

FOREIGN WORKERS:

YOUR RIGHTS IN FRANCE!



Crédits: RHSF/Trayko Popov

Pay, working hours, health, safety,
agency work...



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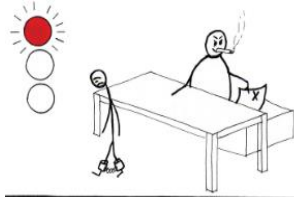
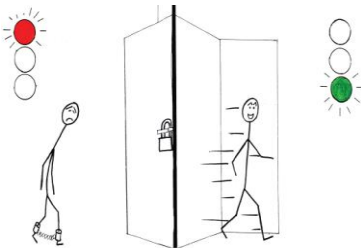
YOUR FUNDAMENTAL RIGHTS AT WORK

These rights are the same for everyone, everywhere in the world.

NO FORCED LABOUR

You are free to leave your home when you want to. The same goes for your job, provided you comply with the notice period applicable. No means of pressure – whether physical (detention, etc.), financial (illegal wage deductions, etc.) or psychological (threats, etc.) – may be used against you.

The company and/or employment agency may not keep your identity documents or your passport. They may not control your bank account either.



Your employment contract

You must be given a written contract in a language you understand well.

Your employment contract must include several provisions. Among others, it must specify your personal details, your employer's details, a description of the position held as well as how your salary and paid holidays are calculated.

You must keep a copy of your contract and its terms must be respected.

If you have signed several contracts, no contradictions may exist between them.



EQUAL TREATMENT

You may not be punished, dismissed or discriminated against on grounds of origin, sex, creed, sexual orientation, age, family situation, genetic traits, ethnicity, nation or race, political beliefs, trade union or mutual insurance activities, religious beliefs, physical appearance, name or – unless you are declared unfit to work by an occupational health physician – your health or handicap.

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YOUNG PEOPLE'S WORK

Workers under 18 years of age are given extra protection and specific rules apply to them. Children under 16 are not legally allowed to work.

YOU HAVE THE SAME RIGHTS AS FRENCH WORKERS

IMPORTANT !

THIS BOOKLET DESCRIBES YOUR BASIC RIGHTS, WHICH ARE THE SAME AS THOSE OF FRENCH WORKERS. THESE RIGHTS MAY BE REINFORCED BY A COLLECTIVE LABOUR AGREEMENT

You may be entitled to more beneficial collective agreements.

Your employer is required to inform you about the collective agreement applicable, and this agreement must be mentioned on your payslip.

If you are a temporary posted worker, you are entitled to the same rights as other workers regarding working hours, collective facilities and pay. You are entitled to end-of-assignment compensation, unless you have an open-term contract in your country of origin.

YOUR PAY

MINIMUM WAGE

Your base salary is the minimum salary specified in the collective agreement in force at the company. In any event, no salary may be under the legal minimum wage in France (SMIC): €10.48 gross/hour as at October 2021 (€8.30 net/hour).

PAYMENT OF YOUR WAGES

Your employer must pay your salary on regular basis and according to a specific method of payment (bank transfer, cheque or cash).

Your employer must give you a payslip. Your payslip must show the social contributions and deductions made.

OVERTIME

The legal working time is 35 hours/week. Overtime hours must be paid an extra 25% from the 36th to the 43rd hour and an extra 50% for following hours, unless a lesser rate has been agreed to in a collective agreement (+10% minimum).

If you are posted in France for more than one month, your employer is required to give you a payslip. For assignments of under one month, your employer must provide you with a document proving that you have been paid.

WAGE DEDUCTIONS

Your payslip may not include any wage deductions other than social and employer contributions.

Travel, food and accommodation expenses in connection with posted jobs are to be borne by the employer.

IMPORTANT!

YOU MAY NOT BE CHARGED FOR RECRUITMENT OR TRAINING FEES OR OCCUPATIONAL HEALTH EXAMS.

YOUR WORKING HOURS

In France, the legal working time is 35 hours/week.

MAXIMUM WEEKLY WORKING HOURS

You may work overtime, but you may not work more than 10 hours/day or more than 48 hours/week, unless a special authorisation has been granted by the French Labour Inspectorate.

REST AND BREAKS

You are allowed to breaks (20 minutes after 6 consecutive hours of work), daily rest (11 consecutive hours of rest between two working periods) and 35 hours' weekly rest.

Important: special rules apply to night work (from 9pm to 6am).

ANNUAL LEAVE

MINIMUM PAID ANNUAL LEAVE

You are entitled to 2.5 working days' paid leave for every month worked. If you work for less than one month, the number of days you are entitled to is calculated according to the number of days worked.

There are 11 legal public holidays in France. If you do not work on a public holiday, you will not lose any pay if you have worked at the company more than three months.

