**Banking Sector – Project Greenfin**

**France : Short overview of legal texts**

Then banking sector has been on the forefront in the European Green Deal. As it is important to channel financing into a sustainable economy, a vast array of Directives and Regulations has been produced in this respect by the EU Commission.

France, at the same time, has always tried to be on the forefront of these developments. Here again, on a National level many laws have been put into place, some of which have been in advance of the EU Commission (article 173 which obliged to report GHG emissions way before EU legislation). In Labour law and civil law, many legal obligations have been put into place in recent years to take into account environmental and social issues.

However, on environmental issues and labour law, there are no specific legal dispositions for the banking sector. Most laws apply to all sectors (and some i.e. 8 more to industrial processes or dangerous situations)

The principal dispositions of labour law (but not only – see whistleblower dispositions and the law called PACTE on the missions of an undertaking) are as follows :

1. **Law on mobilities dated 24 décembre 2019**
* Obligation to negotiate sustainable ways of moving between home and the workplace (L.2243-17 8°)
* Some transport charges may be reimbursed by the employer (L.3261-3)

**Exemple**: see individual sheet on Allianz.

The agreement by EDF is an exhaustive example (9 novembre 2019) because it proposes partnerships with public transport, more than 50% of transport charges taken by the employer, telework, car-sharing, possibilities to buy a bike and electric mobility (electric scooters, cars, etc).

1. **National agreement on telework (20 novembre 2020)** declined in company agreements

<https://medef-ain.fr/wp-content/uploads/2020/11/ANI-T%C3%A9l%C3%A9travail-26-11-2020.pdf>

1. **The law « PACTE » (Plan d’action pour la croissance et la transformation des entreprises,** avril 2019), a very extensive law which modifies articles 1833 and 1835 of the Code civil . The common interest of enterprises/undertakings has to take into account its social interest and by considering « environmental and social aspects of its activities »
2. Law on due diligence (the first due diligence law in Europe) of **27 Mars 2017. However, the threshold for undertakings is quite high with** more than 5 000 employees in France or if outisde France more than 10 000 employees. The EU proposal of CS3D will improve the law substantially by reducing the threshold to 250 employees.
3. Internal alert systems (whistleblower protection)
4. The right to alert on environmental problems: Law of 16 avril 2013 (way before the French whistleblower law but rarely – if never- used)
5. The right to express its opinions employees have the right to speak up on their work organisation (Labour law article L2281-1 et suite)
6. The **right to retire from a work situation if it is potentially dangerous** for his health and safety (for example bus drivers in dangerous parts of the city may refuse to drive there) **Article** L. 4131-1 of the labour code. The employee has to inform his employer on the situation.
7. Alert if potentially dangerous products are used in the industrial process and which may produce a potential dangerous impact on public health or on the environment. (L. 4133-1 of the labour code).
8. The Law « Climat et Résilience « increases the action of the works councils to environmental issues :
9. Article L.2312-8 of the labour code defines the mission of the works council in that matter : « *Le CSE a pour mission d’assurer une expression collective des salariés permettant la prise en compte permanente de leurs intérêts dans la gestion et l’évolution économique et financière de l’entreprise, à l’organisation du travail, à la formation professionnelle et aux techniques de production, notamment au regard des conséquences environnementales de ces décisions. » (the ability to make a collective expression is extended to environmental matters ».*
10. Consultation and information procedure : (see article on « CSE et transition écologique Liaison sociales »)
* For works councils with more than 50 employees, environmental issues are added to the recurrent consultations. The experts of works councils can make an additional analysis on the topic.

A database for works councils provided by article L. 2312-18 of labour law.( BASE DE DONNEES ECONOMIQUES ET SOCIALES BDESE)

1. On 6 october 2022, the French government has issued a « Sobriety plan » on how to reduce the consumption of natural resources and mainly energy. Plans on what to do in case of a cut of energy and how to reduce energy consumption. The different items of the plan should make particiupate social partners (for example in the negotiations of telework or mobility plans ). https://www.ecologie.gouv.fr/sobriete-energetique-plan-reduire-notre-consommation-denergie

All these legal texts are applicable to all works councils and not only the banking sector. There are no specific obligations under labour law for the banking sector. However, this sector is particularly implied because of investment decisions made by it.

**When consulting on strategic issues (those which are anyhow the subject of works councils : the economic and financial evolution of the enterprise, organisation of work, training and technical issues (change of technology). With the green transition, changes may happen in technology used which generate job losses and job changes. By labour law, these issues have to be treated by woirks councils anyhow : so what is important is the linkage of the different consultations to environmental issues.**