

### **Article 1 – Objectives of the workplace based training period**

This agreement governs the relations between signatories with regard to the organisation and performance of the period of workplace based training – for the benefit of the trainee – by the maritime vocational school or approved training centre to take place in the host organisation.

The periods of workplace based training shall correspond to temporary periods of workplace training during which the trainee shall gain professional skills and execute what they have learned in order to obtain a diploma or certificate and to promote their professional integration.

### **Article 2 – Nature of the tasks entrusted to the trainee**

The workplace training project is drawn up in consultation with the head of the educational establishment (or the responsible person at the approved training organisation), the referent teacher, the representative of the crew or host organisation, the tutor and the pupil or student trainee.

This project and the tasks to be performed within the host company are laid down in the CCF file available on the website <https://formations.mer.gouv.fr/reglements-dexamen-documents-94>. ( **copy and paste the link** – relevant sections : *Évaluation des périodes de formation en milieu professionnel, Fiches synthétiques d'évaluation de l'épreuve prenant en compte les PFMP et Évaluation des stages en entreprise pour les BTSM*).

The trainee shall not be given any tasks that form part of a permanent job within the host company.

Within this framework, the crew or host organisation shall entrust the trainee with tasks and responsibilities that are directly linked to the qualifications and skills corresponding to the diploma or the training pathway that is being pursued.

### **Article 3 – Supervision and monitoring of the workplace based training period**

Throughout the entire period to which this agreement applies, monitoring of the pupil or student trainee is ensured by the referent teacher and the tutor on board the vessel, both of whom are named and are signatories of this agreement.

The methods by which the trainee shall be supervised by the referent teacher and the tutor are detailed in the CCF file.

### **Article 4 – On-board workplace based training period**

It is only possible for pupils aged 16 years or older to participate in an on-board workplace based training period (PFMP).

Any pupil that is older than the age of 15 but is under 16 years of age may nonetheless complete an on-board PFMP, but only:

- in the event that the vessel is engaged in small-scale or coastal fishing, or that it takes place on board other vessels that operate in inland waters,

**and**

- ensuring that the restrictions applying to prohibited and regulated work, as defined in Articles 13, 14 and 15 of decree No.. 2017-1473 as amended are complied with.

### **Article 5 – Undertakings made by the parties**

The trainee remains under school status during the period of workplace training. They shall remain under the responsibility of

the head of the establishment or the head of the approved training centre to which they belong.

#### **5.1 – The school or approved training centre vis-à-vis the trainee**

**The head of the establishment (or the head of the approved training organisation) undertakes to:**

- support the trainee in searching for a workplace placement;
- designate a referent teacher who shall be responsible for drawing up the pedagogical content in conjunction with the tutor, monitoring the trainee throughout the placement and ensuring compliance with the provisions laid down in the CCF file relevant to the diploma being taken;
- define the objectives in accordance with the training reference framework and ensure that they are adequate in relation to the proposed activities;
- ensure that the CCF file is completed by the referent teacher;
- prepare the student trainee for the placement, specifically including:
  - information about risks related to the work environment, the use of personal protective equipment (PPE) and dangerous machinery;
  - situations of discrimination, harassment, sexist or sexual violence that they could encounter during their work placement, as well as what actions they should take;
- provide support for a pupil or student who is under the age of eighteen when they disembark in the event that the legal representative is unable to do so, without authorisation by the latter and approved by the school.

#### **5.2 – The pupil or student vis-à-vis the host company**

**The pupil or student trainee undertakes to:**

- carry out their project mission and remain available for the tasks entrusted to them;
- comply with the general rules in force in the host organisation, the rules applicable on board, specifically those pertaining to safety, working hours, discipline and confidentiality as laid down by the company and subject to the provisions of Articles 6 and 7 of this agreement;
- respect the authority of the captain on board and the officers that represent the captain and the workplace tutor;
- report any situations of discrimination, harassment, gender-based or sexual violence to the referent teacher or head of the establishment.

