

Document of collective agreement for employees, technicians and supervisors (ETAM) in public works

PUBLIC WORKS (TP) ETAM

Employees to whom this applies:	Employees whose activities are the focus of the scope of application of the National Collective Agreement on Employees, Technicians and Supervisors (ETAM) in Public Works (<i>Convention collective nationale des employés, techniciens et agents de maîtrise des TP</i>) of 12 July 2006 (articles 1.1 and 1.2).
Date of coming into effect:	1 July 2007. Extension order of 15 June 2007 , published in the Official Journal of the French Republic of 28 June 2007.

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 wage (by region and grade level):	<p>Graded annual minimum wages (annexe VI of the collective agreement):</p> <p>The employer must allocate an annual salary that complies with the amount of graded minimum wage (SMH) set by the collective agreement.</p> <p>This excludes random and exceptional allowances and bonuses (reimbursing expenses, allowances for short business trips, pay for overtime, etc.). The annual base is set for a working time of 35 hours per week.</p> <p>Please note that the minimum annual base varies depending on the grade level, which is defined on the basis of classification criteria (not according to the job identified) and the region in which the work is carried out.</p> <p>To establish the minimum wage to be allocated to the relevant seconded employee:</p> <ol style="list-style-type: none">1. Determine the grade level corresponding to the tasks of the relevant seconded employee:<ul style="list-style-type: none">→ Refer to the methodological guide of national grading which outlines the classification criteria.The same job may be classified differently from one company to another depending on the level of responsibility in organising work, independence/initiative, technical nature and training/experience of the ETAM. To help, you can find an overview of the main jobs carried out in Public Works here.2. Take into account where the seconded employees are carrying out their work.3. Determine the applicable standard minimum wage based on grade level and place of work: ETAM annual minimums 2020 or annual minimums 2019 <u>if the salary agreement for 2020 is not yet in general application (pending extension order).</u>

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Extra pay for overtime, night shifts, working on Sunday and public holidays:

Extra pay for overtime ([article 4.1.2](#)): there are no specifics for Public Works, thus the statutory regulations that apply are:

- 25% for hours between the 36th and 43rd hours.
- 50% from the 44th hour.

Annual share of overtime: this share represents the maximum volume of overtime carried out per year and per employee, beyond which each hour worked automatically goes to mandatory time off in lieu. For more information on time off in lieu, click [here](#).

According to [Title 2 of the agreement of 6 November 1998 on the organisation, reduction of working time and employment in the construction industry](#), the share is set at:

- 180 hours.
- 145 hours for companies that structure work time on an annual basis.

Night shift:

- **In cases of regular night shifts** ([article 4.2.11](#)): hours worked between 9 p.m. and 6 a.m. must lead to the allocation of financial compensation determined in line with the company that employs the seconded workers. The collective agreement does not set any minimal sum of extra pay.

N.B.: those who are considered as night shift workers, as defined in the agreement of 12 July 2006, are employees who, at least twice per week, as part of their standard hours, spend at least three hours of their real daily working time working between 9 p.m. and 6 a.m. or, over an ordinary period of 12 consecutive months, spend at least 270 hours of real working time working between 9 p.m. and 6 a.m.

- **In cases of scheduled night shifts (neither regular nor exceptional)** ([article 4.2.11](#)): extra pay determined in line with the company that employs the seconded workers. The collective agreement does not set any minimal sum of extra pay.
- **In cases of exceptional night shifts** ([article 4.2.10](#)): 100% extra pay for hours worked between 8 p.m. and 6 a.m.*.

Working on Sunday in exceptional cases ([article 4.2.10](#)): 100% extra pay*.

Legally scheduled work on public holidays ([article 4.2.10](#)): 100% extra pay for hours worked on public holidays. For more information on statutory national public holidays, click [here](#).

