

**How is the minimum remuneration amount to which a posted worker entitled calculated ?**

The remuneration paid to the employee posted in France includes the following :

<b>CONSTITUENT ELEMENTS OF REMUNERATION IN THE MEANING OF DIRECTIVE 96/71/EC</b>			
<i>Currently, the pink box is factored into the calculation of the minimum wage in the meaning of European law:</i>			
Constituent elements of remuneration	Legal basis	What is applied	Examples
<b>WAGE</b> <b>(Wage paid as compensation for work or in respect of employment)</b>			
<b>The minimum wage</b>	Core set of rules + Law or extended collective agreements applicable to the branch	<ul style="list-style-type: none"> <li>➤ Lower limit set pursuant to the legal provisions (<a href="#">at least the national minimum wage</a>)</li> <li>➤ OR minimum wages laid down by branch-level agreement where these exist</li> </ul>	
<b>Paid leave</b>	Core set of rules + Defined by CJEU case law	<ul style="list-style-type: none"> <li>➤ Holiday bonus in the meaning, under the CJEU, of the normal remuneration for the period of rest that the employee should receive</li> </ul>	1/10 <sup>th</sup> of the gross remuneration received by the employee
<b>Supplements for overtime</b>	Core set of rules + Law or extended collective agreements applicable to the branch	<ul style="list-style-type: none"> <li>➤ Laid down by statutory provision (25% for hours worked between the 36<sup>th</sup> and 43<sup>rd</sup> hour of work; 50% for hours worked after the 44<sup>th</sup> hour)</li> <li>➤ Subject to the agreement-based stipulations applicable to the branch (under which the supplement may be more or less favourable)</li> </ul>	
<b>Benefits in-kind</b>	Law or extended collective agreements applicable to the branch		e.g. - Mobile phone deal - Company car
<b>WAGE SUPPLEMENTS</b> <b>(based on the employee's personal circumstances, such as length of service in the company, appraisal of his/her work, working conditions, geographic location of post, on a collective basis)</b>			
<b>Bonuses, compensation, supplements</b>	Stipulated, where applicable, by extended branch-level collective agreement	<ul style="list-style-type: none"> <li>➤ Elements of remuneration that are <b>foreseeable and regular</b></li> </ul>	e.g. - 13 <sup>th</sup> and 14 <sup>th</sup> month salary - Specific trade bonus

	<p>Stipulated by the law and extended branch-level collective agreements</p>	<p>These are:</p> <ul style="list-style-type: none"> <li>- Supplements for night work</li> <li>- Supplements for working on Sundays</li> <li>- Supplements for working on public holidays</li> </ul>
	<p>Stipulated by extended branch-level collective agreements</p>	<p>Examples of these are:</p> <ul style="list-style-type: none"> <li>- Bonuses associated with arduous working conditions (dangerous, dirty, cold or repetitive work)</li> <li>- Baby, wedding or civil partnership bonus</li> <li>- Attendance, length of service bonus</li> <li>- Performance bonus</li> <li>- Summer bonus (not to be confused with the holiday bonus): this is a once-a-year payment made by the employer during the summer holidays</li> <li>- Length of service bonus</li> <li>- Overnight bonus (compensation for workers required to stay away from home; not associated with reimbursement of expenses)</li> </ul>
<p><b>The allowance specific to posting or daily allowances,</b> where these compensate the disadvantages entailed by the posting (as a result of the workers being removed from their usual environment) <u>and are not paid in reimbursement of expenditure actually incurred on account of the posting</u></p>	<p>Defined by CJEU case law + law</p>	<ul style="list-style-type: none"> <li>➤ <b>Allowance specific to posting,</b> otherwise known as "daily allowance" in Sähkö case law. "Intended to provide social cover for the workers in question by compensating the disadvantages entailed by the posting"</li> <li>➤ <b>Including daily commute allowances</b> aimed at compensating this travel time.</li> </ul>
		<p>e.g.</p> <ul style="list-style-type: none"> <li>- Flat-rate business trip expenses</li> <li>- Expatriation bonus</li> </ul>