

**National Collective Agreement for Construction Workers of 8 October 1990
Companies with more than ten employees (IDCC 1597)**

National Collective Bargaining Agreement for Construction Workers of 8 October 1990

Targeted employees:	Seconded employees whose work is covered by the scope of application of the <i>Convention Collective Nationale des Ouvriers du Bâtiment du 8 octobre 1990</i> (National Collective Bargaining Agreement for Construction Workers of 8 October 1990) (Article I.1 determining the professional scope of application, i.e. employing more than 10 employees).
Date of coming into effect:	<i>1 March 1991</i> <i>Extension order of 8 February 1991, published in the Journal Officiel de la République française of 12 February 1991.</i>

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	
Pay (classification/corresponding minimum wage):	<p>Classification: The applicable classification is that corresponding to the relevant employee's duties, subject to any grading guarantees resulting from the possession of certain diplomas. Refer to Title XII of the collective bargaining agreement and to the User Guide to the National Classification of the National Collective Bargaining Agreement of 8 October 1990.</p> <p>Minimum wages (Article XII-8): these are determined according to the grade and place of work and are fixed by regional collective agreement on the basis of a 35-hour week.</p> <p>The salary actually paid to the seconded employee must correspond to the hours worked during the month in question.</p> <p>These minimum wages shall apply to young workers under the age of 18, without reduction (Article XI-1).</p> <p>Remuneration of apprentices: agreement of 8 February 2005, extended by order of 10 August 2005.</p>
Extra pay related to working hours (see also working hours):	<p>Overtime (Article III-17): 25% supplement for the first 8 hours (i.e. between the 36th and the 43rd hour) then a 50% supplement for hours worked beyond that.</p> <p>Hours recovered following a period of unemployment due to inclement weather: application of overtime supplements.</p> <p>Special case (article III-28): in mountain workshops or work sites where work is interrupted for at least 3 months, the hours not worked may, by way of compensation, be recovered up to a maximum of 120 hours per year. In this case, hours worked beyond the 39th weekly hour are subject to overtime pay.</p>

