will be published later in the well-known newspaper "Le Figaro".

It shows that, on the whole, business leaders are dissatisfied. According to 60% of them, this reform does not bring anything concrete to what is already being done in the business world (continuous training...). In addition, 70% say they have far too limited a knowledge to understand the law. The director of Amplitude will say: Good analysis "the vast majority of managers and HR managers have only a poor knowledge of it; and those who know it say they have a poor perception", (*Le Figaro* - Christine Lagoutte - 2015).

As mentioned above, the personal training account is also the subject of much criticism. 53% of business leaders believe that the implementation of training, instead of making it more accessible (as presented in the law), will make it more complicated in relation, once again, to its understanding and the many characteristics that must be fulfilled to be "eligible" for it Good analysis

While the majority of respondents were rather dissatisfied with this law, one good thing emerged each time in the course of the various questions: the fact that training will lead to rapid business development and a broadening of the range of services they offer, and that they will in fact be able to respond more easily to the new needs of customers and consumers. For most of the interviewees, this was not due to the law but to the current situation.

Thus, as we have seen many times before, this law ensures "better" competitiveness between companies and good competitiveness is always very beneficial for an activity because it encourages companies in this sector to redouble their efforts to be the first and thus have the largest market share.

For most professionals in the field, the most positive point of this law is the Personal Training Account, which formerly replaced the DIF. Indeed, people who were unemployed could not have access to this financing part. From now on, as its replacement, the Personal Training Account is accessible to everyone, in particular to non-employees who, despite their status, benefit. From the financing part and therefore, can be trained to look for a job and to bring some added value in terms of New technologies or others.

The apprenticeship

After having presented the law of 5 March 2014, what it has brought and is changing in the French political landscape, it is now time to talk about apprenticeship in France.

Indeed, for the past ten years or so, the vast majority of young people have wanted to train directly within a company and no longer in a "conventional" way (basic school curriculum, at school).

Definition and presentation

The "apprenticeship contract" is a training that allows the student to alternate his training between his university, where he will follow theoretical courses; and a company / public body and this, within the sole framework of an employment contract of the "fixed-term contract" type. This is now greatly favoured by companies because this training allows them to train their future directly by carrying out pre-recruitment via this system. Students are then directly introduced to the workings of the professional world and are already prepared for their careers. In addition, it allows the young person to begin to be able to assume financial responsibility since, unlike an intern, the latter is paid. To access it, the student simply signs a contract with a company as if it were a "real position".

This system can be organized in several ways depending on the availability of companies to accommodate students.

Indeed, here is a non-exhaustive list of the different existing organizations

- 2 days in a company and 3 days at university / week
- 2 weeks in a company and 3 weeks at university / month
- ...

Most of the time, such organizations do not stay like this because generally at the end of the year, the student who has acquired a large amount of theoretical knowledge will spend much more time in his company.

In addition, it was mentioned earlier that the student, through this training, was remunerated. This remuneration obviously changes according to his age. His salary will be calculated via a certain percentage of the SMIC (Minimum Interprofessional Growth Wage), which corresponds to the minimum hourly wage at which an employee over 18 years of age cannot be paid (in France, per month).

Below is a summary table including salaries, by age group of the apprenticeship contract:

	16-17 years old	18-20 years old	21 years old and more
<i>First year</i>	380, 305 €	623, 700 €	866, 246 €
<i>Second year</i>	562, 851 €	745, 397 €	927, 944 €
<i>Third year</i>	866, 246 €	988, 793 €	1 186, 551 €

As we can see, the salary granted to the apprentice increases according to his age and seniority in the company. In addition, both parties are financially better off (students, companies). Students are exempt from university fees and receive unemployment benefit when looking for work. The company, for its part, is exempt from Good analysis contributions and receives aid from the Region and the State. (*University Paris Descartes – The apprenticeship contract*).

It should be noted that the smallest companies that do not pay taxes exceeding €108,000 per year are not obliged to pay money for this apprenticeship tax. This is a good thing because it does not penalize companies that do not necessarily have enough visibility to Good point attract new apprentices.

Some Statistics

Not having necessarily found any interesting cases to deal with, here are some statistics specific to apprenticeship in 2017 in France; statistics that allow us to understand the great importance of this system:

- 294,800 apprenticeship contracts signed (280,400 in the private sector: 14,500 in the public sector). Average increase of 2.1% compared to 2016.
- The sectors that are most active are construction (+3.8%) and the tertiary sector (+1.9%)
- Apprentices also increased significantly in the public sector (12%)

The apprenticeship Tax

This tax is a French tax that companies must pay to finance training. It has been divided in two: 58% goes directly to apprenticeship training centres, and 42% is given by companies to the establishments of their choice.

