

The French Personal Account of Activity

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WHAT IS THE PHILOSOPHY OF THE PAA (CPA)?

- ✓ The originality - and undoubtedly the ambiguity - of the personal activity account is to recognize the existence of rights attached to the individual and to bring them together in an "account".
- ✓ Rights acquired under different legal statuses could thus be combined, thanks to a points system, in order to open up new rights (training, childcare assistance, assistance in setting up a business, retirement rights, time off work, etc.).

The aim of universalization of social rights

PRELIMINARY OBSERVATIONS

➤ Remove some ambiguities

- ✓ Around the concept of universality
 - the PAA was firstly closed (Act of 2016) when the person reached the age of retirement ;
 - No contribution firstly required?

- ✓ Around the scop of the law
 - Labour law or social security law ?

- ✓ Around purposes : a political communication tool and only it ?

PRELIMINARY OBSERVATIONS

- The stakes in building a new device promoting a new legal model :
 - ✓ Carrying a risk to create a huge gap between the measures announced and the actual conditions of their implementation
 - ✓ Fixing the device on a substantive law

PRELIMINARY OBSERVATIONS

➤ The French PAA is not a « right to »

✓ « *The whole package* » of portable rights ?

- “Position commune” (common stance) on the PAA, the security for career path and career mobility, 8 February 2016, art. I-a).

Enhancing a job mobility in a flexicurity approach ?

PRELIMINARY OBSERVATIONS

➤ What could be the PAA :

- ✓ A mechanism shaping to a “right to” that remains to be defined

based, for instance, on the French civil servants right to career development

- *The right for any worker to be out of work and having a paid leave in order, for example, to undergo training designed to maintain his or her professional capacity, to change a job or to raise children*
- *The payment of remuneration or replacement income*
- *Maintaining employment rights : pay and benefits rising with seniority, for example.*

PRELIMINARY OBSERVATIONS

- What are we trying to recognize and establish through the PAA?
 - Social rights?
 - Social rights attached to the person? to the status of worker? Employee? All of them?
- The impossibility of merging different social rights
 - Each of these rights has its own rationality/logic which determines the applicable rules and the funding
- The French PAA aim to connect or combine different social rights which are not exclusive

I- THE PAA

- ✓ Created by the Act n° [2016-1088](#), of August 8, 2016, *concerning Work, Modernisation of Social Dialogue and Security of Path Career* ; reviewed by the Act n° [2018-771](#), 5 September 2018 *for the freedom to choose one's professional future*
 - Heading III of the Act (2016): **Secure the Paths and Build the Basis for a New Social Pattern at the Digital Age** (Articles 39 to 60)
 - Labour Code : art. [L5151-1 to L5151-12](#). Codified in a section of the Code devoted to the employment
 - └ the PAA, a way to preserve employment? how?

Labour Code

Article L5151-1

- Individualization of the use of social rights
- increasing flexibility
- Personal development and social promotion

The ***purpose*** of the personal account of activity is to ***strengthen***, by the use of the rights registered therein, the ***autonomy*** and ***freedom of action of its holder*** and ***to secure his or her career path by removing obstacles to mobility***. It ***contributes to the right to professional qualification*** mentioned in article L. 6314-1.

It allows for the recognition of citizen commitment.

A personal account embedded in priorities set up at different collective levels

The ***holder*** of the personal activity account ***decides*** how to use his or her rights ***under the conditions set in*** this chapter [PAA and citizen commitment account], in Part 6, Book 3, Title 2, Chapter 3 [personal account for training] and in Part 4, Book 1, Title 6, Chapter 2 [professional account for prevention].

The holder of the personal activity account is entitled to comprehensive and personalized support to help him/her exercise his/her rights to implement his/her career plan. This support is provided in particular within the framework of the professional development advice mentioned in article L. 6111-6.

I- WHAT IS THE PAA?

