

## How can you assert your rights if your employer violates the French labour law rules applying to you?

▲ By contacting the *inspection du travail* (labour inspectorate) for the *département* where you are working.

▲ By contacting the trade unions that are recognised as being representative at national and multisector level or any other union organisation of your choice.

▲ By filing a complaint with the *conseil de prud'hommes* (industrial tribunal) if, for example, your salary has not been paid or you have not been provided with pay slips. This tribunal is the French court which settles disputes between workers and their employers.

▲ By referring the matter to the court having jurisdiction in your home country.

## Useful Information

### Contacts

#### Information on labour law provisions for secondment

<http://travail-emploi.gouv.fr/informations-pratiques,89/les-fiches-pratiques-du-droit-du,91/detachement-de-salaries,407/>

#### Labour inspectorate

[www.direccte.gouv.fr/](http://www.direccte.gouv.fr/)

#### Information on social protection rules

[www.cleiss.fr](http://www.cleiss.fr)  
[www.urssaf.fr](http://www.urssaf.fr)  
[www.msa.fr](http://www.msa.fr)

#### Representative union organisations

Confédération générale du travail (CGT)  
[www.cgt.fr/-La-CGT-pres-de-chez-vous-.html](http://www.cgt.fr/-La-CGT-pres-de-chez-vous-.html)

Confédération française démocratique du travail (CFDT)  
[www.cfdt.fr/portail/confederation-j\\_5](http://www.cfdt.fr/portail/confederation-j_5)

Confédération générale du travail-Force ouvrière (CGT-FO)  
[www.force-ouvriere.fr/Unions-departementales-FO](http://www.force-ouvriere.fr/Unions-departementales-FO)

Confédération française des travailleurs chrétiens (CFTC)  
[www.cftc.fr/ewb\\_pages/r/recherche\\_geo.php](http://www.cftc.fr/ewb_pages/r/recherche_geo.php)

Confédération française de l'encadrement- Confédération générale des cadres (CFE-CGC)  
[www.cfecgc.org/nous-trouver/](http://www.cfecgc.org/nous-trouver/)

#### Refer your case to an industrial tribunal

[www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-conseils-de-prudhommes-21779.html](http://www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-conseils-de-prudhommes-21779.html)

## Your rights

# when you are temporarily working in France at the request of your employer based in another country

October 2014

*The information set out in this leaflet does not take precedence over effective legal provisions.*

10-31-2190  
PEFC  
IMPRIMERIE VERT  
Imprimé par la Dila



## Your employer must comply with a number of conditions as regards your secondment in France:

- ▶ It must carry on a **genuine and effective business activity** in the country where it is based
- ▶ You must be employed by this company **before coming to France**
- ▶ You must be sent to France to perform a **temporary and specific service**
- ▶ Your position in France must not have been previously held by another seconded employee
- ▶ Your employer must oversee your work for the entire time you are in France (this does not apply to "temp" contracts)

## Once these conditions are met

and regardless of where your employer is based and of the law governing your employment contract, **the following provisions of French labour law will apply to you while you work in France**: individual and collective freedoms, discrimination and equality of opportunity between men and women, maternity protection, temping, right to strike, working hours, public holidays, annual paid leave, leave for family events, minimum wage, health and safety in the workplace, undeclared work.

### Salary

As a minimum requirement, your basic salary must be aligned with the French national minimum wage (SMIC), which was €9.53 per hour as of 1 January 2014, or with the minimum amount set out in a collective bargaining agreement.

If there is such an agreement for the sector in which you work in France that contains more advantageous compensation provisions, then your employer must abide by them.

Your employer must pay your travel, accommodation and subsistence costs during your secondment in France. If you settle these expenses in advance, they must be reimbursed. Any such repayments are not factored into the calculation of your minimum salary.

### Pay slip

If your secondment in France is for more than a month, your employer must provide a pay slip. If the secondment lasts less than a month, it must issue a document attesting to compliance with minimum wage requirements.

### Working hours

Unless there is a special exception, the maximum working hours in France are 48 hours per week (from 0:00 Monday to midnight the following Sunday) and ten hours per day. All workers must have 35 hours' rest per week, usually including Sunday.

Unless special provisions apply, hours worked over and above 35 hours per week are paid as overtime: +25% for the 36<sup>th</sup> to 43<sup>rd</sup> hour and +50% as from the 44<sup>th</sup> hour.

### Paid leave

In France, all workers are entitled to paid leave of 2.5 days per month of actual work with the same employer. This entitlement is on a pro-rata basis if the period worked is less than a month.

### Health and safety in the workplace

Your health and safety in the workplace is the responsibility of your employer. It must introduce precautions to minimise the risks to which you may be exposed (working at height, chemical risks, exposure to asbestos, noise, etc.).

Accidents in the workplace must be reported to the labour inspectorate within 48 hours.

## You can remain affiliated to your home country's social security system when on secondment in France

- ▶ Your employer is based in a Member State of the European Union, the European Economic Area or in Switzerland. Subject to a number of conditions, you can remain affiliated to the social security system of the country in which it is based for the entire time you work in France for said employer.

To prove this continued affiliation, you must have a Portable Document A1/E101 form which will be issued by the social security organisation to which you are affiliated following a request from your employer.

*If the probable period of your secondment is more than two years, your employer must affiliate you to the French social security system.*

- ▶ Your employer is based outside the European Union, the European Economic Area or Switzerland. Subject to a number of conditions and if there is a bilateral social security agreement between France and this country, you can remain affiliated to the social security system of the country in which your employer is based.

In this case, the social security organisation to which you are affiliated will provide you with a certificate attesting to this continued affiliation.

*Otherwise, your employer must affiliate you to the French social security system.*

You can find a list of these countries at [www.cleiss.fr](http://www.cleiss.fr)