

Assignment HRM 2 Alexis SEITE

by Alexis Seite

Submission date: 05-Mar-2019 10:16PM (UTC+0000)

Submission ID: 101735238

File name: 13539_Alexis_Seite_Assignment_HRM_2_Alexis_SEITE_166315_390602033.docx (142.61K)

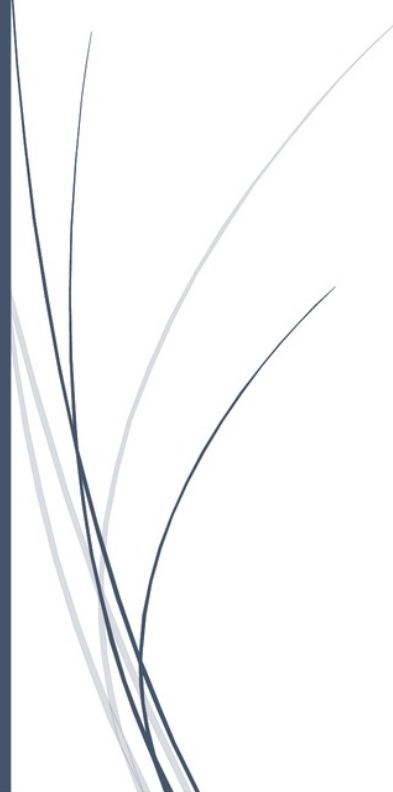
Word count: 2702

Character count: 15809



05/03/2019

The employee training and development legislation in France in 2019



Alexis Seité

UNIVERSITY OF WALES TRINITY SAINT-DAVIDS

STUDENT NUMBER : P1805682

PROGRAMME : HND/BSC(HONS) LOGISTICS AND SUPPLY CHAIN
MANAGEMENT LEVEL 6

MODULE NAME : HUMAN RESOURCES MANAGEMENT

MODULE CODE : M6X01291

LECTURER : CARL SINGLETON

Table des matières

Abstract	2
Introduction.....	2
Law N°2014-288	3
Presentation of the law and what the changes are	3
The impact of the law and the reactions that it generates	4
Financing the apprenticeships.....	5
Presentation of the system	5
The « taxe d'apprentissage »	5
Does the system favorize apprenticeship ?.....	6
Conclusion	7
References	7

Abstract

What currently are the legislations in terms of training in the U.K's closest neighbour which is France ?

This essay will present to you a part of the current state of France in terms of policies concerning training and development and evaluate them so we can get a better understanding of the aims of the french governments and today's challenges in terms of training.

Introduction

For a few decades, our world is evolving at an incredible speed and governments, people and companies constantly have to adapt to those changes. This results in a change of the needs that those structures have which as a consequence has an impact on the way employees and people in general are educated, developed and trained. This means that education and training are adapted so they develop certain skills that are needed in the workplace at the moment it is the most important.

In France, in 2014, there has been a rather important reform of legislation concerning workplace, training and education. The reform which will be the first part of this essay is from the 5th of March 2014 (Guide pratique de la réforme , 2014) and aims to create better conditions to prepare better trained employees, more qualified to suit the new jobs and technologies of today (Guide pratique de la réforme , 2014) . The second part of this essay will be about the funding policies regarding apprenticeships in France. It would be worth noting that as this essay will be about french legislation, most of the sources will be in french. It is also worth noting that a certain part of this report has been made in collaboration with Romain LeMoal, student in UWTSD.

Law N°2014-288

Presentation of the law and what the changes are

The law N° 2014-288 known as the 5th of March 2014 law is a law that was published in the Journal Officiel on the 5th of March 2014 which is the official journal in which all legislation and regulatory texts are published. When a text is published in the Journal Officiel, the text is applied the next day (Quand la loi entre-t-elle en vigueur ?, 2018) and therefore the law was applied since the 6th of March 2014 in France.

The goals of this law were to (Guide pratique de la réforme , 2014) :

- Develop the wish of training of the employees

According to the guide, this objective could be reached by reforming the professional training to respond better to the current economical challenges and suit better the evolution of the workplace.

- Let every employer manage the training plans that he thinks is the most adapted to his company

The training plan is now under the responsibility of the employer who decides of the amount spent on training but every year, employees will have to contribute at an amount of 1 % of the salary mass for companies with ten or more employees and 0.55 % of the salary mass for the companies with under 10 employees.

