

Contribution to the Focus chapter of the Fundamental Rights Report 2022: Social rights and equality in light of the recovery from the COVID- 19 pandemic.

**France
January 2022**

Contractor: Institut français des droits et libertés (IFDL)

Author: Maria Gkegka

DISCLAIMER: This document was commissioned under contract as background material for comparative analysis by the European Union Agency for Fundamental Rights (FRA) for the project '*Social rights and equality in light of the recovery from the COVID-19 pandemic*'. The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

1	Measures implemented to foster social rights and equal treatment in the recovery from the pandemic	3
2	Tools or mechanisms to monitor the effectiveness of national schemes to foster social rights and equal treatment in the recovery from the pandemic.....	11

1 Measures implemented to foster social rights and equal treatment in the recovery from the pandemic

Table 1a

Name of the measure in English	Renovation and creation of additional places in the boarding schools for excellence
Name of the measure in the national language(s)	Revitalisation des internats d'excellence
Reference document for the measure	National Recovery and Resilience Plan: https://www.economie.gouv.fr/files/files/directions_services/plan-de-relance/PNRR%20Francais.pdf
Social rights covered by the measure	- Right to education (Article 14)
Population group(s) covered by the measure	- Children and youth The measure "boarding schools for excellence" targets middle and high school pupils, in particular those from disadvantaged backgrounds.
Summary description of how the measure applies to the population group(s)	In areas where the greatest social and academic difficulties are concentrated (measured by the rate of scholarship pupils, the proportion of pupils from the most disadvantaged socio-professional categories and the proportion of pupils enrolled in priority education), but also in the most remote areas, boarding schools are no longer well adapted to current needs. The occupancy rate of public boarding schools masks imperfect coverage of the territory, mainly in urban agglomerations and in overseas academies characterised by a low reception capacity and a more advanced state of obsolescence of existing facilities. The low occupancy rate of certain boarding schools reflects accommodation conditions that have become unsuitable for

	<p>the expectations and lifestyles of young adolescents and calls for collective spaces and old “dormitories” to be modernised and rehabilitated.</p> <p>The expansion of “boarding schools for excellence” aims to enable motivated middle and high school pupils who do not benefit from an environment conducive to studies to develop their educational ambition, by offering them optimal working conditions within a reinforced educational project.</p>
<p>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</p>	<p>The health crisis has particularly highlighted the difficulties of monitoring the continuity of education within fragile families.</p> <p>“Boarding schools for excellence” are being expanded, with a target of 200 new or restored places for the start of the 2021 school year and 1,300 additional places for the start of the 2022 school year.</p> <p>Through its implementation, the measure intends to reduce the early school leaving for young people, while raising the general level of instruction and education. It contributes to tackling inequality in education, in conformity with the third principle of the European Pillar of Social Rights enshrining equal opportunities.</p>
<p>Summary description of the extent to which the measure foresees the provision of enabling social services</p>	<p>According to the Education Ministry's website, a boarding school for excellence is a college or high school in which pupils and the adults who supervise them live throughout the week. In addition to courses, boarders benefit from personalised educational support: course review, support for personal work.</p>
<p>Entity or organisation responsible to implement the measure</p>	<p>Ministry of National Education/General Directorate of Higher Education</p>
<p>Duration of the measure</p>	<p>Start date of the measure: Autumn 2020</p> <p>Expected completion date: Start of the 2022/2023 school year</p>
<p>Budget allocated to implement the measure</p>	<p>Total estimated cost of the measure for the State: € 50 million</p> <p>Amount requested under the Recovery and Resilience Facility (RRF): € 50 million</p> <p>A 50% co-financing rate will be applied, with local authorities financing half of the cost.</p>

Summary description of how any foreseen impact assessment of the measure will be carried out	Indicator: Number of places either built or renovated at the start of the 2022/2023 school year Target value: 1,500
---	--