May 1 is a mandatory public holiday. Exceptions apply to establishments or services whose activity cannot be stopped (transports, hospitals, etc.). If

you work on May 1, your salary is doubled.

SICK LEAVE

You have 48 hours to give a doctor's note to your employer and Social Security services.

During sick leave, you will no longer get paid by your employer, but if you meet certain criteria, you may be entitled to daily compensation from the national health insurance fund (Caisse primaire d'assurance maladie - CPAM) and additional compensation from your employer.

Your illness may not be used a cause for dismissal.

HOUSING

You must be able to go in and out of your accommodation freely, as well as locking it.

Employer-provided collective housing must meet Labour Code regulations: no accommodation in industrial or commercial premises, minimum living area and volume of 6m² and 15m³ per person, maximum 6 people per dormitory, clean and healthy conditions, and at least 1 washbasin with an adjustable temperature tap for 3 people.

Remember: housing expenses may not be charged to posted workers.

IMPORTANT!

EMPLOYER-PROVIDED ACCOMMODATION MUST BE INCLUDED IN THE EMPLOYMENT CONTRACT. ACCOMMODATION TERMS AND CONDITIONS AND THE INVENTORY/SCHEDULE OF CONDITIONS MUST BE ATTACHED TO THE CONTRACT.

IF YOU MAKE A SAFETY DEPOSIT, DEMAND A RECEIPT.

THE RENT OR OTHER ACCOMMODATION CHARGES MAY NOT BE DEDUCTED FROM YOUR SALARY.

YOUR HEALTH, YOUR SAFETY

Your employer (and the company where you work in the case of agency workers) is responsible for your protection. It must undertake preventive actions and provide you with the means adapted to the risks (exposure to noise, dangerous products, etc.). You must be informed of the risks to your health and safety and the measures taken to remedy them. You are entitled to safety training in order to prevent occupational risks.

COVID-19

Regarding COVID-19, the French Government has laid out a list of measures, in particular to do with prevention, including social distancing.

For more information: <https://travail-emploi.gouv.fr/le-ministere-en-action/coronavirus-covid-19/protection-des-travailleurs/>

ACCIDENTS IN THE WORKPLACE

Your employer or hiring company must report accidents to the national health insurance fund (Caisse primaire d'assurance maladie – CPAM) of the place of the accident within 48 hours. If it doesn't, you – or one of your colleagues – may report it.

IMPORTANT!

IF YOU ARE IN IMMINENT GRAVE DANGER FOR YOUR SAFETY, YOU MUST ALERT YOUR MANAGER AND YOU MAY STOP WORKING.

YOUR SOCIAL SECURITY

You have the same social security rights as French citizens.

Your employer is required to check your residency and work status in France. It must then process the required social security application for you. It must send the registration form and required documents (identity document, civil status, employment contract and/or first payslip and bank identity statement).

Once the national health insurance fund (Caisse primaire d'assurance maladie – CPAM) receives your file, you will be given an identification number.

If you are a citizen of a country that has a bilateral agreement with France or if you are a posted worker, special rules apply to you. For more information, call the health insurance service (Assurance Maladie) on 3646.

YOUR FREEDOM OF ASSOCIATION AND RIGHT TO STRIKE

YOUR RIGHT TO STRIKE

You have the right to take part in a strike. Taking part in a strike will entail a deduction on your wages. This deduction must be proportional to the duration of the work stoppage. Your employer cannot punish you or dismiss you for taking part in a strike.

JOINING A UNION

You can join the union you choose. Your employer may not use your trade union membership to make decisions about your salary or renewing your contract, for instance.

TO FIND OUT MORE:

MORE INFORMATION:

Posted workers: French Ministry of Work, Employment and Labour Insertion (available in 9 languages): <https://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries-posting-of-employees/>

CONTACTS :

Social and integration support (housing, health, mobility, financial assistance, etc.):

To make an appointment with a social worker, contact the Regional Council or Town Council (ask for the "CCAS" service).

For free information about your rights:

- Allô Service Public: 3939 - free telephone service (carrier charges apply) available on Mondays (8.30am-6.15pm), Tuesdays (8.30am-1pm), Wednesdays (8.30am-1pm), Thursdays (8.30am-6.15pm), Fridays (1pm-5pm)
- Points-justice: annuaire.service-public.fr/navigation/permanence_juridique
- Gisti: +33 (0) 1 84 60 90 26 / www.gisti.org/spip.php?article79
- La Cimade: www.lacimade.org/etre-aide-par-la-cimade/

Trade Unions:

travail-emploi.gouv.fr/dialogue-social/la-representativite-syndicale-et-patronale/article/coordonnees-des-organisations-syndicales-de-salaries

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