See resources file, Minister responsible for labour:  
« **mémento des jeunes en situation professionnelle** »  
([https://travail-emploi.gouv.fr/IMG/pdf/memento\\_jeune\\_sante\\_au\\_travail\\_2022.pdf](https://travail-emploi.gouv.fr/IMG/pdf/memento_jeune_sante_au_travail_2022.pdf))

#### **5.3. - The host company vis-à-vis the pupil or student trainee**

**The representative of the crew or host organisation undertakes to:**

- welcome the pupil or student trainee and provide them with the necessary means to carry out their mission;
- appoint a trainee tutor on board the vessel who will be tasked with the following:
  - guide and advise the trainee;
  - provide them with information about the rules, codes and culture of the crew or the host organisation;
  - provide information on, and train them in, on-board safety;

- complete and adhere to the provisions of the CCF file;
- encourage their integration within the crew or host organisation;
- assess the quality of the work performed.
- complete the financial annex if necessary;
- keep a copy of each young person's agreement on board in case there is an inspection carried out by the labour inspectors (provisions of Title II of Decree No. 2022-1727 of 28 December 2022);
- ensure they have fulfilled their safety obligations, including:
  - draw up a written assessment of the risks to which the trainee is likely to be exposed, depending on their age and the regulations in force;
  - share this assessment with the mariners' doctor or the occupational physician and ensure it is included in the single risk assessment document (DUER) in accordance with Article 8 of Decree No. 2017-1473 of 13 October 2017, as amended, relating to the protection of young workers who are under the age of 18 years and who have embarked on board vessels, and to Articles L 4121-1 and L 4121-3 of the Labour Code;
  - make sure that all necessary measures are in place to ensure the safety, and protect the physical and mental health, of the trainee in the same manner as those measures in place for employees;
  - provide the trainee with required safety equipment and ensure that the trainee wears this equipment after having been trained in how to use it. This equipment specifically includes work clothes and personal protective equipment (PPE) that is suitable for the work to be undertaken by the trainee, and mandatory PPE to protect against the risk of drowning in the event of on-board training (see (Articles R. 4321-1 et seq. of the Labour Code, Article 10 of Decree No. 2017-1473 of 13 October 2017, as amended, and Article 9 of Decree No. 2007-1227 of 21 August 2007 on the prevention of maritime occupational hazards and the well-being of seafarers and in ports);
- Create a record of the time spent by the trainee partaking in the course in order that it is possible to complete the certificate issued to the student once they have finished the course, as referred to in Article 16;
- take responsibility for the trainee from their embarkation through to disembarkation;
- provide the trainee with living conditions, accommodation and food on board that as a minimum, is equivalent to that which is provided to employees and, if possible, a separate sleeping area for young people who are under the age of 18 and are involved in fishing activities;
- issue the trainee with a training certificate on the last day of their work placement in accordance with Annex II of the Order of 13 March 2023 that lays down the template training agreement for students enrolled at maritime vocational colleges and approved training centres.

#### **5.4. - The host company and the approved secondary school or training centre**

The representatives of the educational establishment or approved training centre, together with the crew or host organisation, the signatories to this agreement, shall ensure that they share any information that is needed to enable the smooth running of the placement, before, during and after the placement takes place.

#### **Article 6 – State Grant**

In accordance with Decree No. 2023-765 dated 11 August 2023, pertaining to the payment of a grant for vocational students at secondary school level within the framework of a benefit relating to a period of training in the workplace, a financial grant will be paid to those students participating in LPM initial training who have academic status and within approved training organisations for the purposes of their PFMP (work-study placement) within the framework of the certificate of professional competence (Certificat d'aptitude professionnelle – CAP) or vocational baccalaureate.

This grant is paid by the State in respect of each day spent by the student on a work-study placement under the agreement; this shall be proven by means of a work-study placement certificate as referred to in Article 16 of this agreement.

#### **Article 7– Bonus**

In France, should the duration of the period of the workplace based training within the same host organisation take longer than two months, irrespective of whether this is consecutive or not, the period of workplace based training shall be subject to a mandatory monthly bonus.

Except in the case of special rules relating to specific French overseas collectivities, the hourly amount of the bonus is set at 15% of the social security hourly cap as defined in application of Article L. 241-3 of the Social Security Code. An industry-wide agreement or professional agreement may set an amount that is higher than this rate. This bonus does not constitute a salary within the meaning of Article L. 3221-3 of the Labour Code.

Should a bonus be awarded to the trainee, the financial appendix needs to be completed and signed by the parties and it must specify the amount of the bonus; this shall be due for each hour of attendance counted from the first day of the first month worked in the same host organisation.

