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The Wages of Fear: France Extends the Limitation Period for Anxiety Claims

In France, an employee exposed to a toxic or harmful substance may, under certain conditions, seek compensation for anxiety resulting from the risk of developing a serious illness, even when no disease has yet been diagnosed.

In a ruling dated May 29, 2026 (Court of Cassation, Joint Chambers, May 29, 2026, No. 24-17.384), the Court of Cassation clarified that employees' anxiety claims arising from exposure to chemical substances posing a high risk of serious illness are subject to a ten-year statute of limitations. Although the decision is procedural in nature, its practical implications are significant, as it substantially extends the period during which employers may be exposed to claims relating to past occupational exposure.

Claims for anxiety-related harm were originally recognized by French courts in cases involving asbestos exposure. Subsequent case law expanded the scope of this cause of action, allowing employees to seek compensation for anxiety arising from exposure to any chemical substance that presents a high risk of serious illness. The Court of Cassation's decision of May 29, 2026 further broadens the scope of anxiety-related claims by extending the applicable limitation period. As a result, employers should take this risk into account when assessing and managing employee exposure to hazardous substances subject to enhanced health surveillance requirements.

I. The French Legal Framework in Brief

The French system distinguishes between compensation paid by social security and the employer's supplementary liability.

A. Compensation Initially Covered by Social Security

The French Primary Health Insurance Fund (*Caisse Primaire d'Assurance Maladie* – CPAM), a local branch of the French social security system, determines whether an accident or illness is work-related. If it is recognized as such, the CPAM covers medical care and pays the employee compensation or a pension.

This system is funded by specific contributions paid on wages by employers for work-related accidents and occupational illnesses. The amount of these contributions may vary depending on the number of recognized work-related accidents and occupational illnesses within the company.

B. Additional Financial Liability in the Event of Employer Negligence

When the employer was, or should have been, aware of the danger and failed to take the necessary measures to protect the employee, French courts may hold that such conduct amounts to "inexcusable negligence." In practice, this concept corresponds to a particularly serious breach of the duty of prevention and safety.

The victim may then be entitled to additional compensation. This compensation is generally fronted by the CPAM, which then seeks reimbursement from the employer. The final financial cost is therefore borne by the company.

Finally, and in addition, employees, even those who are not ill, may be awarded compensation for anxiety-related damages, which compensates for the constant worry experienced by an employee due to exposure to a toxic or harmful substance that poses a risk of developing a serious illness. Initially recognized in asbestos-related litigation, this remedy is now available to any employee who can demonstrate such exposure, regardless of the substance involved (Cass. Plen. Ass., Apr. 5, 2019, No. 18-17.442; Cass. Soc., Dec. 15, 2021, No. 20-11.046).

II. The Court of Cassation Upholds a Ten-Year Statute of Limitations

Until the May 29, 2026, ruling, French courts differed on the applicable statute of limitations for claims relating to anxiety-related harm: five years under general civil law regime or ten years for claims based on bodily injury.

The Joint Chamber has just ruled in favor of the ten-year statute of limitations. It holds that anxiety-related harm resulting from exposure to a toxic or harmful substance constitutes harm resulting from bodily injury and therefore falls under Article 2226 of the French Civil Code.

In principle, this statute of limitations begins to run from the date the injury is considered to have stabilized, that is, from the moment the victim's condition is deemed medically stable. However, when no date of stabilization has been medically determined and the victim claims only anxiety-related harm, the statute of limitations begins to run from the date on which the victim becomes aware of the exposure, the identity of the liable party, and the risks involved, provided that this date cannot precede the end of the exposure.

For companies, this decision extends the period during which a claim for compensation may be filed and, in practice, reinforces the importance of maintaining, over the long term, records related to risk assessment, preventive measures, employee information, and exposure monitoring.

III. A Clarification of the Statute of Limitations, Without Calling into Question the Conditions for Compensation

The ruling does not make compensation automatic. The employee must still establish:

- exposure to a toxic or harmful substance;
- a high risk of developing a serious medical condition; and
- genuine, personal anxiety directly related to that exposure.

Merely being exposed to a hazardous substance is therefore not sufficient. The claimant must demonstrate damages specific to their situation, without benefiting from an automatic presumption (Cass. soc., Oct. 13, 2021, No. 20-16.584). Nor can they receive double compensation if the same anxiety disorders have already been compensated for under another claim.

Why Is This Decision Important for International Corporations?

This decision is of particular interest to international corporations conducting industrial operations in France. Anxiety-related damages may arise from exposure to any toxic or harmful substance that poses a high risk of causing a serious medical condition, and are therefore not limited to asbestos-related litigation. Companies may thus face this type of claim for up to ten years from the date on which the employees become aware of the health hazard.

The following Gibson Dunn lawyers prepared this update: Pierre-Emmanuel Fender and Mélanie Gerrer.

Gibson Dunn lawyers are available to assist in addressing any questions you may have about these issues. Please contact the Gibson Dunn lawyer with whom you usually work, the authors, or any leader or member of the firm's Transnational Litigation or ESG: Risk, Litigation, & Reporting practice groups:

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