



## NOTE ON COMPARABILITY OF ACCIDENTS AT WORK DATA FROM FRANCE

### 1. ISSUE DESCRIPTION

The existing health systems stem from specific historical, cultural, political, and socio-economic traditions. As a result, the organisational arrangements including those concerning health and safety at work differ between the EU countries. Many aspects to be considered are qualitative, so that the corresponding dimensions can hardly be measured on a metric scale.

The assessment of across-country comparability for European Statistics on Accidents at Work (ESAW) must consider the multi-dimensionality of these conditions for comparability. While harmonised methodology and definitions exist for the collection of accidents at work data at European level, the national practices differ.

One of the main dimensions influencing the ESAW comparability is the existence of two accident notification systems; *insurance based* and *universal social security system based*. The comparability of data concerning non-fatal work accidents for countries inside the same type of accidents notification system is considered good. The comparability between countries concerning the reported fatal accidents is considered very high, regardless of their accident notification system. Nonetheless, some variations in recognition practices might exist, influencing the number of reported cases.

France has a specific system for notification and recognition of accidents at work centred on reporting work-related events. This system does not usually differentiate between the accidents where the **main cause is the work** and the accidents **occurring at work**. The latter cases should be excluded only if other work-related causal elements are ruled out. This might lead to a higher number of reported work accidents reported in France in comparison with other countries, including those with similar accident notification systems. The main characteristics differentiating the French system from other systems are listed below.

### 2. PRESUMPTION OF CAUSALITY

In France, any accident causing physical or mental injury that occurs at work or during work, regardless of its cause, is recognized as work accident. It is the employers' responsibility to prove the lack of a link to the work for the accident. Failing to establish

a link between the accident and the work is not sufficient to consider that the accident is not work-related.

Until 2017, this presumption of causality for victims of accidents at work was only applicable to employees in the private sector. Since 2017, the presumption of causality is extended to civil servants <sup>(1)</sup>.

### **3. RECOGNITION CRITERION**

The reported accidents at work are subject first to a recognition procedure by the French health insurance funds or by their administration (for accidents reported by the "*Caisse nationale de retraites des agents des collectivités locales*" (CNRACL)).

For the employees in the private sector, the recognition system is based on declarations of work accident made by the employers. The second mandatory element that will allow the recognition of the accident as a work accident is the initial medical certificate (IMC). IMC is a medical report about the health consequences of the accident. Any physician can provide an IMC. It is the responsibility of the physician to establish an IMC of accident at work as soon as the patient indicates that it is one. It is not necessary for the employee to prove that a declaration of accident at work has been made by his employer. In case of disagreement between the employee and the employer, there is a dispute, and the decision is made by a court.

Once all the elements of a recognition demand are gathered, insurance schemes decide if the accident at or during work is a work accident or not. In 2019, 94% of all the complete recognition demands were validated by the primary work accident insurance scheme (CNAM). By contrast, in countries with a similar economic structure and size this share is around 50%.

ESAW data reported by France covers all accidents thus recognized as work accidents if they resulted in 4 days or more of absence from work, in accordance with the ESAW methodology.

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<sup>(1)</sup> The article 21 bis of the Law n°83-634 from 13 July 1983, modified version by the Ordinance n°2017-53 from 19 January 2017.