- Mutualize the contributions of all the companies

The contributions that the companies make for the training of employees finance the access of employees to the « Compte personnel de formation » or CPF (translation : Personnel account of training) which is a structure that allows people to acquire rights to professional training. These contributions also finance the access to the Congé Individuel de Formation or CIF (translation : Individual leave for training) which allows the employees to leave work to attend a training course while still getting paid.

- Renew the dialogue between the employer and the employee to find the formation that will best profit the company and the employee

The law in order to favorize the dialogue between the employers and the employees made now mandatory to have an interview between them every two years to discuss the personnel evolution perspectives for the employee and also to take stock of what training has already been done and what is required.

- Make the employee become an active actor of the evolution of his skills, as well as his employer

In order to make the employee be an active part of his evolution, he has the right at any moment to be followed by an operator of the Conseil en Evolution Personnelle or CEP (translation : Council of personnel evolution). This will be financed by the Compte personnel de formation

- Reinforce the social dialogue on professional training inside the companies and in the different professional branches

The work's council has now increased obligations of information notably about the Compte Personnel de Formation to employees

- Make training respond better to the reality of the workplace and therefore, of employers

The training courses that are available from the Compte Personnel de Formation are defined by all the actors : social partners, professional branches ...

The impact of the law and the reactions that it generates

Firstly, what is the opinion of companies towards this new law ?

According to a study conducted by the cabinets Fidal and Amplitude and relayed in « Le Figaro », the majority of company directors that they interviewed had a negative overall opinion on the law N°2014-288 (Les entreprises très critiques sur la réforme de la formation professionnelle , 2014).

Indeed, 60 % of interviewed think that this law won't have a significant impact on the system. 70 % of interviewed also admit that they don't have enough knowledge of the law. « The perception on the 5th of March 2014 law is doubly negative : the great majority of the directors and HR responsables do have a poor knowledge ; and those who know about it say they have a bad perception of it » says Philippe Rossignol, general director of Amplitude (personnel translation)

There was also said about the CPF that 53 % of interviewed think that the new CPF system will make the access to training more difficult for employees and according to Cyril Parlant, partner lawyer of Fidal, it is because companies don't know how it works.

More than four interviewed out of ten also think that this system will increase the expenses of the company. According to Philippe Rossignol, the directors understood that they will now have to auto finance their training plans which will Good point hence the choices they will make in terms of training as they will want a return on investment.

To conclude on this law, some aspects of it could have some positive impact. Notably the Compte Personnel de Formation could have a positive impact on a certain extent as it replaces an old system, the Droit Individuel de Formation (Loi du 5 Mars 2014 relative à la formation professionnelle : quelles conséquences pour les employeurs ? ,2014). This system allowed people to do training but it was linked to their employee status so they weren't able to benefit from the right of training when they were unemployed. Now with the CPF, it is linked to the person which allows them to do training courses when unemployed.

But some features of this law also might be good looking on paper but in the reality of companies might be useless. Notably the features that says there must be an individual interview between employee and employer every two years about the professional perspectives for the employee. This in theory would favorize the dialogue between the two and help preparing for the future but it may not be taken seriously in some companies and result in a short interview only because it is manda

Good point

Financing the apprenticeships

Presentation of the system

« Apprenticeships allow you to combine work and study by mixing on-the-job training with classroom learning. You'll be employed to do a real job while studying for a formal qualification, usually for one day a week either at a college or a training centre » (What is an apprenticeship in France ? 2017)