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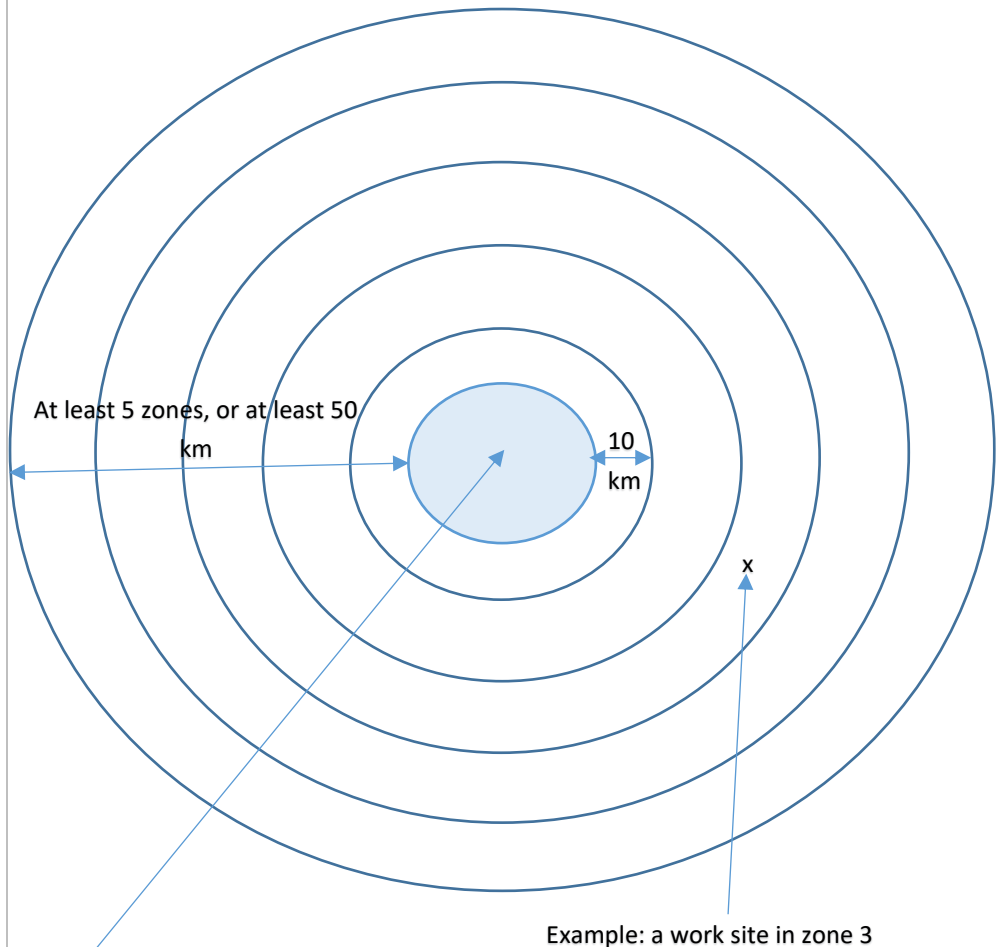
	<p>Night work <u>regular</u> (Agreement of 12 July 2006, on night work for workers, supervisors and managers in construction and public works companies, articles 2, 5 and 6):</p> <p><i>This concerns employees working at least twice a week, in their usual schedule of at least 3 hours of actual daily work between 9 p.m. and 6 a.m. or at least 270 hours of actual work between 9 p.m. and 6 a.m. over any period of 12 consecutive months</i></p> <ul style="list-style-type: none"> - financial compensation determined by the company employing the seconded employee; - allocation of 1 day off between 270 and 349 hours of work or 2 days off if 350 hours or more worked (between 9 p.m. and 6 a.m. over 12 consecutive months); - transportation, if necessary, to come to work and/or to return home; - food allowance (meal allowance); - 30-minute break (unpaid) for a night shift of at least 6 hours. <p>Night work <u>exceptional</u> (Article I.3): no standard additional payment</p> <p>Night work <u>neither exceptional nor regular</u> (Agreement of 12 July 2006, on night work for workers, supervisors and managers in Building and Public Works companies, article 11): compensation defined by the company that employs the seconded employee.</p> <p>Sunday work (Article I.3): no standard additional payment</p> <p>Work on public holidays (except 1 May: mandatory holiday) (Article V-11): pay for the hours worked on that day and compensation equal to the amount of the salary, subject to the workers being able to claim that their remuneration would have been maintained in the event of unemployment on the holiday (cf. "public holidays" section).</p>
<p>Benefits and perquisites (paid directly or indirectly, in cash or in kind)</p> <p><i>e.g.: company car advantages, telephone package, etc. 13th month bonus, bonus for a particular profession, bonuses linked to arduous work, childbirth allowance, marriage, civil partnership agreement, attendance bonus, seniority bonus, target bonus, holiday bonus, holiday allowance</i></p>	<p>Holiday bonus (Article V-25):</p> <ul style="list-style-type: none"> ● Beneficiaries: workers with at least 1675 hours (39h weekly or more) of work during the reference year (1 April - 31 March), in one or more companies in the Building and Public Works sector. ● Holiday bonus rate: 30% of the leave allowance corresponding to 24 working days of leave, earned on the basis of 2 working days of leave per month worked. The bonus is paid at the same time as the holiday pay. <p>In addition to the holiday bonus, the monthly salary constitutes the remuneration of the Construction Workers for all aspects of normal and usual exercise of their trade.</p> <p>Consequently, no standard bonus or allowance is due to employees in addition to the monthly salary, for the work they perform in this capacity (Article IV-1).</p>