- ✓ The PAA is made up of 3 legal devices (not yet « the whole package » of portable rights):
 - The personal account for training (500 € per year/max. 5000 €)
 - The professional account for prevention (by contributing to keep workers 'health)
 - The citizen commitment account (different types of volunteer activities listed)

- ✓ The PAA is open from 16 years (15 for an apprentice) until the death of the person
 - Be employed
 - Person looking for a job
 - Certain workers with disabilities (hosted in CAT - work-based support centre)
 - A retired person

I- WHAT IS THE PAA?

✓ Functioning

- The PAA brings together social rights acquired (in time or in euros) under different status of employment (employee ; self-employed ; unemployed) or as a citizen
- It aims to achieve a pooling/mutualization and then a conversion of acquired rights...
- ... To open up new rights (to training, retiring earlier, taking a leave, etc.)

✓ How to fund the acquired rights

- Private (employer's contribution ; employees ; social contribution for self-employed workers) ;
- Public
- “Paritarisme” (joint representation)

Example

Risk factors

(registered in the professional account of prevention)

Category: “pace of work”

Lab. Cod. L3122-2 to 5

MINIMUM THRESHOLD FOR NIGHT WORK		
Action/Situation	Minimum intensity	Risk factors from
1 hour of work	Between midnight and 5 AM	120 nights per year

Example

Risk factors

(registered in the professional account of prevention)

Category: “pace of work”

Lab. Cod. L3122-2 to 5

3 months of exposure to **1 risk factor** = **1 points** (*2 if born before 1956*)

3 months of exposure to **several risk factors** = **2 points**

- 10 points = reduction of 50 % of working time for 90 days without loss of pay
- 1 point = 375 € of training funding to get a less exposed job

II- THE FUTURE OF THE PAA

- ✓ The purpose of the rights attached to the person
 - ***From the civil law approach*** : protecting the individual (ex. Image right – Civ. Cod. Art. 9 ; intellectual property rights – moral right – Intellectual property code, art.L121-1)
- ✓ The particular legal framework : a specific protection
 - The exercise of the right : only by its holder
 - The rights attached to the person are extra patrimonial rights, i.e.
 - Out of trade
 - Inalienable
 - Non-transferable
 - privileged from seizure [insaississables]
 - Perpetual

II- THE FUTURE OF THE PAA

✓ The purpose of the rights attached to the person *from a social law approach*

■ Labour law and social security law :

- Contribution to the development of a professional status for the *people*
- Connecting social rights *attached to the person* with *collective or general interest*

Giving her or him prerogatives

- conditions for acquiring rights
- conditions for using rights

- collectively guaranteed according to the principle of ***solidarity***
(national - social security / professional, in particular)
- Out of trade (no social rights market)

II- THE FUTURE OF THE PAA

- ✓ Social rights attached to the person, collectively guaranteed according to the principle of solidarity
- **The principle of solidarity:**
 - A legal mechanism at the basement of the French pension scheme (Soc. Secur. Cod. art. L111-1)
 - A legal mechanism which allows 1/ to activate operating principles like mutualization and fungibility of funding; 2/ the application of rules that may be derogatory (to competition law instance – e.g. to preserve a monopoly system).

II- THE FUTURE OF THE PAA

- ✓ Social rights attached to the person, collectively guaranteed according to the principle of solidarity
- **The PAA:**
 - A legal device
 - Gathering different social rights
 - According to principles laid down (solidarity) and rules that must to be set up :
 - Promoting equality or equity?
 - Promoting an asymmetric fungibility?

**Logical ordering of different
categories of rights**
(based on Alain Supiot's works)



II- THE FUTURE OF THE PAA

- ✓ A PAA embedded in the debate around the *universal income*
 - An old idea : the “time bank” of the seventies
 - A proposal included in different politic projects
 - The socialist Benoit Hamon, at the time of the last presidential elections (2017)
 - The President and current candidate, Emmanuel Macron : the universal income for activity
 - merging housing subsidies and minimum social benefits

THANK YOU FOR YOUR ATTENTION