


## FIVE TOPICS TO WATCH OUT FOR IN 2024

Employment law is always evolving. As we step into the new year, we examine five topics you cannot overlook in 2024.

### **Artificial Intelligence**

Considering the drastic rise of artificial intelligence over the last months, the EU member states decided to agree on common rules for trustworthy AI. A political agreement on an Artificial Intelligence Act was reached on December 8<sup>th</sup> 2023. This needs to formally be adopted by both the Parliament and the Council to become EU law.


This will surely be followed by national statutes on this topic.

 Employees already use AI and there are very limited means to stop them. Rather than fighting against this, we recommend making employees aware of the benefits and risks linked to IA, especially when used for HR management purposes.

### **The Olympic and Paralympic Games**

According to the Paris Tourist Office's forecasts, Paris and its region will host 15.3 million visitors during the 2024 Olympic and Paralympic Games (whereas the current population in Paris is only 2.1 million people).

This once in a lifetime event will require a massive mobilization of all the companies involved, in one way or another, in the organization of the Olympic and Paralympic Games.


 Employers will most probably be encouraged to favor remote work, if possible, to avoid overcrowding in public transport. We advise anticipating potential recommendations by the Government by updating or setting up a remote-work policy.

We also highly encourage the negotiation of collective agreements to anticipate the peak of activity in companies directly involved the Olympic and Paralympic Games.

### **Profit-sharing**


The [November 29th 2023 statute on profit-sharing in companies](#) imposes new obligations on companies with 11 to 49 employees. According to this statute, these companies must set up at least one profit-sharing scheme (for example, a corporate savings plan when they regularly make profits).

This new obligation is scheduled to become effective on January 1<sup>st</sup>, 2025.

 To anticipate this new obligation, employers should start thinking about the most appropriate scheme to be implemented and, when identified, start negotiations to implement it before the due date.


### **Accrual of paid leave**

In a series of decisions on [September 13th, 2023](#), the French Supreme Court changed its case law to align with European legislation: from now on, employees on sick leave (work-related or not) continue to accrue paid leave.

 The Government announced that a statute would be submitted to the Parliament to set limits to this obligation. Considering the strong (adverse) impact on companies, we expect the statute to be passed swiftly.

### **New rules regarding admissible evidence in legal proceedings**

Last December, the French Supreme Court ruled that evidence obtained in an unfair manner can now be used by courts if, after balancing the rights involved, it appears to be absolutely necessary and proportionate to prove the fact concerned.

 We recommend that employers remain careful about recording – especially during a preliminary meeting – without the employee's consent. It might be useful to introduce, through internal regulations, a general prohibition of any recording device for both sides during preliminary or professional meetings.