

The French personal account of activity

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I- WHAT IS THE CPA?

- ✓ 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 CPA as a way to preserve employment? how?)

Labour Code

Article L5151-1

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.

The **holder** of the personal activity account **decides** how to use his or her rights **under the conditions set in** this chapter, in Chapter III of Title II of Book III of Part Six and in Chapter II of Title VI of Book I of Part Four.

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.

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

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

I- WHAT IS THE CPA?

- ✓ The CPA is made up of 3 legal devices (not yet « the whole package » of portable rights):
 - The personal account of 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)
- ✓ CPA 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 CPA?

✓ The functioning

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

✓ Financing the rights acquired

- Private (employer's contribution ; employees ; social contribution for self-employed workers) ;
- Public

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 CPA

- ✓ **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 CPA

- ✓ 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 CPA

- ✓ 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. [L1111-1](#))
 - 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 CPA

- ✓ Social rights attached to the person, collectively guaranteed according to the principle of solidarity
 - **The CPA:**
 - 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 ?

TO CONCLUDE

- What are we trying to recognize and establish through the CPA?
 - 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 sources of funding used

- The French CPA aim to connect or combine different social rights which are not exclusive

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

