



## Posted workers: how do you know your rights and ensure they are respected?

► **Contacting the Inspection du Travail:** National portal of the regional directorates for the economy, employment, labour and solidarity  
<https://drees.gouv.fr/>

The Inspection du Travail (Labour Inspectorate) is responsible for monitoring application of labour law and noting contraventions, as well as for facilitating dialogue and mediation between employers and employees in order to avoid or settle disputes.

► **Calling on the help of union organisations represented at national and interprofessional level, and which can take legal action on your behalf**

French Democratic Federation of Labour (CFDT) building and woodwork: [https://construction-bois.cfdt.fr/portail/construction-bois-recette\\_10813](https://construction-bois.cfdt.fr/portail/construction-bois-recette_10813)

- National Federation of Construction, Wood and Furniture Employees (CGT – General Confederation of Labour): <http://construction.cgt.fr/contact>
- Force Ouvrière Construction: <http://www.foconstruction.com>
- French Confederation of Management – General Confederation of Building and Public Works Managers (CFE-CGC BTP): <https://www.cfecgcbtp.com/contact/>
- French Confederation of Christian Workers – Building – Handling – Public Works (CFTC BATI-MAT-TP): <http://www.batimattp-cftc.fr/contact.html>

► **Taking your case to the Conseil des Prud'hommes:**

<http://www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-conseils-de-prudhommes-21779.html>

The *Conseil des Prud'hommes* (Employment Tribunal) is the specialised French court that rules on disputes between workers and their employers. Further information: <https://www.service-public.fr/particuliers/vosdroits/F2360>

► **Taking your case to the competent court in your country**

***Posted workers, enjoy the same protective rights as workers in French companies, throughout your period of activity in France, particularly in the following fields:***

- Individual and collective freedoms in relation to work;
- Discrimination and professional equality between women and men;
- Maternity protection;
- Conditions of provision and guarantees owed to employees by companies exercising a temporary work activity;
- Right to strike;

- Hours of work, public holidays, annual paid leave, family-related leave, general leave, and bad weather;
- Remuneration including overtime increases;
- Health and security in the workplace;
- Refunds of your professional expenses related to the accomplishment of your work, in terms of transport, meals and accommodation.

## HOURS OF WORK

In France, statutory working time is set at **35 hours a week**. You can do overtime, but you may not work more than 10 hours a day or 48 hours a week, unless otherwise authorised by the *Inspection du Travail*. The number of hours worked per week, as calculated over a period of twelve consecutive weeks, may not exceed 44 hours, with certain exceptions.

You are entitled to rest breaks, daily **rest periods** (11 consecutive hours between two work periods) and weekly rest periods of 35 hours (which generally include Sundays). Bear in mind that special rules apply to protect your health and safety if you work at night (between 9 p.m. and 6 a.m.).

## YOUR REMUNERATION

Your **basic wage** must be equal to the contractual minimum wage provided for by the collective agreement applicable taking into account the activity you carry out during your service in France, and never less than the "SMIC" (consult the amount of the minimum wage here). Various bonuses may also be paid under the conditions set by the collective agreement (holiday bonuses or bonuses connected with specific work conditions such as arduousness, insalubrity or exposure to harmful substances).

The **reimbursement of professional expenses** in terms of transport, meals or accommodation by the employer is compulsory from 30 July 2020, if legal or contractual provisions provide for it and if you have to travel to or from your usual place of work in France or you are temporarily sent by your employer from this place to another.

**Overtime hours** comprise those worked over and above the statutory 35 hours a week. If this affects you, you are entitled to an increase in remuneration of at least 25%, unless an extended branch collective agreement providing for a lower rate of increase (but which is in all cases equal to at least 10%) is applicable to you. Your employer may decide to provide compensation by means of rest periods rather than a wage increase; such rest periods take place during your usual working hours and you are paid as if you were working.

If you are posted to France for over a month, your employer must issue a **payslip**. For stays of less than a month, he must draw up a document providing proof of compliance with payment of the minimum wage.

## LEAVE AND PUBLIC HOLIDAYS

All employees are entitled to **2.5 days of paid leave per month** of actual work. If you work for less than a month, such right to leave is calculated on the number of days worked. You are entitled to holiday pay amounting to 10% of the remuneration received during the period of your secondment.

In France, 11 legal dates are defined as **public holidays**. Only 1 May is compulsorily non-working (unless the

employer's decision is justified by the nature of the activity which cannot be interrupted). Payment for working on public holidays is due:

- to all posted employees, provided that the duration of the secondment is greater than one month and their seniority in the company which employs them is greater than three months, except for posted employees working at home and intermittently, and;
- posted employees to whom an extended collective agreement or agreement applies providing for compensation for public holidays below the aforementioned three-month limit.

In the event of birth, women are entitled to **maternity leave** of at least 16 weeks (as well as being covered by other protective rules) and men to paternity leave of 25 consecutive days (32 for multiple births). Other days of leave are provided for in the event of family-related occurrences (such as marriages or deaths).

## YOUR HEALTH AND SAFETY

Your employer (or user company for temporary workers) is responsible for **protecting your health and safety**. It must take measures and provide you with resources adapted to any risks to which you might be exposed (e.g. work at a height, dangerous products, exposure to noise, use of machinery, construction machines and equipment, etc.).

You are provided with **safety training** and must comply with the group protection measures in force and wear the **personal protective equipment** provided by your employer. In the event of serious and immediate danger putting your safety at risk, you must alert your superior and you have the right to stop working without his/her permission.

In the event of a **work accident**, the employer (or user company) sends a declaration to the *Inspection du Travail* within 48 hours. If the work accident is not declared, you or one of your colleagues may make such declaration on your own initiative.

## TEMPORARY WORKERS

If you are a temporary worker posted to France, you enjoy **the same rights** as other employees working at the user company, as regards working hours, group facilities and remuneration (which is at least equal to that received by a user-company employee with equivalent qualifications and holding an equivalent position). You also receive an **Indemnité de Fin de Mission** (IFM – End-of-Assignment Payment), unless you hold an open-ended contract in your country of origin.

This document presents the essentials of your rights. For further information, you can consult the following websites:

- the Ministry of Labour <https://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries/>
- the European Federation of Building and Woodworkers (EFBWW): <http://www.constructionworkers.eu/fr>

**Please note:** Contractual provisions may provide for more favourable measures for the field corresponding to the activity of the employee posted to France. You can find further information on the websites listed on the last page of this document.