#### **Article 8 – Hours of work, night work and rest**

The working hours of the trainee are recorded on a daily and weekly basis on a time sheet and the host company is responsible for doing this. The hours may not exceed the following limits:

##### **Article 8.1 – For trainees who are minors**

- The maximum *daily* working time is *eight* hours.
- The maximum *weekly* working time is 35 hours.

**For minors aged 16 years and over**, where the collective work organisation justifies it, the shipowner is able to derogate from this without prior agreement required from the labour inspector:

- regarding the maximum daily duration, up to a limit of 2 hours per day (i.e. 10 hours),
- regarding the maximum weekly duration, up to a limit of 5 hours per week (i.e. 40 hours).

N.B. The trainee's working hours may **under no circumstances** exceed the daily or weekly legal or contractual working hours of those adults who are on board the same vessel.

Where the above-noted **additional time durations** regarding daily and/or weekly working hours are applied, the young person shall be entitled to two types of rest periods, which can be cumulative:

## Annex No. I.1: STANDARD ORGANISATIONAL PROVISIONS PERTAINING TO WORKPLACE BASED TRAINING PERIODS FOR PUPILS AND STUDENTS OF MARITIME VOCATIONAL SCHOOLS OR APPROVED TRAINING CENTRES

- rest periods of a duration that as a minimum are equivalent to the number of hours worked in excess of the daily eight-hour limit are provided;
- any possible overtime, as well as additional hours, shall give rise to equivalent compensatory rest periods.

Regarding the terms and conditions for the allocation of these two types of rest periods, reference shall be made to Decree No. 2017-1473 of 13 October 2017 as amended by Decree No. 2021-933 of 12 July 2021.

### Rest breaks:

Where the daily working time exceeds four and a half hours, the trainee shall be given time in which to take a rest break of at least 30 minutes, where possible with this being consecutive.

### Daily turn around periods:

The trainee shall be entitled to a minimum daily turn around period of:

- 12 consecutive hours, with the rest including the period between midnight and 4 a.m.;
- 14 consecutive hours for young people aged 15 and over and under 16 in any 24-hour period;
- 14 consecutive hours, for pupils working at night under the **authorisation of the labour inspectorate**.

### Weekly rest periods:

The trainee shall have a weekly rest period of at least 48 consecutive hours, both while at sea and in port.

### Night work is prohibited for young workers:

- who are at least 15 years old and under 16 years of age (night work for this age group means the period of time between 8 p.m. and 6 a.m.);
- who are at least 16 years old and under 18 years of age (night work for this age group means the period of time between 9 p.m. to 6 a.m.).

There is one exception to this: young people aged 16 and over who are working in the fisheries sector can be exempted from the prohibition on night work for training purposes.

Conditions: a request for exemption is to be sent to the labour inspector no later than 15 days before embarkation, in accordance with the procedures as laid down in the Order of 31 October 2017 pertaining to the content of the requests noted in Article 19 of Decree No. 2017-1473 of 13 October 2017, as amended, regarding the protection of young workers under the age of eighteen years of age embarked on board vessels.

The exemption from the ban on night work granted by the labour inspector shall cover the whole period deemed to be night work (9 p.m. - 6 a.m.)

### **Article 8.2 – For trainees who are of the legal age of majority**

The duration of the pupil's working time shall comply with the rules that are applicable to employees of the host organisation in respect of maximum daily and weekly attendance durations, night attendance, daily turn around periods, weekly rest periods and public holidays.

### **Article 9 – Regulated work for trainees who are minors**

The host company shall, when required, work with the educational establishment or approved training centre to draw up the list of work, equipment or products that are subject to the declaration of exemption from specific regulated work activities for minors pursuant to Article 15 of Decree No. 2017-1473 of 13 October 2017 as amended.

A trainee who is a minor but is at least sixteen years of age, can be assigned to specific regulated work activities after the company has provided the labour inspector with a declaration of exemption from such work and has complied with the conditions as laid down in Articles 16 and 17 of Decree No. 2017-1473 of 13 October 2017 as amended.