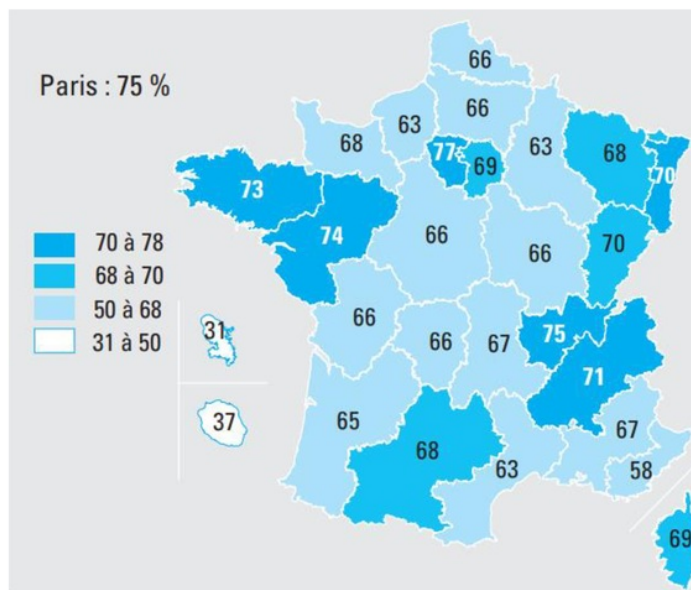
Improper Citation

In France, in order to do an apprenticeship, you must sign a contract with a company that will hire you. It is a fixed-term contract which can last from 6 months up to 3 years and it is up to the length of the academic diploma (Comment fonctionne le contrat d'apprentissage ? ,2015). When a apprenticeship contract is signed, the apprentice gains an employee status which means the apprentice gains a salary. This salary depends on the age and how long the apprentice has already been working and it is calculated in percentage of the SMIC (Salaire Minimum Interprofessionnel de Croissance) which is the name for the minimal wage in France and in 2019, the SMIC is of 10.03 euros per hour or 1521.22 euros per month for 151.67 hours worked (Salaire minimum interprofessionnel de croissance (Smic) en 2019, 2019)

The first year of apprenticeship that the employee will do, he will gain 25 % of the minimum wage if he is under 18 years old, 41 % if between 18 and 20 years old and 53 % if over 21 years old. The second year of apprenticeship, it will be 37 % if under 18, 49 % if 18 to 20 and 61 % if over 21. If there is a third year of apprenticeship, the rates will respectively be of 53 %, 65 % and 78 %. To be noted that the apprentice can still ask for financial support from the region to support transport, accommodation and costs for food for example.(Comment fonctionne le contrat d'apprentissage ? , 2015)

The « taxe d'apprentissage »

In France, every company has to pay the « taxe d'apprentissage » except those who don't make profit (Contribution unique à la formation professionnelle et à l'alternance : taxe d'apprentissage, 2019). This tax is used to finance the various apprenticeship and other professional training courses by the companies and the amount due is 0.68 % of the salarial mass of the company. In order to reward the companies to hire apprentices, there is a system of tax exoneration for companies for those who have apprentices. Indeed, companies that hire apprentices and which doesn't pay in taxes an equivalent to 6 times the SMIC or approximately 107 889.60 € per year doesn't pay the « Taxe d'apprentissage » (Contribution unique à la formation professionnelle et à l'alternance : taxe d'apprentissage, 2019) . This means that small companies that hire apprentices will have a small economical advantage which will help them when still training apprentices that in an average of approximately 70 % of the cases will be officially hired after his training is finished (MEN-MESR DEPP, Enquête IPA, 2013) as this map shows



This is a map from the French ministry of education and it shows the percentage of cases of apprentices that were hired after their apprenticeship was finished. This map includes the isle of the reunion and Martinique, but no data were collected from Mayotte, the french Guyanne and Guadeloupe.

. This also means that bigger companies that hire apprentices will benefit from having new personnel that will be trained for the company when still participating in the financing of apprenticeships by paying the tax and their business not being threatened by the tax as it has a low impact for bigger structures.

But it is important to note that if there is financial aids to access apprenticeships in France, it doesn't mean that they are favored. In France, it is even the opposite

Does the system favorize apprenticeship ?

As said before, in France, the system doesn't seem to incite people to pick the way of the apprenticeship. In fact, for decades, the proportion of people that pick the way of the bachelor's degree has been increasing a lot. It has been increasing from 20 % in the 1970's to 30 % in the 1980's and then to 60 % in the 1990's and the proportion of people that choose to pass a bachelor's degree was 77 % in 2015 for an objective of 80 % (Choix d'orientation au Lycée, motivation et parcours scolaires : une étude longitudinale, 2017) and it could be due to an increasing « need in a vital minimum in culture » (Poirrier, 2002). It is worth noting as well that the introduction of the « Baccalauréat Professionnel » which is a compromise between an apprenticeship and the generic bachelor's degree which consists in some generic knowledge classes , professional knowledge classes which are linked to the specialization of the formation and some internships during all the training course (Onisep, 2017) . This new « Baccalauréat » has been introduced and people could have shifted from apprenticeship to « Bac Professionnel » to acquire professional as well as generic knowledge which suits the needs of the companies better.

To conclude, the current system in France doesn't favorize apprenticeships but it favors for people that still want to acquire professional knowledge the « Baccalauréat Professionnel » which provides generic knowledge which is advised to have nowadays

Conclusion

To conclude this essay, the french government seems to be trying to adapt the training and development system to suit the needs of the companies. They are trying to bring dialogue and communication through interviews about training with every employee every 2 years. They also give the managers the ability to manage their training plans to suit their needs as best as possible. They are changing the system so that employees can train themselves when unemployed, that training courses are adapted and relevant... But what the government is trying to implement is complicated and can be confusing for managers, employees... A problem of those complex reforms is that they require a certain amount of time and reading skills that not all managers have so the way that those laws are applied can sometimes be not optimum and waste some of it's potential.

