

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 :

CONSTITUENT ELEMENTS OF REMUNERATION IN THE MEANING OF DIRECTIVE 96/71/EC			
<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
WAGE (Wage paid as compensation for work or in respect of employment)			
The minimum wage	Core set of rules + Law or extended collective agreements applicable to the branch	<ul style="list-style-type: none"> ➤ Lower limit set pursuant to the legal provisions (at least the national minimum wage) ➤ OR minimum wages laid down by branch-level agreement where these exist 	
Paid leave	Core set of rules + Defined by CJEU case law	<ul style="list-style-type: none"> ➤ Holiday bonus in the meaning, under the CJEU, of the normal remuneration for the period of rest that the employee should receive 	1/10 th of the gross remuneration received by the employee
Supplements for overtime	Core set of rules + Law or extended collective agreements applicable to the branch	<ul style="list-style-type: none"> ➤ Laid down by statutory provision (25% for hours worked between the 36th and 43rd hour of work; 50% for hours worked after the 44th hour) ➤ Subject to the agreement-based stipulations applicable to the branch (under which the supplement may be more or less favourable) 	
Benefits in-kind	Law or extended collective agreements applicable to the branch		e.g. - Mobile phone deal - Company car
WAGE SUPPLEMENTS (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)			
Bonuses, compensation, supplements	Stipulated, where applicable, by extended branch-level collective agreement	<ul style="list-style-type: none"> ➤ Elements of remuneration that are foreseeable and regular 	e.g. - 13 th and 14 th 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"> - Supplements for night work - Supplements for working on Sundays - Supplements for working on public holidays
	<p>Stipulated by extended branch-level collective agreements</p>	<p>Examples of these are:</p> <ul style="list-style-type: none"> - Bonuses associated with arduous working conditions (dangerous, dirty, cold or repetitive work) - Baby, wedding or civil partnership bonus - Attendance, length of service bonus - Performance bonus - 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 - Length of service bonus - Overnight bonus (compensation for workers required to stay away from home; not associated with reimbursement of expenses)
<p>The allowance specific to posting or daily allowances, 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"> ➤ Allowance specific to posting, 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" ➤ Including daily commute allowances aimed at compensating this travel time.
		<p>e.g.</p> <ul style="list-style-type: none"> - Flat-rate business trip expenses - Expatriation bonus