Table 1b

Name of the measure in English	Support to employers for hiring of people with disabilities
Name of the measure in the national language(s)	Aide à la mobilisation des employeurs pour l'embauche des travailleurs handicapés (AMEETH)
Reference document for the measure	National Recovery and Resilience Plan: https://www.economie.gouv.fr/files/files/directions_services/plan-de-relance/PNRR%20Francais.pdf
Social rights covered by the measure	- Integration of people with disabilities (Article 26)
Population group(s) covered by the measure	- People with disabilities
Summary description of how the measure applies to the population group(s)	The construction of an inclusive society requires real access to the labour market for people with disabilities. Nevertheless, the unemployment rate for people with disabilities remains well above that of the working population, and the deteriorating economic situation poses a particular risk to this specific population. Thus, a targeted subsidy is paid to any employer hiring between 1 September 2020 and 30 June 2021 an employee with a disability, for a fixed-term contract of at least three months or an

	<p>open-ended contract. The subsidy is granted to private structures in the commercial and non-commercial sectors regardless of their size and their sector of activity. It is granted for jobs with salaries up to twice the minimum wage, and the maximum amount of support is € 4 000 over a year. It is paid in quarterly instalments, with a maximum amount of € 1,000, over a period of one year, by the Services and Payment Agency on behalf of the State. The request for the benefit of the hiring subsidy is sent by the employer via a teleservice to the Services and Payment Agency within a maximum period of six months following the start date of performance of the contract. The subsidy is paid on the basis of a certificate from the employer justifying the employee's presence.</p>
<p>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</p>	<p>This measure will finance at least 12,500 hiring subsidies in 2021 for the recruitment of people with disabilities.</p> <p>It aims to mitigate the social and employment consequences of the COVID-19 crisis, in particular by promoting active support for all job seekers.</p> <p>The integration into employment of people with disabilities comes up against multiple obstacles (adaptation of workstations, mentalities, long-term unemployment). The hiring subsidy thereby intends to remove these obstacles sustainably and to contribute to the development of a more just inclusive society. The professional integration of disabled workers contributes to equal opportunities in the labour market, as mentioned specifically by Principle 3 of the European Pillar of Social Rights.</p>
<p>Summary description of the extent to which the measure foresees the provision of enabling social services</p>	<p>Not foreseen.</p>
<p>Entity or organisation responsible to implement the measure</p>	<p>Ministry of Labour and Employment/General Delegation for Employment and Vocational Training/Mission for the Employment of Disabled Workers</p>
<p>Duration of the measure</p>	<p>Start date of the measure: 1 September 2020 Expected completion date: 30 June 2021 According to the Economy Minister's website, the subsidy was extended until 31 December 2021.</p>

Budget allocated to implement the measure	Total estimated cost of the measure: € 85 million Amount requested under the Recovery and Resilience Facility (RRF): € 42.5 million
Summary description of how any foreseen impact assessment of the measure will be carried out	Indicator: Number of hiring subsidies paid for the hiring of an employee with disabilities Target value: 12,500

Table 1c

Name of the measure in English	Creation of a new branch of social security covering the risk of loss of autonomy
Name of the measure in the national language(s)	Création d'une nouvelle branche de la sécurité sociale couvrant le risque de perte d'autonomie
Reference document for the measure	National Recovery and Resilience Plan: https://www.economie.gouv.fr/files/files/directions_services/plan-de-relance/PNRR%20Francais.pdf
Social rights covered by the measure	<ul style="list-style-type: none"> - The rights of the elderly (Article 25) - Integration of people with disabilities (Article 26) - Right to social security and social assistance (Article 34)
Population group(s) covered by the measure	<ul style="list-style-type: none"> - Older people - People with disabilities - People in need of care (homecare or in residential settings) <p>The creation of a new branch of social security concerns people with loss of autonomy, whether related to disability or old age.</p>
Summary description of how the measure applies to the population group(s)	<p>The need for assistance with autonomy concerns a growing number of people today. It is a demographic issue in terms of care for the elderly. According to the latest assessments by the National Institute for Statistics and Economic Studies (INSEE), the population of seniors (60 years and over) with a loss of autonomy, estimated at 2.5 million in 2015, is expected to be nearly 4 million by 2050. People with severe loss of autonomy will probably represent 4.3% of the senior population in 2050, compared to 3.7% in 2015.</p> <p>For these reasons, a new law published in August 2020 is dedicated to supporting the independence of the elderly and people with disabilities, both at home and in medical and social institutions. It provides for the creation of a fifth branch within the general social security system covering the risk of loss of autonomy in addition to the pre-existing branches (covering the risks of sickness, retirement, family, work-related accidents and occupational diseases). The</p>

