

Collective agreement form for temporary work agencies

Temporary employees

Employees concerned:	Posted employees whose activity falls within the scope of national collective agreements for temporary work agencies (IDCC 2378)
Applicable agreements:	<p>Industry agreement on the application of the organisation of reduced working hours for temporary workers of 27 March 2000</p> <p>Industry Agreement on the terms and conditions of payment of compensatory rest for night work by temporary workers of 24 July 2002</p> <p>Industry Agreement on occupational health and safety in temporary work of 3 March 2017</p>

For a general overview of the statutory provisions applicable to the various subjects handled in this document, see here: <https://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries/article/salaries-detaches-vos-droits>

PAY	
Minimum salary (classification/corresponding minimum salary):	Application of the applicable collective agreement provisions in the user company (legal provisions: L. 1251-43 and L. 1251-16 CT), i.e. the level of remuneration and its various components, including the bonuses and wage supplements, if any, that an employee with an equivalent professional qualification in the same position would receive in the user company after a trial period.
Extra pay related to working hours (see also working hours):	<p>Application of the legal or collective agreement provisions applicable in the user company (legal provision: L. 1251-21 CT).</p> <p>Application of the Industry Agreement relating to the application the organisation of reduced working hours for temporary workers of 27 March 2000:</p> <ul style="list-style-type: none"> - Temporary employees may only be able to work 35 hours even if the user company has a longer collective working time. - Methods for applying compensatory rest: the right to compensatory rest is acquired as soon as the duration of such rest reaches 7 hours. It may be taken, at the employee's choice, as a day or half-day. If the employee is unable to take the rest during the posting, a compensatory allowance corresponding to the acquired rights must be paid to the employee. - Methods for applying a flexible working time system: flexible working time agreements do not apply to contracts of under 4 weeks in the case of agreements made before the entry into force of the Law of 20 August 2008, - Methods for applying rest days linked to reductions in working time (JRJT): a compensatory allowance may be paid at the normal rate for JRJT days not taken by the end of the posting, which is included in the basis for calculating the end-of-assignment allowance and the compensatory allowance for paid leave. <p>If the user company grants compensatory rest for overtime, the interpretation agreement on payment methods for compensatory rest of 18 January 1984 applies (formerly legal compensatory rest beyond 41 hours retained in certain collective agreements): a compensatory allowance in an amount corresponding to the acquired rights must be paid to employees who are unable to take the rest during their assignment.</p>
Bonuses and allowances	<p>Application of the applicable collective agreement provisions in the user company (legal provisions: L. 1251-43 and L. 1251-16 CT), i.e. the level of remuneration and its various components, including the bonuses and wage supplements, if any, that an employee with an equivalent professional qualification in the same position would receive in the user company after a trial period.</p> <p>Application of Article L. 1251-32 CT to severance pay due to temporary employees that is intended to compensate for the uncertainty of their situation. This allowance is 10% of the total gross remuneration due to the employee.</p>