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<p>Payment of wages (terms of payment)</p>	<p>Monthly payment, regardless of the number of days worked in the month (Article IV-1).</p>
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<p>WORK-RELATED EXPENSES:</p>	
<p>(terms of service, transport, meals and accommodation)</p>	<p>● Compensation for "short-distance travel": i.e., trips made on a daily basis by non-sedentary workers (those occupied on construction sites and not those working in the company's fixed and permanent facility) to the construction site (Article VIII-11 et seq.):</p> <ul style="list-style-type: none"> - Meal allowance: compensates for the additional expenses incurred when eating lunch outside the worker's usual residence (in France). This allowance is not payable in the following cases: <ul style="list-style-type: none"> - the worker takes their meal at their usual residence (in France) - there is a company canteen on the construction site and the meal is provided for free with the company's financial contribution that is equal to the amount of the meal allowance - the meal is provided for free or with the company's financial contribution that is equal to the amount of the meal allowance (Article VIII-15). <p>The amount of the meal allowance is set by territorial collective agreements.</p> - Transportation Allowance (Article VIII-16): compensates the worker on a lump sum basis for transportation costs incurred daily to reach the work site prior to the start of the work day and return home at the end of the day, regardless of the means of transportation used. This allowance is not payable when the worker does not incur transportation costs. The amount of the transport allowance is determined according to scales fixed by territorial collective agreements. - Commuting allowance (article VIII-17): compensates on a lump sum basis the hardship for the worker to travel daily to and from the site outside working hours. It is not payable when the worker is housed free of charge by the company on the site or in the immediate vicinity of the site. The amount of the commuting allowance is determined according to scales set under territorial collective agreements. <p>The distance to be taken into consideration for the application of commuting and travel allowances is [in principle] the distance as the crow flies between the company's head office (or the local branch or office established for more than one year before the opening of the work site), to the work site according to a system of concentric zones. When the company is located more than 50 km away, <u>the starting point of these concentric zones is set at a geographical point, the town hall or</u></p>

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city hall of the canton in whose territory the work site is located (articles VIII-13 and VIII-14).



Starting point of the concentric zones: head office, agency or local office or, failing that, the town hall of the capital of the canton on whose territory the site is located

• **Compensation for long journeys** (Article VIII-21 et seq.): i.e., journeys made by a worker assigned to a metropolitan site whose remoteness makes it impossible for them – given the means of public transport available – **to return to their place of residence in metropolitan France each evening**:

The lump-sum allowance for long-distance travel, the amount of which is set by the company, corresponds to the normal daily expenses incurred by the displaced employee in addition to the usual expenses they would incur if they were not travelling. This includes (Article VIII-22):

- the cost of a second home
- additional food expenses [...]
- other additional expenses incurred by the employee as a result of being away from home.

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- As far as long-distance travel is concerned, there are two kinds of journeys: on the one hand, the journey made at the very start and very end of the worksite and, on the other hand, the journey made to enable the workers to return to their place of residence (in metropolitan France), even if the worksite is not finished: this is a **“rest-and-recuperation trip”**.
 - **Compensation for travel to and from at the very start or very end of a remote work site** (Article VIII-24):
 - for the hours included in the work schedule, not completed because of the time of departure or arrival: an allowance equal to the salary that the worker would have earned if he had worked
 - and, where applicable, for the hours not included in their working hours: an allowance equal to 50% of their hourly wage, without any additional payment or bonus to compensate for additional expenses that may be involved in travel, unless these expenses are directly reimbursed by the company.
 - **Travel time for “rest-and-recuperation trips”** is compensated for the portion exceeding 9 hours, either on the outward or return trip (Article VIII-26).
It is when the construction site is not completed that the workers can claim **“rest-and-recuperation trips”** allowing them to return regularly to their place of residence. The minimum frequency of these rest-and-recuperation trips is outlined in Article VIII-25.

In addition to compensation for travel time, the worker is compensated for travel expenses and, where applicable, for their transportation, in particular 2nd-class train journeys.

Short-haul and long-haul allowances are mutually exclusive and are not cumulative.