	management of this new branch falls to the National Solidarity Fund for Autonomy (CNSA), which is a national public agency.
Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery	<p>The recent sanitary crisis, with the vulnerability of the older age groups to epidemics and the isolation aggravated by social distancing measures, has highlighted the need for better elderly and long-term care.</p> <p>The autonomy branch aims to fight health inequalities and establish territorial equity and equal treatment, in conformity with Principle 3 of the European Pillar of Social Rights.</p>
Summary description of the extent to which the measure foresees the provision of enabling social services	Not foreseen.
Entity or organisation responsible to implement the measure	Ministry of Health and Solidarity
Duration of the measure	Start date of the measure: Third quarter 2020
Budget allocated to implement the measure	<p>The creation of this new branch is accompanied by autonomy in its financing. Its autonomous funding comes mainly from the generalised social contribution (CSG) (up to € 28 billion), supplemented by the solidarity autonomy contribution (CSA), the additional solidarity contribution for autonomy (CASA) and an allocation under the "Sécur de la Santé" investment plan. The amount is € 31.2 billion for its first year.</p> <p>The financial trajectory of the autonomy branch will be examined each year within the framework of the social security financing bill.</p> <p>While the signing of the objectives and management agreement between the National Solidarity Fund for Autonomy (CNSA) and the State is pending, the Board of the Fund adopted on 13 December a provisional 2022 budget. It incorporates all the measures of the Social Security financing bill, to which the new autonomy branch devotes € 34.4 billion to support the autonomy of the elderly and the disabled.</p>

Summary description of how any foreseen impact assessment of the measure will be carried out	<p>Milestone: Publication in the Official Journal of Law No. 2020-991 of 7 August 2020 on social debt and autonomy, which provides for the creation of a new branch of government social security dedicated to supporting the autonomy of elderly and disabled people.</p> <p>The National Solidarity Fund for Autonomy needs to be able to produce quality and efficiency indicators in order to enable citizens and Parliament, in particular when reviewing the Social Security financing bill, to be informed of the quality and cost of care.</p>
---	--

2 Tools or mechanisms to monitor the effectiveness of national schemes to foster social rights and equal treatment in the recovery from the pandemic

NB: National bodies with a human rights remit are not involved in monitoring the effectiveness of the national recovery and resilience plan (RRP) in promoting social rights and equality.

Table 2a

Name of the monitoring tool or mechanism in English	National monitoring committee on the Recovery Plan
Name of the monitoring tool or mechanism in the national language	Comité national de suivi de France Relance
Reference document for the monitoring tool or mechanism	National Recovery and Resilience Plan: https://www.economie.gouv.fr/files/files/directions_services/plan-de-relance/PNRR%20Francais.pdf Decree No. 2021-824 of 28 June 2021 relating to the composition, organisation and functioning of the national committee for monitoring the recovery plan instituted by Article 246 of the finance law No. 2020-1721 of 29 December 2020 for 2021: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000043711742

<p>Organisation(s) involved in the monitoring tool or mechanism</p>	<ul style="list-style-type: none"> - Civil society organisations: <ul style="list-style-type: none"> -The presidents or general secretaries of eleven union organisations and professional federations / Les présidents ou secrétaires généraux représentant onze organisations syndicales et fédérations professionnelles: <ul style="list-style-type: none"> a) The French Democratic Confederation of Labour (<i>la Confédération française démocratique du travail</i> (CFDT)) b) The General Confederation of Labour (<i>la Confédération générale du travail</i> (CGT)) c) The General Confederation of Labour – Workers’ Force (<i>la Confédération générale du travail-Force ouvrière</i> (CGT-FO)) d) The French Confederation of Supervision-CGC (<i>la Confédération française de l'encadrement-CGC</i> (CFE-CGC)) e) The French Confederation of Christian Workers (<i>la Confédération française des travailleurs chrétiens</i> (CFTC)) f) The Union of Autonomous Trade Unions (<i>l'Union des syndicats autonomes</i> (UNSA)) g) The French Business Movement (<i>le Mouvement des entreprises de France</i> (MEDEF)) h) The Confederation of Small and Medium-Sized Enterprises (<i>la Confédération des petites et moyennes entreprises</i> (CPME)) i) The Union of local businesses (<i>l'Union des entreprises de proximité</i> (U2P)) j) The National Federation of Farmers Unions (<i>la Fédération nationale des syndicats d'exploitants agricoles</i> (FNSEA)) k) The Union of Social and Solidarity Economy Employers (<i>l'Union des employeurs de l'économie sociale et solidaire</i> (UDES)) - National authorities: <ul style="list-style-type: none"> -Two Members of the French National Assembly and two Senators from the majority and the opposition / deux députés et deux sénateurs de la majorité et de l'opposition -Two European parliamentarians (deux députés au Parlement européen) -Under the representation of the State:
--	--