** This extra pay cannot accumulate alongside extra pay for overtime. When the same job opens up entitlement to several instances of this extra pay, only the extra pay at the highest rate will be kept.*

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	<p><i>Overtime hours worked at night are made up in the same duration of time off in lieu.</i></p> <p>Making up time not worked due to bad weather (article 4.1.5): Working hours lost due to bad weather can be made up within the limitations of the applicable statutory provisions. Make-up hours that exceed the applicable statutory working hours (articles R. 3121-34 and R. 3121-35 of the French Labour Code (<i>code du travail</i>)) will lead to extra pay for the overtime.</p> <p>On production floors and mountain construction sites in which work has been stopped for at least 3 months, working hours that have not been used may, for compensation, be made up, up to a maximum limit of 120 hours per year. However, hours beyond the statutory working hours will lead to extra pay for the overtime.</p> <p>This ability to make up lost work hours must be distinguished from compensation for leave linked to bad weather by the insurance fund for bad weather leave. In addition, when hours are made up, the employer must, in addition, provide compensation for the time not worked due to bad weather.</p> <p>For more information on this subject, please refer to the CNETP general documentation.</p>
Bonuses and allowances:	<p>Holiday bonuses (article 5.1.2):</p> <ul style="list-style-type: none">• Allocated to the ETAM after 6 months spent working for one or several construction companies.• 30% of paid leave allowance allocated for 24 working days• Calculated and allocated by the paid leave insurance fund <p>Paid leave allowances:</p> <ul style="list-style-type: none">• Based on 2.5 working days of paid leave per month, limited to 30 days per year.• Of up to 1/10th, based on the total remuneration obtained by the beneficiary over the course of the reference year (1 April - 31 March).• Or, if it is more favourable: the regulation specific to the construction industry known as “rate by time” that sets the allowance sum at 1/10th of the last monthly/hourly wage at the time of leave, multiplied by the real working time. <p>For more information on this subject, please refer to the CNETP general documentation.</p>

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Employers who send employees on temporary secondment on national territory are subject to liability conditions to leave and bad weather insurance funds ([French Labour Code, article L. 1262-4 7°](#)). In some cases, however, the comparability of rights to leave for the secondment period may be recognised (see below).

In the event of registration with and contributions to a French insurance fund, these allowances will be allocated by the insurance fund to which contributions are paid. For more information, click [here](#).

WORK-RELATED EXPENSES:

(Payment conditions)

Expenses incurred at the employer’s request with regard to transport, accommodation and meals as part of a business trip in France during the secondment period must be reimbursed by the employer.

Daily trips ([article 7.1.9](#) and detailed explanations in the document “allowances for short business trips”):

- Paying transport and meal allowances to ETAMs working on a construction site (= working on a construction site)
- Daily, standard fee and set as a total value.
- The amount is determined according to the zone (= distance as the crow flies between the headquarters, branch, the local office or the town hall of the canton capital and the construction site) and negotiated every year by the regions.

Please note! Unlike workers on a construction site, ETAMs working on a construction site do not receive travel allowance.

To access the 2020 scale, click on this [link](#). When the collective agreement setting this scale is not yet in general application (pending collective agreement), click [here](#) to see the 2019 scale.

DURATION OF WORKING TIME

Duration of working time:

Maximum hours:

Duration of working time	Maximum durations
Variation = application of article 5 of Title 1 of the agreement of 6 November 1998 on the organisation, reduction of working time and employment in the construction and public works industries	<ul style="list-style-type: none"> • Maximum daily hours: 10 hours, which can be increased by 2 hours depending on requirements for specific activities in maintenance/operations and services, although this additional

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	<p>These provisions apply if the company applies an annual structure to working time for a period of 12 consecutive months.</p> <p>The employees concerned must have been made aware of the implementation of this variation in advance.</p>	<p>time cannot go on for more than 15 weeks.</p> <ul style="list-style-type: none">• Maximum duration of working time over the course of one week: 46 hours.• Average duration of working time per week calculated over a period of 12 consecutive weeks: 45 hours.• Average duration of working time per week calculated over a calendar quarter: 43 hours.
	<p>Excluding variation and contract days = application of article 4.1.6 of the collective agreement</p>	<ul style="list-style-type: none">• Maximum duration of working time per day: 10 hours.• Maximum duration of working time over the course of one week: 48 hours.• Average duration of working time per week calculated over a period of 12 consecutive weeks: 45 hours.• Average duration of working time per week calculated over a calendar quarter: 44 hours.