The french government seems to be trying to adapt the training courses to the needs of the companies. **Stylistics** k the case of the apprenticeship shows that. The « Baccalauréat Professionnel » was certainly introduced in response to the demand of companies of generic knowledge in addition to the pure knowledge of a particular job. This also allows the students to focus on a certain range of jobs instead of one specific job which adds some flexibility to their choices.

As said in the introduction of this essay, the world in the 2000's is changing rapidly and the trend won't reverse, and legislations are no different. But the changes brought by legislations take time to noticeably affect a country so the results of the various changes of legislation done recently in France may only have an impact on employment and competitiveness in a few years. Hopefully for the best.

References

Guide pratique de la réforme, French ministry of work, 2014

https://travail-emploi.gouv.fr/IMG/pdf/GUIDE_reforme_formation_professionnelle.pdf?fbclid=IwAR2O-yn4IJ3Wzx6MGLSlqTo_Pz-fyHqrGy0MJ0NN6nAqe7aR88sFzAdNas

Quand la loi entre-t-elle en vigueur ?, French government, 2018

https://www.vie-publique.fr/decouverte-institutions/institutions/fonctionnement/parlement/loi/quand-loi-entre-t-elle-vigueur.html?fbclid=IwAR3xEpi3vCamZVDs_VtUtxe67hkPN3wMnO0m-ost6hPXyl-V8iAseDGBgrM

Les entreprises très critiques sur la réforme de la formation personnelle, Christine Lagoutte, Le Figaro, 2015

http://www.lefigaro.fr/emploi/2015/04/13/09005-20150413ARTFIG00015-les-entreprises-tres-critiques-sur-la-reforme-de-la-formation-professionnelle.php?fbclid=IwAR3qSgvulbaiAax1ABFpP_MDBAppNcsTvYAVKgl6KNk4A_u9cGNodCqgCTg

Loi du 5 Mars 2014 relative à la formation professionnelle : Quelles conséquences pour les employeurs ?, Xavier AUMERAN, Ellipse avocats, 2014

<https://www.ellipse-avocats.com/2014/05/loi-du-5-mars-2014-relative-a-la-formation-professionnelle-queelles-consequences-pour-les-employeurs/>

Comment fonctionne le contrat d'apprentissage ?, Flavien Chantrel, 2015

<https://www.maformation.fr/droits/comment-fonctionne-le-contrat-dapprentissage-32098>

Salaire minimum interprofessionnel de croissance (smic) en 2019, Institut National de la Statistique et des Etudes Economiques (INSEE), 2019

<https://www.insee.fr/fr/statistiques/1375188>

Incorrect referencing 

Contribution unique à la formation professionnelle et à l'alternance : taxe d'apprentissage, French government, 2019

<https://www.service-public.fr/professionnels-entreprises/vosdroits/F22574>

L'insertion professionnelle des jeunes sortants d'apprentissage, sept mois après la fin de leurs études, Ministère de l'éducation nationale, 2013

http://cache.media.education.gouv.fr/file/2013/96/5/DEPP_NI_13_15_insertion_professionnelle_sortants_apprentissage_2012_265965.pdf

Choix d'orientation au lycée, motivation et parcours scolaires : une étude longitudinale, Eva Louvet and Yvette Duret, 2017

https://www.researchgate.net/publication/317981978_Choix_d'orientation_au_lycee_motivation_et_parcours_scolaires_une_etude_longitudinale

Le bac professionnel, Onisep, 2017

<http://www.onisep.fr/Choisir-mes-etudes/Au-lycee-au-CFA/Au-lycee-professionnel-et-au-CFA/Le-bac-professionnel>

Assignment HRM 2 Alexis SEITE

GRADEMARK REPORT

FINAL GRADE

56/100

GENERAL COMMENTS

Instructor

Well-researched and good use of informed literature.

A good knowledge and understanding of training and development demonstrated.

Good analysis but mostly descriptive with limited critical evaluation.

Well structured but referencing and citations not in Harvard format.

PAGE 1

PAGE 2

PAGE 3

PAGE 4



spelling

spelling



Comment 1

personal development

PAGE 5



Good point

Good point



Good point

Good point

PAGE 6



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



Stylistics

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

PAGE 9



Incorrect referencing

Additional Comment

Not Harvard format