	<p>a) the Minister responsible for Recovery and the ministers concerned by the themes on the agenda of each meeting (<i>le ministre chargé de la relance et les ministres concernés par l'ordre du jour</i>)</p> <p>b) two regional prefects (<i>deux préfets de région</i>)</p> <p>c) two departmental prefects (<i>deux préfets de département</i>)</p> <p>d) the Secretary General for Investment (<i>le secrétariat général pour l'investissement</i>)</p> <p>-The three presidents of the following associations of elected officials :</p> <p>a) the Association of mayors of France (<i>l'Association des maires de France</i>)</p> <p>b) the Assembly of the departments of France (<i>l'Assemblée des départements de France</i>)</p> <p>c) the Association of regions of France (<i>l'Association Régions de France</i>)</p> <p>-The committee is chaired by the French Prime Minister.</p> <p>- Other:</p> <p>-The director general of the Deposits and Consignments Fund (<i>le directeur général de la Caisse des dépôts et consignations</i>)</p> <p>-The director general of the Public Investment Bank (Bpifrance) (<i>le directeur général de la Banque publique d'investissement</i>)</p> <p>-The chairman of the recovery plan evaluation committee (<i>Le président du comité d'évaluation du plan de relance</i>)</p> <p>-The chairman of France Industrie (<i>Le président de France Industrie</i>)</p> <p>-Two personalities qualified in ecological transition</p>
<p>Summary description of how these organisation(s) are involved in the monitoring tool or mechanism</p>	<p>Article 246 of the finance law for 2021 provides for "a national committee to monitor the France Relance plan", of which the investments of the French Recovery and Resilience Plan constitute a sub part. This committee is responsible for ensuring the execution of the measures and that the timetable is properly implemented and maintained.</p>
<p>Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights</p>	<p>The committee sets up the collection of data useful for evaluating the measures chosen. It meets at least once a year at the initiative of the Prime Minister to review the progress of the plan. Each actor involved in this committee takes part to the discussions.</p>

<p>and equal treatment in the recovery</p>	
<p>Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated</p>	<p>Each year, the committee has to draw up a report on the implementation of the measures of the recovery plan which is sent, for information, to the Presidents of the French National Assembly and the Senate.</p> <p>The committee carries out an evaluation of the socio-economic impact of measures based on cost criteria for public finances, expected impact and methodological feasibility. Monitoring relates in particular to budget execution and to economic, social and environmental efficiency with regard to the objectives pursued.</p>
<p>Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is identified, with a particular emphasis on enforcement and remedial action</p>	<p>The investments presented within the framework of the National Recovery and Resilience Plan correspond to a set of measures planned within the framework of the national recovery plan. The implementation of the national recovery plan responds to an imperative of efficiency, guaranteed by the flexibilities allowed by its governance. Thus, if certain credits are not committed quickly enough or do not meet their efficiency objectives, the Government will have the possibility of reallocating the credits to other mechanisms so that, in all cases, the effect on growth and employment is as effective as possible. These possible redeployments must be carried out in accordance with the objectives of the National Recovery and Resilience Plan.</p>