Collected by the OCTA (Organismes Collecteurs de Taxe d'Apprentissage), the amount collected depends on the company's general payroll. It is generally equal to 0.68% of the latter except in 3 French departments (Bas-Rhin, Haut-Rhin, Moselle) which pay 0.44%. (*One-time contribution to vocational training and work-study programs: apprenticeship tax – Official web site of the French Administration 2019*). It should be noted that the smallest companies that do not pay taxes exceeding €108,000 per year are not obliged to pay money for this apprenticeship tax. This is a good thing because it does not penalise companies that do not necessarily have enough visibility to attract new apprentices.

Good point

Conclusion

With regard to training and education, it is necessary that the laws that are passed be beneficial for both companies and students. It was seen within this assignment that the new law from March 5, 2014 was not necessarily suitable for everyone and this was mainly due to its complexity. However, it was not fundamentally bad: for example, the Personal Training Account could allow some people to have access to training and indeed to find work (this would greatly contribute to reducing unemployment in France).

As for apprenticeship, since it was introduced, it has had a real impact on training in France. From now on, most students are, for the most part, directly trained within the company in which they will start their careers. The economic benefits help a lot in this since the young person can become autonomous more quickly thanks to the salary granted.

So, the two cases exposed are still in the whole vectors of job creation which is one of the biggest problems of French society. Thanks to these new types of training, the trend may begin to reverse in terms of unemployment.

References

- French republic website – 7 July 2018 : “Loi n° 2014-288 du 5 mars 2014 relative à la formation professionnelle, à l’emploi et à la démocratie sociale »

<https://travail-emploi.gouv.fr/ministere/documentation-et-publications-officielles/textes-et-circulaires/lois/article/loi-no-2014-288-du-5-mars-2014-relative-a-la-formation-professionnelle-a-1>

- French specialised website – 12 May 2014 : “Loi du 5 mars 2014 relative à la formation professionnelle : quelles conséquences pour les employeurs ?”

https://www.ellipse-avocats.com/2014/05/loi-du-5-mars-2014-relative-a-la-formation-professionnelle-queles-consequences-pour-les-employeurs/?fbclid=IwAR3xUMhrn5Dtoey2_VN1QMCtVNrVzz2LWG4z3G7_kwFbexLybq0gP2XZXrk

- Official document about the law of the 4 March 2014 – “Formation professionnelle Guide pratique de la réforme”

https://travail-emploi.gouv.fr/IMG/pdf/GUIDE_reforme_formation_professionnelle.pdf

- Newspaper article about the law of 5 March 2014 from “Le Figaro” – “Les entreprises très critiques sur la réforme de la formation professionnelle” – 13 April 2014

<http://www.lefigaro.fr/emploi/2015/04/13/09005-20150413ARTFIG00015-les-entreprises-tres-critiques-sur-la-reforme-de-la-formation-professionnelle.php>

- Specialised website about the apprenticeship: “Le contrat d’apprentissage”

https://www.opcalim.org/cont/Entreprises/Dispositifs-Financement/Recruter/Le-contrat-d-apprentissage?fbclid=IwAR3z4cGXsK8Ibrwsfo9iWG53jt08_uDK9U6v1PzqAqEcyIjvax11x_xTyvs

- Official website of the French administration – 13 February 2019 – “Contribution unique à la formation professionnelle et à l’alternance : taxe d’apprentissage”

<https://www.service-public.fr/professionnels-entreprises/vosdroits/F22574?fbclid=IwAR22vf3xYLNm-CI4-sepioiRuE9uUF6vk-gg0lmzeFGYc6ej4ZRUBGTg8d4>

- French famous Law University – “Le contrat d’apprentissage”
<http://www.scfc.parisdescartes.fr/index.php/descartes/alternance/le-contrat-d-apprentissage>

- French Ministry of Labour website – 12 October 2017 – “L’apprentissage en 2017”
<https://dares.travail-emploi.gouv.fr/dares-etudes-et-statistiques/etudes-et-syntheses/dares-analyses-dares-indicateurs-dares-resultats/article/l-apprentissage-en-2017>

-

Assignment 2 - Le Moal Romain - Level 6

GRADEMARK REPORT

FINAL GRADE

59/100

GENERAL COMMENTS

Instructor

Well-researched and good use of credible, reliable sources.

A good knowledge and understanding of training and development demonstrated.

Good analysis with a well structured attempt at critical evaluation.

Well structured and presented. References and citations not in Harvard format.

PAGE 1

PAGE 2

PAGE 3

PAGE 4



Good analysis

Good analysis

PAGE 5

PAGE 6

PAGE 7

PAGE 8



Good analysis

Good analysis



Good analysis

Good analysis

PAGE 9

PAGE 10

PAGE 11



Good analysis

Good analysis



Good point

Good point

PAGE 12



Good point

Good point

PAGE 13

PAGE 14

PAGE 15
