

Health and Safety at work

Safety

The employer must make sure that the conditions for the workers are safe (electrical installations are conform...) and take into account professional risks which the workers may be exposed to (working at heights, chemical risks, noise...)

Thus, for instance, the employer must take all necessary steps to ensure that the salaried employees:

- working outside are protected against weather conditions,
- are not exposed to dangerous decibel levels,
- use machines which are conform,
- are protected against risks of falling when working at heights,
- are protected against risks of burial when working in trenches,
- have the necessary certifications for driving construction site vehicles,
- have the necessary individual safety protection equipment (compulsory helmet, safety shoes),

The employer must supply all collective equipment (machinery which is conform, scaffolding...) or individual equipment (safety shoes, helmet) for employees' safety,

Their maintenance and replacement will be ensured by the employer.

Training and use of collective and individual equipment is ensured by the employer.

Accommodation

The premises for use of employees' accommodation must not be less than 6m² and 15m³ per person and must have a window opening directly outside, with washbasins, showers and WC nearby.

If the work contract is suspended (for instance in the case of sick leave) this does not lead to the loss of accommodation.

However, the accommodation occupied will be evacuated in the case of breach of contract.

Collective accommodation must be declared to the local Prefecture.



Useful addresses

UT 01

Unité territoriale Ain de la DIRECCTE (DIRECCTE territorial unit of the Ain department)

Quartier Bourg Centre - 34 avenue des Belges
BP 70417 - 01012 Bourg-en-Bresse Cedex
Tel. +33 (0)4 74 45 91 39 - Fax +33 (0)4 74 45 33 52
rhona-ut01.renseignements@direccte.gouv.fr

UT 38

Unité territoriale Isère de la DIRECCTE (DIRECCTE territorial unit of the Isère department)

1 avenue Marie Reynoard - 38029 Grenoble Cedex 02
Tel. +33 (0)4 56 58 38 38 - Fax +33 (0)4 56 58 38 00
dd-38.vienne-legislation-du-travail@direccte.gouv.fr
dd-38.grenoble-legislation-du-travail@direccte.gouv.fr

UT 73

Unité territoriale Savoie de la DIRECCTE (DIRECCTE territorial unit of the Savoie department)

Carré Curial - 73000 Chambéry
Tel. +33 (0)4 79 60 70 00 - Fax +33 (0)4 79 33 19 75
rhona-ut73.renseignements@direccte.gouv.fr
Antenne Tarentaise - Beaufortain - Val d'Arly :
12 rue Claude Genoux - 73200 Albertville
Tel. +33 (0)4 79 10 02 31

UT 74

Unité territoriale Haute-Savoie de la DIRECCTE (DIRECCTE territorial unit of the Haute-Savoie department)

48, avenue de la République - 74960 Cran-Gevrier
BP 9001 - 74990 Annecy Cedex 9
Tel. +33 (0)4 50 88 28 28 - Fax +33 (0)4 50 88 21 51
dd-74.legislation-du-travail@direccte.gouv.fr

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www.rhone-alpes.direccte.gouv.fr

Work regulations

applicable in France for salaried workers of a foreign company

Rhône-alps region - France

2012-2013 season



Work regulations applicable in France for salaried workers of a foreign company, principal rights for employees on temporary assignments

You are in salaried employment for a foreign company and you are working on a temporary basis in France.

Your employer has to respect certain dispositions provided for by French regulations.

These rules are also compulsory for foreign temporary work agencies.

What are your principal rights during your stay?

- Individual and collective liberties identical to French salaried workers (notably respect of private life)
- Principle of non-discrimination and equal opportunities
- Respect of rules relative to working hours and rest breaks at work (overtime pay increases, weekly rest time...)
- Respect of minimum wage and minimum salary provided for by the profession
- Respect of regulations relative to health and safety measures at work
- Right to strike

Social protection

The company employing you must have declared your recruitment to the benefit system of your country of origin.

If your employer is situated within the European Economic Area (European Union / Iceland / Lichtenstein / Norway and Switzerland) you must be a holder of an A1 certificate covering the time you are to stay in France.

If not, you must be declared by your employer with the Social Security Administrative Body, URSSAF, in Strasbourg.

Work contract

Your work contract comes under the regulations of your employer's country of origin.

However, for salaried employees and on temporary assignments with a foreign temporary work agency, certain dispositions of French law are applied.

In this case, you must hold a contract for your mission which notably includes the following information:

- the reason and the duration of your temporary assignment in France
- the characteristics of the position you hold and your professional qualification
- the place where you are affected and your working hours
- your salary, including benefits and other bonuses (relocation allowance...)
- the type of individual protection equipment the employee is using

Working hours

The maximum legal number of hours is 10 hours per day and 48 hours per week (Monday to Sunday).

Hours worked up to 35 hours a week are paid at normal rates (SMIC: legal minimum hourly wage / professional salaries).

Over that number, hours worked constitute overtime and are paid at increased hourly rates.

Increase in hourly rate

From 36 to 43 hours	25%
44 hours and over	50%

Payment can be replaced by compensatory rest time (also paid at an increased rate).

Increase in hourly rates Hotels Cafés Restaurants

From 36 to 39 hours	10 %
From 40 to 43 hours	20 %
44 hours and over	50 %

Payment can be replaced by compensatory rest time (also paid at an increased rate).

Display and monitoring of working hours

Collective hours:

When the employees from the same department work the same hours: these must be displayed on the workplace and copy sent to the Work Inspectorate.

Non-collective hours:

When the employees from the same department do not work the same hours: a daily record of real hours worked must be kept for each salaried worker and a summary statement drawn up at the end of each week.

(This is the case notably for employees working in the hotels, cafés, restaurants sector).

The absence or incomplete record of hours worked is punishable by French law.

Minimum compulsory rest time

A break of 20 minutes every 6 hours of consecutive work

11 hours of daily rest between two working days

1 day of compulsory rest time per week (24 hours + 11 hours of daily rest time)

Salary

Each hour worked must be paid at least:

9.40 euros gross salary

(value of the legal minimum hourly wage (SMIC) as of July 1st 2012).

This hourly rate may be more than the minimum hourly wage depending on professional qualification and the position occupied (see the collective convention connected to the professional field).

When the duration of the temporary assignment in France is over one month, a pay slip must be remitted to the employee (or any other equivalent document), translated into French and containing the following details:

- salary due in euros including overtime pay
- periods and hours of work for which the pay slip is edited, with hours paid at normal rates and hours at increased rates shown separately
- paid leave and national holidays and the amount these days are paid

The amounts paid for the temporary assignment must be integrated into the calculation of minimum wage.

! However, the payment of the following is entirely chargeable to the employer and cannot be deducted from the salary:

- travel expenses
- accommodation and food expenses during the period of temporary assignment
- training costs relative to the position filled

Work equipment and individual equipment (such as safety shoes, uniforms...) which are necessary for the job must also be supplied by the employer free of charge.

For all information concerning labour laws and in the case of dispute with your employer, the competent authority to contact is the Work Inspectorate (Inspection du Travail).

<http://travail-emploi.gouv.fr/informations-pratiques,89/fiches-pratiques,91/detachement-de-salaries,407/>