Table 2b

<p>Name of the monitoring tool or mechanism in English</p>	<p>Ministries; Secretariat-General in charge of the Recovery Plan; General Secretariat of European Affairs</p>
<p>Name of the monitoring tool or mechanism in the national language(s)</p>	<p>Ministères; Secrétariat général chargé du plan de relance; Secrétariat général des affaires européennes</p>
<p>Reference document for the monitoring tool or mechanism</p>	<p>National Recovery and Resilience Plan: https://www.economie.gouv.fr/files/files/directions_services/plan-de-relance/PNRR%20Francais.pdf Circular No. 6300-SG of 30 August 2021 relating to the implementation and monitoring of the national recovery and resilience plan: https://www.legifrance.gouv.fr/download/pdf/circ?id=45237</p>
<p>Organisation(s) involved in the monitoring tool or mechanism</p>	<ul style="list-style-type: none"> - National authorities: -Ministries -Secretariat-General in charge of the Recovery Plan -General Secretariat of European Affairs (SGAE)
<p>Summary description of how these organisation(s) are involved in the monitoring tool or mechanism</p>	<p>The effectiveness of the reforms is monitored by each ministry concerned. Reporting to each Minister, an adviser is specifically responsible for monitoring, implementing and reporting on the reforms included in the recovery and resilience plan.</p> <p>The Secretariat-General in charge of the Recovery plan (of which the investments of the French recovery and resilience plan constitute a sub part) monitors the implementation of the plan at the level of each measure, in close cooperation with regional prefects and Heads of each Ministry. It reports directly to the Prime Minister and the Minister of Economy, Finance and Recovery.</p> <p>The Ministry of Economy, Finances and Recovery, together with the General Secretariat of European Affairs (SGAE) reports to the Prime Minister and is responsible for monitoring the French Recovery and Resilience Plan. They are both in charge of collecting and centralising</p>

	supporting documents demonstrating the achievement of the milestones of the reforms planned under the recovery and resilience plan (bills, application texts, reports, etc.).
<p>Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights and equal treatment in the recovery</p>	<p>The adviser appointed in each ministry is responsible for providing information, generally on a monthly basis, on the progress of the indicators in a dedicated collection tool, set up by Secretariat-General in charge of the Recovery plan. The adviser also provides, on a quarterly basis and at the latest fifteen days before the submission of each payment request, a table detailing: the progress of quantitative indicators linked to investment measures; the progress of qualitative indicators linked to investment measures; the progress of qualitative and quantitative indicators linked to the reforms of the Recovery and Resilience Plan falling under the responsibility of its administration, together with documents demonstrating their achievement. The achievement of the targets set out in the framework of the National Recovery and Resilience Plan is monitored regularly and centrally by the Secretariat-General in charge of the Recovery Plan on the basis of the information collected from the relevant ministries. It carries out a first level check (no obvious error in the dates, the number of documents provided, etc.) of the tables and supporting documents that it is responsible for collecting before sending to the Inter-ministerial Committee for the Coordination of Controls (CICC) for audit purposes.</p> <p>Inter-service technical meetings are organised at least twice a year by the General Secretariat for European Affairs to identify any risks in achieving targets and milestones and decide on corrective measures to address the risks identified.</p>
<p>Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated</p>	<p>Indicators have been defined to regularly monitor the progress of the measures. Each measure is accompanied by one or more monitoring indicators, giving concrete expression to a qualitative ("milestone") or quantitative ("target") commitment.</p> <p>The controls on the milestones and targets are delegated to the ministries through the "management delegation agreement" ("convention de délégation de gestion"). These agreements specify that each ministry must strictly comply with the reporting obligations. This delegation of responsibility implies that each ministry sets out within its scope the internal control system defined by the Ministry of the Economy, Finance and Recovery. The effectiveness of these systems and the quality of the data transmitted rely on verification, inspection and audit missions.</p>
<p>Summary description of what the tool or mechanism foresees when non-compliance with</p>	<p>The ministries and authorities responsible for implementing the National Recovery and Resilience Plan take all appropriate measures to put in place the necessary control procedures, in particular the procedures for detecting and correcting irregularities.</p>

obligations and standards is identified, with a particular emphasis on enforcement and remedial action	Any difficulties identified and the corrective measures envisaged must be communicated to the coordinating authority on a regular basis and in advance of meetings and any committees organised at interministerial level.
---	--