

Mandatory medical examination for employees in France

French requirements

As soon as a company has an employee working in France, whether it is an entity registered in France or abroad, this company has to register with a work health service.

Indeed, **according to the French Labour Code**, medical examination is **compulsory** in France for all employees.



This medical examination has to be performed by a work health service, a private provider, accredited by the French administration, which is specialized in medical issues in the work environment.

The work health service has to ascertain if the employee is fit to work at his workstation.

Even if it is very rare, the work health service may also demand access to the employee's workplace to appraise the general working conditions for the employees.

The work health service only provides compulsory medical examinations but not other types of medical services.

The employer has to schedule the medical examinations, taking into account the work health service availability and the employees' timetable.

The employee is not in position to refuse to undergo the medical examinations even if this obligation is not specified in the employment contract.

Periodical examinations

This examination has to be scheduled by the employer for his employee as follows:

- Initial medical examination before the effective hiring date or, at least, before the expiry date of the trial period.
It is standard practice to include a clause in the employment contract stipulating that definitive recruitment is conditional upon successful completion of the medical examination (if you need help, we can assist you with this clause in the employment contract).
- Periodic medical examination either every 12 or 24 months at a minimum (depending on the employees' activity)
- Isolated medical examinations following the employee's absence to determine if the employee is fit to resume work.

The employer has a legal obligation to schedule this examination after:

- - maternity leave
- - sick leave caused by illness directly related to the execution of the employee's professional duties, whatever the duration of the absence
- - 8 days of medical leave following a work related accident
- - 3 consecutive weeks of medical leave, whatever the reasons
- - repeated absences for health reasons.

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The examination should be carried out within 8 days of the employee's return to work.

If no medical examination is undergone, the employment contract shall be suspended.

The employer must retain every "certificate of fitness to work" issued by the work health service, as proof of the fulfilment of his obligations.

Each employee can have a medical exam at his request or at his employer's request.

On top of these legal requirements, the collective bargaining agreement may stipulate additional obligations to be fulfilled by the employer.

Failing to enforce compulsory medical examinations can have serious consequences for the employer:

- According to legal precedent, the employer is retroactively liable to employees suffering from health problems, which would have been detected during the medical examination, or whose condition is compounded because of the employer's failure to enforce the compulsory medical examinations.
- Also, failure to enforce compulsory medical examinations may deprive procedures to change or terminate the employment contract, or disciplinary procedures, of their effects. In case of litigation, in the absence of compulsory medical examinations, these procedures may be challenged and result in the payment of indemnities or in the annulation of the whole procedures (with reintegration of the employee in the company). How to choose the work health service?

Each work health service has its own organisation and prices.

In principle, the work health service should be located in the same area as the place of work (either near the company premises or near the employee's home if he works from home).

The criteria for choosing a work health service are most often (in descending order):

- a health service near the employees' office / place of work (most often the work health companies do not cover all the areas in France)
- a health service which is available to accept new clients (most of the work health services are overbooked)
- a health service which has reasonable prices



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