

How do you know your rights and ensure they are respected?

Several possibilities exist:

■ Contacting the *Inspection du Travail*

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.

You will find *Inspection du Travail* services' postal addresses and telephone numbers with the help of the map available of the following website: <http://direccte.gouv.fr/>

■ 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://www.cfdt-construction-bois.fr/contact.html>
- 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): <http://www.cfecgcbtp.com/fr/sections-sentations/vos-contats-en-region.html>
- 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*

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>

Consult *Conseil des Prud'hommes* addresses and competences:

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

■ Taking your case to the competent court in your country



MINISTRY OF LABOUR

[en]

If you are a posted worker, you enjoy the same protective rights as workers in French companies, throughout your period of activity in France, in the following fields:

- Minimum wage
- Hours of work, public holidays, annual paid leaves, family-related leaves
- Health and security in the workplace
- Right to strike
- Individual and collective freedoms
- Discrimination and professional equality between women and men
- Maternity protection

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

the Ministry of Labour: <http://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries-et-lutte-contre-la-fraude-au-detachement/>

the European Federation of Building and Woodworkers (EFBWW): <http://www.constructionworkers.eu/fr/fr>

Please note ☞ Contractual provisions may provide for more favourable measures for your activity sector branch. You can find further information on the websites listed on the last page of this document.

■ 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*.

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 in the company, and never less than the “SMIC” (€9.76 gross per hour at 1 January 2017). 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).

Travel, accommodation and food expenses occasioned by your secondment in France are your employer’s responsibility and are therefore reimbursed if you advance the corresponding sums yourself. Such reimbursements are not included when calculating your minimum wage.

Overtime comprises all hours worked over and above the statutory 35 hours a week. If you do overtime, you are entitled to an increase in remuneration of at least 25%, unless your employer applies a collective agreement providing for a lower rate of increase (but which is in all cases equal to at least 10%). Your employer may decide to compensate overtime 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 seconded 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.

■ LEAVES

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.**

There are 11 legal public holidays in France; not working on a public holiday does not entail loss of earnings. Working on 1 May is subject to conditions and those who do so are entitled to double pay.

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 11 consecutive days (18 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 issued by your employer. In the event of serious and immediate danger putting your safety at risk, you must **alert** your superior and can stop working.

In the event of a **work accident**, the employer (or user company) sends a declaration to the competent *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 seconded 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.