

### Covid-19: New obligation to update your Single Assessment Document for Occupational Risks, called “document unique d'évaluation des risques professionnels” or “DUERP”!

#### ❖ Reminder of the employer's obligation

According to Article L. 4121-1 of the French Labour Code, the employer is required to take “*the necessary measures to ensure the safety and protect the physical and mental health of his employees*”.

Remember that every employer, regardless of the number of his employees, must carry out an assessment of the risks within his company, in light of the nature of the activities of the company, and then transcribe them into a specific document: the Single Assessment Document for Occupational Risks (“DUERP”). This document must be updated at least once a year, but also when any major development decision modifying health and safety or working conditions is taken and when additional information relevant to the assessment of a risk is gathered.

Any employer that fails to comply with the obligation to create and update the DUERP is punishable by the fine provided for minor offences of the fifth class 5 ; € 1,500 for a natural person and € 7,500 for a legal person (or more in case of a relapse).

#### ❖ Mandatory update due to Covid-19

The French Labour Ministry orders employers to update their DUERP due to the current health situation. This position has been moreover recently confirmed by the Nanterre Court of Justice and the Versailles Court of Appeal, which ordered a company to carry out an assessment of the risks associated with the Covid-19 epidemic and to involve employee representatives in this procedure.

In practice, updating the DUERP must first enable the employer to identify and list all work situations likely to meet the conditions of transmission of the Coronavirus. Then, depending on the risks identified, the employer must implement all the appropriate prevention and protection measures to ensure the health and safety of his employees.

It should be noted that this update is part of a procedure that must involve employee representatives in companies with a Social and Economic Council (“CSE”). It is also possible to involve the occupational health services.

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## Flash info

Finally, the employer must be able to keep the *DUERP* available to its employees.

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Do not hesitate to contact us to create or update your *DUERP*, we continue more than ever to support you in this challenging period.

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