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Salary payment (payment arrangements)	<p>Application of Article L. 1251-16, 3° CT: the methods of paying amounts due to the employee, including those of the end-of-assignment allowance provided for in Article L. 1251-32 CT are compulsory in assignment contracts.</p> <p>Interpretation agreement of 18 January 1984 on the remuneration of temporary employees: reminder of the obligation of identical treatment and a mention thereof in the temporary employment contract and the secondment contract. Contracts must mention the reference pay rate given by the user company and the pay rate that the temporary work agency allocates to its employee.</p> <p>Interpretation agreement on time tickets of 4 April 1990: encourages the continuation of the practice of time tickets and communication on request to the employee.</p> <p>Interpretation notice of 28 November 1990 on the methods of paying the end-of-assignment allowance: specifies that the end-of-assignment allowance is excluded from the base of the SMIC and the applicable reference pay rate in the user company.</p> <p>Interpretation agreement on the payment of the end-of-assignment allowance of 9 June 1998: reaffirms that the end-of-assignment allowance applies to contracts entered into for “seasonal work” or “ for a fixed-term in a sector”.</p>
WORK-RELATED EXPENSES:	
Conditions of care, transport, meals and accommodation	<p>Application of the applicable collective agreement provisions in the user company (legal provisions: L. 1251-43 and L. 1251-16 CT), i.e. the level of remuneration and its various components, including the bonuses and wage supplements, if any, that an employee with an equivalent professional qualification in the same position would receive in the user company after a trial period.</p>
DURATION OF WORKING TIME	
Duration of working time:	<p>Application of the legal or collective agreement provisions applicable in the user company (legal provision: L. 1251-21 CT)</p> <p>Application of the industry agreement relating to the application the organisation of reduced working hours for temporary workers of 27 March 2000:</p> <ul style="list-style-type: none"> - Temporary employees may only be able to work 35 hours even if the user company has a longer collective working time. - Methods for applying compensatory rest, the right to compensatory rest is acquired as soon as the duration of such rest reaches 7 hours. It may be taken, at the employee’s choice, as a day or half-day. If the employee is unable to take the rest during the posting, a compensatory allowance corresponding to the acquired rights must be paid to the employee. - Methods for applying a flexible working time system: flexible working time agreements of temporary employment agencies do not apply to contracts of under 4 weeks in the case of agreements entered into prior to the coming into effect of the Law of 20 August 2008, - Methods for applying rest days linked to reductions in working time (JRJT): a compensatory allowance may be paid at the normal rate for JRJT days not taken by the end of the temporary assignment, which is included in the basis for calculating the severance pay and pay in lieu of vacation.
Night work:	Application of Article L. 3122-8 of the French Labour Code

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Holidays:	<p>In the case of a temporary employment contract, pursuant to Article L. 1251-19 CT, the employee must receive pay in lieu of vacation amounting to 10% of the gross pay including severance pay regardless of the duration of the assignment.</p> <p>Application of the interpretation agreement relating to the basis for the compensatory allowance for paid holidays of 18 January 1984: the ICCP base is comprised of the total gross remuneration due to the employee, the severance pay, and continued salary in the event of work stoppage treated as actual working time by the Labour Code and the Social Security Code (in particular, work stoppage due to a work-related accident).</p> <p>In the event of a permanent contract in the country of origin, the temporary employee is entitled to paid leave in accordance with the provisions of ordinary law (Article L. 1262-4, 6° CT).</p>
Public holidays:	<p>Pursuant to Article L. 1251-18 CT, public holidays not worked in the user company are paid to temporary employees without any seniority conditions.</p> <p>Application of the interpretation notice of 4 April 1990 relating to public holidays: if a temporary employee's assignment ends on the day before a public holiday and resumes on the day after the public holiday, the public holiday must be paid to the temporary employee.</p>
Young workers (between 16 and 18 years old):	<p>Application of the legal or conventional provisions applicable in the user company (legal provision: L. 1251-21 CT).</p> <p>Such workers are entitled to severance pay (IFM) (cf interpretation agreement on the payment of the end-of-service allowance of 9 June 1998) unless they have a permanent contract in the country of origin.</p>
APPRENTICESHIP	
MATERNITY PROTECTION:	<p>Application of the legal or collective agreement provisions applicable in the user company (legal provision: L. 1251-21 CT).</p>
HEALTH AND SAFETY AT WORK	<p>Application of the legal or collective agreement provisions applicable in the user company (legal provision: L. 1251-21 CT)</p> <p>Application of Articles L. 1251-22 CT on medical care and L. 1251-23 CT on personal protective equipment.</p> <p>Application of the interpretation agreement relating to the provision of personal protective equipment to temporary employees of 10 April 1996: only safety helmets and safety shoes may be provided by the temporary employment agency, if this is provided for in the secondment contract.</p> <p>Application of the industry agreement on health and safety at work in temporary work of 3 March 2017: reaffirms that preventive measures to avoid accidents at work must be respected in the user company and that temporary workers may exercise the right to sound the alarm and the right to vacate the workplace.</p>
PROVISIONS SPECIFIC TO THE INDUSTRY OF ACTIVITY	
(depending on the specific features)	<p>Obligation to comply fully with the provisions on temporary work (Article L. 1262-2, 2° CT) and, in particular, hold a financial guarantee to ensure the payment of salaries and related employment benefits (Article R. 1262-17 CT).</p> <p>Obligation to hold a BTP card for temporary agency workers seconded to the construction sector.</p>
<i>For more information :</i>	
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