

Posting of Temporary Agency Workers in Europe Country Fact Sheet

Country: France

National Regulation and provisions applicable to posted temporary agency workers

I. Employment and Working Conditions for posted temporary agency workers coming into your country

If any of this information is not available or unclear in current legislation please indicate in the box. If you know of practical examples please give details below.

Element of national regulation	Qualitative information on your country
Definition of a posted temporary agency worker according to national legislation and collective labour agreements in the TAW sector. Does a temporary agency worker posted into your country have the same legal status as a temporary agency worker employed directly? If not please explain.	No specific definition for posted temporary workers but a general definition of posted workers (art. L 1261-3 of labour code). Yes, excepting the end-of-contract compensation if the temporary worker has an open-ended contract with his employer (art. R. 1262-16 of labour code).
Relevant and applicable provisions on equal treatment & equal pay for temporary agency workers. Do these apply to posted temporary agency workers?	Yes, exactly the same provisions are applicable to posted temporary workers: principle of "reference salary" applies, i.e. basic wage, allowance and premium, indirect remuneration and fringe benefits. The reference salary is the one that would be pay to a permanent worker of the user company of an equivalent qualification in the same work station after a trial period, without seniority.
Maximum work periods per day and per week for posted temporary agency workers. Is night work permitted for posted temporary agency workers? If so how many hours are allowed?	The same collective labour agreement (CLA) applicable in the user company applies. The maximum legal provisions are 10 worked hours per day, 48 worked hours per week and 8 worked hours per night.
Minimum rest periods per day and per week for posted temporary agency workers.	The same CLA applicable in the user company applies. The minimum legal provisions are 11 hours rest period per day and 35 hours per week (11 + 24 hours).
Applicable minimum rates of pay hourly, weekly or monthly. Is this decided by a collective agreement or by law? How is it enforced?	The same CLA applicable in the user company applies. The minimum legal rate (SMIC) is 8,86 €/hour since the 1 st of January 2010.
Applicable wage supplements, overtime and night work rates & allowances for temporary agency workers.	The same CLA applicable in the user company applies.
Social security	Standard social security health and retirement insurance for private industry applies (law).
Pension	There is a mandatory complementary pension scheme over and above the state pension. This system has been adapted by CLA in the agency work sector.
Welfare	A welfare scheme is also provided by CLA which organises sick pay if seniority in the sector.
Applicable provisions and legislations on health & safety at work. Whose responsibility is it to ensure these provisions/laws are enforced (user company or temporary agency)? Which organisation is responsible for the health and safety of the workers?	The user company is responsible for the health and safety at the work station but the temporary work agency has to give general information to temporary workers. Committee for Health and Security at Work (in big companies) and/or occupational health doctor are responsible.
Minimum paid annual holiday (no. of days, rates) posted temporary agency workers are entitled to.	There is a derogation to the legal system: agency workers are not entitled to paid holidays, but receive a allowance in lieu of paid holidays, which amounts to 10% of the gross salary (end-of-contract compensation included) at the end of the assignment contract.
Main, general provisions of collective labour agreements concluded in the TAW sector that are relevant to posted temporary agency workers	CLA do not apply to foreigner temporary work agencies and thus to their posted agency workers (foreigner agencies do not contribute to the collective benefits).
Specific provisions on posted temporary agency workers in the collective labour agreements in the TAW sector	No.



II. Conditions for temporary work agencies to post a temporary agency worker in your country

Element of national regulation	Qualitative information on your country
Requirement to obtain a license	No.
Requirement to establish in the receiving country	No.
Mandatory Declarations	Yes to labour inspectorate where the work will be performed.
Sectoral bans for temporary agency work activities	No but some specific restrictions: to replace occupational health doctors and work in listed dangerous tasks.
Applicable reasons for use of temporary agency work services	Yes 1) Replacing an employee in case of - absence or temporary suspension of a contract (18 months) - departure of an employee from a post shortly to be deleted (24 months) - waiting for an employee hired on an open-ended contract to join the user-company (9 months) 2) Temporary increase of the activity in the user company - Temporary increase of level of activity (18 months) - Exceptional demands linked to exports (6 to 24 months) - Urgent work to be done linked to safety reasons (9 months) - Temporary casual work (18 months) 3) Temporary employment - Seasonal work (9 months) - Sectors where it is customary not to use open-ended contracts (18 months) 4) Recruitment of unemployed people with professional and social problems (18 months) 5) Additional vocational training (18 months)
Applicable minimum and maximum length of temporary agency work assignments	No minimum and the maximum depends on the reason for use (see above). One renewal possible.
Restrictions on labour contracts to be offered to posted temporary agency workers	Yes, only temporary work contract, different from fixed-term contract and open-ended contract.
Which services (if any) do you provide for the posted temporary agency workers? Are these workers charged any fees for these services?	No services, no fees.

Additional Information – Useful public sources

Do you know the country of origin of the posted temporary agency workers in your country/organization? If so please give details.	No, no statistics possible neither on origin nor nationality.
Useful websites (Labour inspectorate, Ministry of Labour, Trade Union information etc...)	Information in 5 languages on the labour ministry website (click here for English)
Contact people from the national social partner associations in the TAW sector	
Relevant publications	Leaflet made by the PRISME (see jointed document).

If you have any questions on this factsheet, please contact the European Sectoral Social Partners:

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