



Return of business telephone line following termination of employment contract

An employer may request, in summary proceedings, the return of a telephone line made available to an employee during the performance of his employment contract, and which he has retained after the termination by transferring the line into his name, without his employer's consent.

In this case, the telephone line was purely business-related. It therefore had to be returned to the company.

Cass. soc., 5 févr. 2025, n°22-23.730



Limitation period for requalification of a contractual relationship

An action in which a party requests that a contract whose legal nature is uncertain or disputed be classified as a contract of employment is a personal action, subject to the **five-year statute of limitations** set out in article 2224 of the French Civil Code.

The starting point for this period is the date on which the contractual relationship ceased, since it is at this date that the contract holder is aware of all the facts to be invoked.

Cass. soc., 12 févr. 2025, n°23-17.248



Contesting a CSE expert report: rules for calculating the 10-day period

For the 1st time, the Cour de cassation has ruled that the 10-day period available to the employer to contest an expert report decided by the CSE complies with the classic rules for calculating time limits (art. 641 and 642 CPC). The period begins to run on the day following the committee's deliberation / the appointment of the expert / or the expert's notification of the disputed information, and expires on the last day at midnight. It is extended to the next working day if it expires on a Saturday, Sunday or public holiday.

Cass. soc. 5 févr. 2025, n°22-21.892



IJSS: lower reference salary taken into account

The reference salary ceiling for IJSS will be set at 1.4 SMIC per month, compared with 1.8 currently, applicable to all work stoppages starting from April 1, 2025.

This lowering will have the following impact:

- ☐ a reduction in the level of compensation paid by social security to employees on sick leave (maximum gross daily allowance reduced from €53.31 to €41.47);
- ☐ an increase in compensation payable by the employer (and the supplementary pension scheme);
- ☐ an increase in employer contributions.

D. n° 2025-160 du 20 févr. 2025, JO 21 févr. 2025



PSE: unlawfulness of a waiver of legal action clause

A job-saving plan (PSE) that includes a clause making payment of the compensation it provides conditional on employee representatives and employees waiving their right to take legal action is unlawful as it constitutes an unjustified and disproportionate infringement of the right to take legal action.

Indeed, the French Supreme Court has ruled that: “The Court of Appeal, having noted that the **disputed clause**, as long as its unlawful nature had not been sanctioned, had caused a certain amount of pressure to be exerted on the employees, thereby causing them a prejudice, albeit immaterial but real, sovereignly assessed the amount of this prejudice resulting for them from this unlawful clause”.

Cass. soc., 22 janv. 2025, n°23-11.033



Refusal to reinstate a protected employee suspected of sexual harassment

New relaxation of the obligation to reinstate a protected employee, in the event of cancellation of a decision to authorize dismissal or refusal of authorization.

In this case, the **employee's reinstatement came up against the employer's safety obligation**. In fact, the employer provided evidence of facts that could be qualified as sexual harassment. The Court of Cassation ruled that the trial judges had not sufficiently investigated whether these facts, even if they had not been classified as criminal offences, posed a risk to the employer. In this case, **the impossibility of reinstatement was justified by the risk of sexual harassment, which the employer was required to prevent as part of its safety obligation**.

Cass. soc., 8 janv. 2025, n°23-12.574



Prevention passport: improving training traceability and preventing occupational hazards

According to the French Ministry of Labor, the obligation for both private and public sector employers to record all certificates and diplomas obtained in the course of occupational health and safety training in a **prevention passport will be rolled out progressively between 2025 and 2026** (art. L. 4141-5 C. trav.).

Ministry of Labor note regarding the new timetable for deploying the prevention passport, February 17, 2025