

Your rights during your secondment

- > Throughout your period of secondment in France, you benefit from French regulations and your employer is obliged to adhere to them.

Minimum wage

A minimum wage applicable to all occupations exists (SMIC). Since 1 July 2005 this legal minimum hourly wage is 8,03 euros gross. It is reviewed each year. Your employer cannot pay you a wage below this amount.

Working time

The working week is 35 hours with one rest day, usually Sunday. Any additional hours worked are paid at an enhanced rate. There are special rules for working time and weekly days off, depending on the business activity and collective agreements.

Paid holidays

Annual paid holidays are calculated at the rate of two and half days per month worked. The law permits some derogations. Thus, in building and construction, it is possible not to apply the French regime if you benefit from equivalent conditions instituted in your own country.

Working conditions

You must have the same working conditions as those guaranteed by law for French workers regarding health, safety and protection against the risks of accident and industrial medical services. If you are in communal accommodation, the law sets standards for the hygiene, comfort and privacy of dwellings. If you are an agricultural worker your accommodation is subject to special regulations. The same applies to designated eating areas.

These rules constitute the common base of the legislation of the Member States of the European Economic Area on the subject of the transnational secondment of employees.

- > If your employer does not comply with these legal obligations or you would like more details about your rights during your secondment in France, you can obtain information from the following services.

Labour law

Each French département has its own labour inspectorate. They can intercede with your employer or the company for which the service is being provided:

- Inspection du travail [labour inspectorate] (for all activities except agriculture and transport)
- Inspection du travail [labour inspectorate] of agricultural social laws
- Inspection du travail [labour inspectorate] in the transport industry

To obtain a list of labour inspectorates consult the following Ministry web sites :

<http://www.travail.gouv.fr>

<http://www.emploi-solidarite.gouv.fr>

<http://www.agriculture.gouv.fr>

<http://www.transports.equipement.gouv.fr>

Justice

You can also lodge a complaint at the Conseil des Prud'hommes [industrial arbitration tribunal] in order to obtain, for example, payment of your wages. This is a court responsible for settling disputes between workers and employers.

To obtain a list of these tribunals consult the French Ministry of Justice web site:

<http://www.justice.gouv.fr>

Social Protection

To obtain information about your rights to the sickness, industrial injury and unemployment services, consult the following web sites:

<http://www.cleiss.fr>

<http://www.acoss.fr>

<http://www.urssaf.fr>



Délégation interministérielle
à la lutte contre le travail illégal

Temporary secondment of employees in France

EMPLOYEES



You are seconded by your company to work temporarily in France...

Formalities required

> In order for your nationals to work in France, the French government requires the completion of a number of formalities

- Regarding residence for the following countries: United Kingdom, Ireland, Belgium, Luxembourg, Austria, Germany, Netherlands, Spain, Portugal, Greece, Finland, Sweden, Denmark, and Italy. You must be in possession of a valid passport or national identity card, together with a photocopy of your contract of employment.

- Otherwise regarding residence for the other countries: Although you do not have to apply for a long term residence permit, when your stay is more than 3 months and less than one year, you must obtain a "EUROPEAN COMMUNITY" temporary residence permit [card] bearing the words "SALARIE D'UN PRESTATAIRE DE SERVICES" [service provider employee] from the Préfecture.

Regarding work

It is no longer a requirement to apply in advance for a temporary work permit.

Regarding social securitycover

In conformity with European Regulation No. 1408/71 of 14 June 1971, your membership of the social security scheme is maintained throughout your secondment in France. For this purpose, you must be in possession of a certificate of secondment, in either E101 or E102 format as appropriate. This document exempts you from membership of the French social security scheme and from payment of contributions to the URSSAF or MSA schemes.

After 12 months, your employer must register you on the French social security scheme, saving derogation granted by the French social security bodies.

For further information, consult the following web sites:

<http://www.interieur.gouv.fr>
<http://www.travail.gouv.fr>
<http://www.cleiss.fr>

The conditions of secondment apply :

To put employees at the disposal of a French firm belonging to the same group on a non-profit-making basis.



E.g. secondment of consultants for a human resources mission or of senior executives for the purpose of designing computer software.



To the provision of services for profit in return for a contribution of a technical nature, skills or expertise specific to your company which must take on the financial risk. This service is to be provided as part of a commercial contract concluded by your employer with a French client.



E.g. Construction work on an industrial building or vessel, arboricultural work or the presentation of a musical show with a troupe of performance artists.

Temporary work

If this provision of services for profit consists solely of putting employees at the disposal of a company based in France, the special regulations for "temporary work"² apply.

> In conformity with community principles¹, French law permits secondment on the following conditions:

- Your employer must have a genuine business in a country of the European Community.
- Your secondment must remain temporary and limited to the period of provision of service.
- You must remain under the authority of and accountable to your employer throughout the period of secondment.

¹ Directive CE 96/71 of the European Parliament and Council regarding the secondment of workers within the framework of a provision of services.

² For further details, consult the French Ministry of Labour web site (<http://www.travail.gouv.fr>)