DURATION OF WORKING TIME

Duration of working time:	<p>Maximum duration:</p> <ul style="list-style-type: none"> ● Daily (Article III-15): 10 hours. ● Weekly (Article III-15): <ul style="list-style-type: none"> - 48 hours in a single week, - 46 hours on average over any 12 consecutive weeks - 44 hours per week on average over the calendar half-year <p>Number of working days in the week (Article III-21): 5 consecutive days maximum, except in exceptional cases: urgent safety or maintenance works.</p>
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Nevertheless, for imperative reasons, such as urgent or continuous work or work in premises where the public is admitted, it is possible to make the workers work on a 6th day: Saturday or Monday. In addition to the payment for these hours worked on the 6th day of the week, the worker acquires a compensatory rest of the same duration. This rest, taken within a maximum of 5 weeks following its accrual and if possible within the same calendar month, is compensated at the rate of half the hours not worked (Article III-22).

Rest:

- **daily:** *in the absence of collective bargaining agreement provisions, statutory provisions apply.*
- **weekly/Sundays** (article III-21): minimum of 48 hours corresponding to two consecutive days, one of which is Sunday and the other Saturday, as a priority, or Monday, except in exceptional cases for urgent safety or maintenance work.

In the event of **major travel**, the worker must, in the context of rest-and-recuperation trips, be able to spend 48 hours at their place of residence (Article VIII-26).

Overtime arrangements (Title III):

- **Method of calculation** (Article III-17): overtime hours worked for more than 35 hours a week are the subject of the following additional payments:
 - 25% of the actual hourly wage for the first eight hours of overtime
 - 50% of the actual hourly wage for overtime beyond the eighth hour.In all cases, overtime is calculated on a weekly basis, with the exception of overtime already included in the standard weekly working hours chosen by the company or firm to determine the monthly salary.
- **Overtime hours quota** (Article III-13):
 - 145 hours per calendar year for employees whose working time is annualised;
 - 180 hours per calendar year for employees whose working hours are not annualised.
- **Compensatory rest** (Article III-14): for hours worked in excess of the annual overtime quota, in addition to the payment of these overtime hours, they give the right to a compulsory compensatory rest of the same duration, fully compensated.
- **Hours subject to permanent derogation** (Article III-18): hours worked outside the fixed working hours, up to a maximum of one hour per day. Those hours are treated as overtime, but without counting against the annual overtime quota.
 - for supervisory personnel for the preparation of works carried out by the firm
 - for drivers

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	<p><i>Possibility of introducing a modification of working time by application of the National agreement concluded on 6 November 1998 regarding the organisation and reduction of working time and employment in the Building and Public Works sector.</i></p> <p>Specific break times:</p> <ul style="list-style-type: none"> - daily work interruptions equal to 10% of the heavy work time (work listed in Article III-30). These interruptions are paid and considered as actual work time. - 30-minute break for employees who usually work at night, when they work at least 6 hours at night (national agreement of 12 July 2006 on night work for workers, supervisors and managers in Building and Public Works companies, article 6). - for pregnant women (see section "Maternity protection").
Night work regular:	<p>Application of the national agreement of 12 July 2006 on night work for workers, supervisors and managers in Building and Public Works companies</p> <p>These elements concern employees working <u>usually</u> at night (cf. section "Additional payment related to working hours")</p> <p>Maximum daily allowance (Article 4): 8 hours, except for the activities referred to in Article R. 3122-5 of the French Labour Code (LC, Code du travail): until 12 noon.</p> <p>Maximum weekly duration (Article 4): 40 hours over any period of 12 consecutive weeks, which may be increased to 44 hours over a period of 12 consecutive weeks, when the organisation of work is constrained by the specifics of the sites, the response requirements, in the activities mentioned in Article R. 3122-7 LC, in particular where such is justified by maintenance operations or services.</p> <p>Compensatory rest (without reduction of salary) (Article 5):</p> <ul style="list-style-type: none"> - 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 of 12 consecutive months - 2 days for a work period of at least 350 hours on a 9 p.m. - 6 a.m. shift, during the reference period of 12 consecutive months <p>Other benefits (Articles 5 and 6):</p> <ul style="list-style-type: none"> - financial compensation set by the company; - transportation, if necessary, to come to work and/or to return home; - food allowance; - 30-minute break (unpaid) for a night shift of at least 6 hours.
Night work exceptional:	See the section on pay.
Night work which is neither regular nor exceptional:	See the section on pay.

