



Agenda item	10
	World Wide Academy
Author(s) / Submitter(s)	Secretariat

French legal advice on contracts for experts

Background

At its session 14, LAP requested the Secretariat to take legal advice from a French lawyer regarding the various options for expert missions, according to the funding arrangements:

- Option 1 – mission entirely funded by the expert's mother organisation
- Option 2 – mission funded by both IALA and the expert's mother organisation
- Option 3 – mission entirely funded by IALA

Amended draft contracts received from the lawyer

The classical draft expert mission services contract (Option 3) was amended to have it conforming to the French regulations and avoid the risk of seeing it transformed into an employment contract.

With regard to the experts made available to IALA by their organisations a draft tripartite agreement between IALA, the expert and the mother organisation (the employer organisation) is recommended, which gives a legal framework to these relationships. Although the risk of being taken to court seems to be low due to the very specific status of IALA, it is desirable to have the secondment of external employees governed by a contract.

IALA's attention was drawn to the fact that this contract is a « light » version compared to the requirements of the French law for secondment.

In the circumstances of weak links with France, where the law may be the most restrictive, the lawyer thought that it was adequate to simplify the contracts and place them under the law of the country of the expert and his employer organisation.

In any case, any secondment contract signed with a French entity and a French employed expert must be translated into French.

Action requested from the Panel

The Secretariat asks the LAP to

1. Note the advice given by the lawyers
2. Recommend the draft contracts to IALA and its integral World Wide Academy

Supporting documents

- LAP15-10.2.1 Draft contract for options 1 & 2
- LAP15-10.2.2 Draft contract for option 3