Number of working days in the week:

- 5 consecutive days for ETAMs whose schedule is not on an annual basis ([article 4.2.2](#)).
- Less than 5 days or up to 6 days for ETAMs whose schedule is on an annual basis, in line with [the agreement of 6 November 1998 on the organisation, reduction of working time and employment in the construction and public works industries](#)

Weekly rest period ([article 4.2.2](#)):

- Principle: a minimum of 48 hours of rest period, equivalent to two consecutive days, one of which is Sunday and the other Saturday (priority) or Monday.
- Exceptional cases allowed to work on Saturday:
 - In unforeseen circumstances for urgent works or security, for example.
 - In the event of maintenance, service, caretaking and repair works that involve a specific work structure.

Permanent exemption hours ([article 4.1.4](#)):

- Allows the employer to extend the duration of working time per day for relevant employees to carry out preparatory or additional works for normal work or to manage exceptional circumstances.

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- Obtained as of right: they therefore do not need prior authorisation from the health and safety inspector.
- Are considered as overtime and must thus lead to the applicable extra pay.
- Are not included in the share of overtime and therefore do not lead to time off in lieu.
- The list of works, and not jobs, that may give rise to an exemption is restricted for each professional activity:

- For the public works industry: the work of supervisory staff concerning preparing works to be carried out by the institution - 1 hour maximum; and the work by vehicle drivers, delivery drivers, warehouse clerks - 1 hour maximum.

(Example of practical application: employee who drives a company vehicle from the depot to the construction site and transports colleagues)

Time off in lieu: **100% time off in lieu** for all overtime worked outside the annual share of overtime ([article 4.1.3](#)).

In cases of regular night shifts ([article 4.2.11](#)): allocate time off for a duration of:

- 1 day for a work period including between 270 hours and 349 hours on a 9 p.m. - 6 a.m. shift, during the reference period.
- 2 days for at least 350 hours on a 9 p.m. - 6 a.m. shift.

This time off is taken under the conditions of time off in lieu.

Annual paid leave: **Total duration of leave** ([article 5.1](#)): 30 working days.

Paid leave based on length of service ([article 5.1.1](#)):

- 2 days of additional leave for ETAMs including 31 March, for more than 5 years and less than 10 years of service in the company of employment, or more than 10 years and less than 20 years of service in one or several companies that fall under a paid leave insurance fund for construction or public works.
- 3 days of additional leave for ETAMs including 31 March, for more than 10 years of service in the company of employment, or more than 20 years of service in one or several companies in a paid leave insurance fund for construction or public works.

Leave for family events ([article 5.2](#) and [article L. 3142-4 of the French Labour Code](#)):

EVENT	ETAM
Marriage or civil partnership (in France - civil solidarity pact (PACS))	4 days

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	Marriage of a child	1 day
	For each birth occurring in the employee's household	3 days
	For the arrival of a placed child in preparation of its adoption	3 days
	Death of a child	5 days
	Death of a grandchild	1 day
	Death of a spouse, PACS partner or common-law spouse	3 days
	Death of father, mother, stepfather or stepmother	3 days
	Death of a grandparent	1 day
	Death of a brother or sister	3 days
	Death of a stepbrother or stepsister	1 day
	Learning of a child's disability	2 days

Public holidays: **Not working on public holidays:**
For public holidays that are not worked and 1 May, wages are upheld without the length of service condition.

Duration of working time for young workers (between 16 and 18 years old): **No standard public works provisions, application of French Labour Code**
35 hours per week.
Option of adjusted maximum hours (40 hours per week and 10 hours per day) when the collective organisation of work justifies it ([order n°2018-1139 of 13 December 2018](#)).