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Holidays:

Annual paid leave:

- **Total duration of leave** (Article V-22): 2.5 working days per month worked or equivalent periods under Article L. 3141-4 LC, up to a maximum of 30 working days, excluding additional days of leave granted according to extra days off.
- **The reference period for the accrual of rights to paid leave is set from 1 April to 31 March; the period for taking leave is set from 1 May to 30 April.**
- **Seniority allowance** (Article V-24): no additional paid holiday days but the granting of an allowance equivalent to:
 - 2 days of leave for 20 years of service in the same company
 - 4 days of leave for 25 years of service in the same company
 - 6 days of leave for 30 years of service in the same company.

Family leave: (article V-12 or statutory provisions where these are more favourable):

Event	Length of absence
Wedding	4 days
Civil partnership (in France - civil solidarity pact (PACS))	4 days
Birth or adoption	3 days
Son or daughter's wedding	1 day
Funeral of spouse or partner	3 days
Funeral of a child	5 days or 7 working days when the deceased child was under 25 years of age, or regardless of age if the child was a parent, or in the event of the death of a person under 25 years of age who was the actual and permanent dependant of the employee. + 8 days in the event of the death of a child under 25 years of age or of a person under 25 years of age who was the actual and permanent dependant of the employee.
Funeral of a father or mother, stepfather or stepmother, brother or sister	3 days
Funeral of a grandparent, stepbrother, stepsister, grandchild	1 day
Diagnosis of a disability in a child	2 days