### **Article 10 – Electrical safety**

Any trainee who is required to work on or nearby to electrical installations and equipment during their period of workplace based training must be authorised to do so in accordance with standard NF C 18-510 by the head of the host organisation, as a function of the nature of the work activities to be performed. This authorisation may only be granted after completion of training in the prevention of electrical risks undertaken by the trainee in a school, in advance of their period of training in the workplace. The authorisation is issued based on the official document drawn up by the educational establishment or approved training centre which certifies that, in respect of above-noted authorisation levels, the relevant training has been successfully completed by the trainee.

### **Article 11– Liability insurance**

The host organisation shall take any steps necessary to ensure their civil liability in the event of any fault that can be attributed to the company relating to the trainee.

The head of the establishment shall take out insurance to cover the pupil's or student's civil liability for any damage that they may cause during the period of the workplace placement or while preparing for it. The name and contact details of the insurance company and the contract number of each of the parties shall be noted down in the workplace agreement (boxes A, B and C).

### **Article 12 – Social protection scheme for trainees while on a workplace based placement**

In the event of an accident or illness, the obligation for repatriation from the vessel to take place free of charge and as soon as possible is incumbent on the shipowner.

In the event of an accident at work or occupational illness, any pupil or student under the age of 24 shall be covered by the general scheme.

#### **Article 12.1– Sickness and maternity insurance cover**

In the event of illness or maternity, the applicable scheme shall be that of the parent of whom the pupil or student is the beneficiary, if they are under 24 years of age. They are affiliated to the general scheme from the age of 24, if they were not previously working in a trade or profession prior to their period of study. In the event of previous professional activity, the student, irrespective of their age, shall remain affiliated to the mandatory scheme to which this activity belongs.

#### **Article 12.2 – Insurance cover for occupational accidents/illness**

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In the event that the trainee has an accident, either during their activities or during the journey, the host company must make a written declaration about the accident (CERFA document or online declaration procedure). They must immediately send the head of the educational establishment to which the trainee belongs a copy of the declaration of the work accident that was sent to the competent CPAM along with the initial medical certificate.

The pupil or trainee student shall be entitled to the health and accident insurance benefits of the general scheme upon disembarkation.

### **Article 13 – Leave of absence**

In the event of pregnancy, paternity or adoption, the trainee shall benefit from leave and authorised periods of absence for a period that is equivalent to that provided for employees under Articles L. 1225-16 to L. 1225-28, L. 1225-35, L. 1225-37 and L. 1225-46 of the Labour Code.

### **Article 14 – Suspension and termination of the workplace agreement**

The head of the educational establishment or the head of the approved training centre and the head of the host company shall contact each other and keep each other informed about any issues that may be encountered during the period of workplace based training. If applicable, they shall, by mutual agreement and in liaison with the teaching staff, take any appropriate measures to resolve the issues, particularly in the case of a trainee being absent or in the event of a breach of discipline and/or on-board health and safety rules. If required, they shall discuss how to suspend or terminate the placement.

Termination shall not give rise to compensation and shall not in and of itself affect whether the trainee can continue their training at the educational establishment.

### **Article 15 – Validation of the workplace based training period in the event of interruption**

If the trainee interrupts their workplace based training period for a reason linked to illness, accident, pregnancy, paternity, adoption or, in agreement with the establishment or approved training centre, in the event of non-compliance with the pedagogical stipulations of the CCF file, or in the event that the agreement is terminated at the initiative of the host organisation, the establishment or approved training centre shall then suggest an alternative method to the trainee by which they can validate their training. Should the parties to the agreement be in agreement, it is also possible to postpone the end of the workplace based training period or placement, either in whole or in part.

### **Article 16 – Evaluation and certification of the placement**

The trainee's work activity shall be assessed by the two people responsible for supervising the placement, the referent teacher and the tutor. For this purpose, the crew or the host organisation shall thereby assess the trainee using the assessment tools provided by the educational establishment or the training organisation, particularly the CCF file.

At the end of the placement, the responsible person within the crew or host organisation shall issue a certificate in accordance with the standard certificate found in Appendix II of the Order of 21 August 2023 laying down a model training agreement for trainees enrolled in maritime vocational colleges and approved

training centres. These can be downloaded from this page : <https://formations.mer.gouv.fr/reglements-dexamen-documents-94>  
It is **mandatory** for the exact number of days during which the student was present to be noted on the certificate