PROVISIONS RELATED TO APPRENTICESHIP:

(if necessary, duration of working time, pay) **Pay higher than statutory pay** (agreement of 8 February 2005, extended by the order of 17 August 2005 [and order of 28 December 2018 for the age bracket 26 years and above](#)).

Year of contract	Age of apprentice			
	16/17 years	18-20 years	21-25 years	26 years and over (*)
1 st year	€608.49 (40%)	€760.61 (50%)	€836.67 (55%)	€1521.22 (100%)
2 nd year	€760.61 (50%)	€912.73 (60%)	€988.79 (65%)	
3 rd year	€912.73 (60%)	€1064.85 (70%)	€1216.98 (80%)	

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	<p>(*): % of guaranteed minimum growth wage (SMIC) or the standard minimum related to the job, if that is more favourable. The sums given in the table correspond to remuneration in % of SMIC</p> <p>To access the 2019 annual minimums for public works, click on this link.</p>
MATERNITY:	<p>Lengths of breaks for pregnant women who do not work desk jobs (especially those who work at construction sites) (article 3.1 of the collective national agreement of 10 September 2009 on diversity and professional and wage equality between men and women in the construction and public works industries):</p> <ul style="list-style-type: none">• From the 3rd month of pregnancy.• 15 minutes in the morning and 15 minutes in the afternoon, or 30 minutes in either the morning or afternoon.• Paid at wage rate.
PROVISIONS SPECIFIC TO THE INDUSTRY OF ACTIVITY	
(depending on the specific features)	<p>For a general overview of the statutory provisions applicable in this industry, click here.</p> <p>Obligation to hold a construction industry identification card:</p> <ul style="list-style-type: none">• Employees concerned: those who “carry out, manage or organise, even if occasionally, indirectly or on an ancillary basis, on a site or building site or public works,” the following works:• Excavation, earth-moving, clean-up operations, construction, assembly and disassembly of prefabricated elements, internal or external construction or fittings, restoration or renovation, demolition or transformation, clearing, maintenance or upkeep for works, refurbishment or repairs, as well as painting and cleaning pertaining to these works and all additional tasks that are directly connected• Mandatory regardless of the status (seconded employees, seconded temporary workers)• Application to the Union des caisses de France (UCF) via the website• https://www.cartebtp.fr/ once the secondment declaration has been <u>carried out</u> <p>Statutory system for time not worked due to bad weather (French Labour Code, art. L. 5424-6 and following; D. 5424-7 and following):</p> <ul style="list-style-type: none">• Suspension of the work contract in the event of bad weather (e.g. flooding, frost) that would make it dangerous or impossible to carry out the work with regard to the health and safety of employees or the nature of the work to be carried out and the methods for doing so.• Compensation from the employer to employees who worked 200 hours during the 2 months before the stop in operations. <p>For more information, click here.</p>

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	<p>Obligation to make contributions to leave and bad weather insurance funds: Employers who send employees on temporary secondment on national territory are subject to liability conditions in leave and bad weather insurance funds (French Labour Code, article L. 1262-4 7°). Companies that are domiciled in another Member State of the European Union or in one of the other countries that are part of the European Economic Area may be exempt from these obligations if they can justify that their employees receive their rights to paid leave for the duration of the secondment under conditions that are at least equivalent to those provided by French legislation.</p> <p>In the event that the employer has to be affiliated with the insurance fund:</p> <ul style="list-style-type: none">• The compensation for leave is allocated to seconded workers by the insurance fund to which contributions have been made.• The bad weather allowances are reimbursed by the employer's insurance fund when the employee fulfils the allowance conditions.
<i>For more information:</i>	
Point of contact with employer organisations	social@fntp.fr d.lemaire@cnatp.org
Point of contact with trade union organisations	https://www.fntp.fr/infodoc/travail-protection-sociale/relations-collectives-de-travail/adresses-des-organisations