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Public holidays:	<p>Public holidays (Article V-11):</p> <ul style="list-style-type: none"> - if the worker has more than 3 months of seniority, they will be entitled to compensation for the public holiday without further conditions - if the worker has under 3 months of seniority, they can be compensated for the holiday (cumulatively): <ul style="list-style-type: none"> - if they have worked both the last day of work preceding the holiday and the first day of work following the holiday, unless leave of absence has been previously granted. However, sick leave ending on the last workday before the holiday or sick leave beginning on the first workday after the holiday shall not be counted; - if they have worked at least 200 hours in the 2 months preceding the holiday in one or more construction companies. <p>Holidays worked (Article V-11): pay for hours worked on that day and compensation for the holiday.</p>																										
Young workers (between 16 and 18 years old):	Reference in the collective agreement to the legislation in force (Article XI-1).																										
APPRENTICESHIP	<p>Compensation in excess of legal compensation (in application of the combined provisions of the agreement of 8 February 2005, extended by order of 17 August 2005 and decree of 28 December 2018)</p> <table border="1" data-bbox="497 1115 1481 1727"> <thead> <tr> <th rowspan="3">Year of the apprenticeship</th> <th colspan="4">Salaries in the construction sector</th> </tr> <tr> <th>Under 18 years old</th> <th>18 to 20 years old</th> <th>21 to 25 years old</th> <th>26 years old or older</th> </tr> <tr> <th colspan="2">% of the guaranteed minimum growth wage (SMIC)**</th> <th>(*): % of guaranteed minimum growth wage (SMIC) or the standard minimum, if this is more favourable* **</th> <th>(*): % of guaranteed minimum growth wage (SMIC) or the standard minimum, if this is more favourable* **</th> </tr> </thead> <tbody> <tr> <td>1st year</td> <td>40%</td> <td>50%</td> <td>55%</td> <td rowspan="3">100%</td> </tr> <tr> <td>2nd year</td> <td>50%</td> <td>60%</td> <td>65%</td> </tr> <tr> <td>3rd year</td> <td>60%</td> <td>70%</td> <td>80%</td> </tr> </tbody> </table> <p>* Percentage of the guaranteed minimum wage growth (SMIC) or the standard minimum wage (SMC) corresponding to the job actually held if it is more favourable: we apply the SMC corresponding to the level previously received and without taking into consideration the diploma that is being undertaken.</p> <p>** Related diplomas: an additional 15 points are applied to this rate in case of the undertaking of a diploma of the same level in one year</p>	Year of the apprenticeship	Salaries in the construction sector				Under 18 years old	18 to 20 years old	21 to 25 years old	26 years old or older	% of the guaranteed minimum growth wage (SMIC)**		(*): % of guaranteed minimum growth wage (SMIC) or the standard minimum, if this is more favourable* **	(*): % of guaranteed minimum growth wage (SMIC) or the standard minimum, if this is more favourable* **	1st year	40%	50%	55%	100%	2nd year	50%	60%	65%	3rd year	60%	70%	80%
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MATERNITY PROTECTION:	From the third month of their pregnancy, pregnant women shall be granted a break , paid at the actual wage rate, of either 15 minutes in the morning and 15 minutes in the afternoon, or 30 minutes in the morning or afternoon (Article VI-21).
PROVISIONS SPECIFIC TO THE INDUSTRY OF ACTIVITY	
(depending on the specific features)	<p><u>Illegal work: mandatory BTP identity card for all employees working on a site:</u></p> <p>Prior to the secondment and in addition to the other formalities prescribed by law (notably the declaration of posting), the employer (or the user company located in France) shall inform the employee of the transmission of their personal data to the Union des Caisses de France (UCF) and then apply for a BTP (building and public works industry) identity card for each seconded employee on the website cartebtp.fr.</p> <p><u>Mandatory membership of paid leave funds and of inclement weather funds:</u></p> <p>Paid leave arrangements</p> <ul style="list-style-type: none"> ● Foreign companies from the European Economic Area (EEA): membership of a paid leave fund is mandatory. ● EEA companies (LC Art. D. 3141-26 and 3141-27): membership is not mandatory if the company is in one of the following two situations: <ul style="list-style-type: none"> - in the event of an agreement between the Union des Caisses de France and the equivalent fund(s) in the country of origin (Germany, Austria, Italy). - if the company can prove that the employees' paid leave entitlements are equivalent for the entire period of the secondment. <p>When the company concerned is a member of an institution equivalent to the Caisses de congés payés, it must prove that it has fulfilled its obligations to that institution for the duration of the secondment.</p> <p>Inclement weather arrangements (LC art L. 1262-4,7°, L. 5424-6 et seq D. 5424-7)</p> <p>In principle, being liable to a Caisses de congés is mandatory for companies whose activities in France fall within the scope of the scheme and in compliance with the same rules as companies established in France.</p>
SPECIFIC PROVISIONS FOR TEMPORARY AGENCY WORKERS	Reference in the collective agreement to the legislation in force (Article II-5).
<u>For more information:</u>	

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Point of contact with employer organisations	<p>French building federation (FFB) SocialEurope@national.ffbatiment.fr</p> <ul style="list-style-type: none"> Confederation of artisans and small construction companies (CAPEB): j.andony@capeb.fr e.cliche-dissin@capeb.fr
Point of contact with trade union organisations	<ul style="list-style-type: none"> CFDT construction et bois (French Democratic Labour Confederation for Construction and Timber): https://www.cfdt-construction-bois.fr/contact.html Fédération nationale des salariés de la construction, bois et ameublement (CGT, French National Federation for Construction, Timber and Furniture): http://construction.cgt.fr/contact/ Force Ouvrière construction (Construction Trade Union): http://www.foconstruction.com CFE-CGC BTP (Confédération Française de l'Encadrement - Confédération Générale des Cadres Bâtiment et travaux public) ('French Confederation of Management General Confederation of Executives Building and Public Works Industry'): http://www.cfecgcbtp.com/fr/sections-sentations/vos-contats-en-region.html CFTC BATI-MAT-TP (Confédération Française Démocratique du Travail Maîtres ouvriers, techniciens, agents de maîtrise Travaux Publics) : http://www.batimattp-cftc.fr/contact.html