



What are your rights in the event of termination of the employment relationship?

When your employment relationship is terminated because the law prohibits your employer from employing you, you are entitled to:

If you are declared



- ✓ All your salaries and salary accessories (premiums, benefits in kind and paid leave, etc.);

The flat-rate compensation for termination of the employment relationship corresponding to 3 months' salary.

If you are not declared



- ✓ All your salaries and salary accessories (premiums, benefits in kind and paid leave, etc.);
- ✓ Lump sum compensation for termination of employment corresponding to 6 months' salary, where your employer has intentionally concealed your employment;

OR

- ✓ Payment of 3 months' salary + 3 months' flat-rate compensation for termination of the employment relationship, where the employer cannot provide proof of the actual date of recruitment.

You can claim additional compensation from the Labour Court if you consider that you have suffered uncompensated damage



Useful Contacts

- ✓ **French Immigration and Integration Office (OFII)**

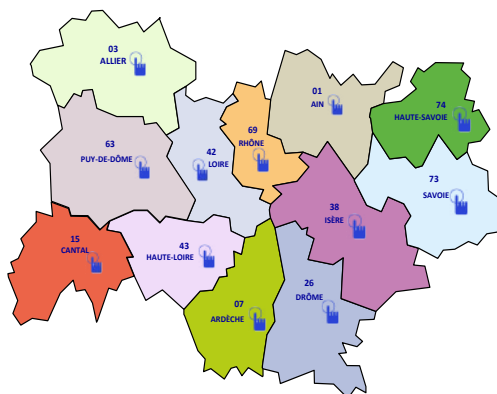
- ✓ **Labour inspectorates (DDETS et DREETS)**

Contact details differ depending on the department in which you work.

Associations that can help you:

- La CIMADE
- SECOURS POPULAIRE
- FORUM REFUGIES
- LIGUE DES DROITS DE L'HOMME
- COMITE CONTRE L'ESCLAVAGE MODERNE

Click on the department of your choice



See labour associations and inspectorates to contact in your department



**MINISTÈRE
DU TRAVAIL, DE LA SANTÉ
DES SOLIDARITÉS
ET DES FAMILLES**

Direction régionale
de l'économie, de l'emploi,
du travail et des solidarités
Auvergne-Rhône-Alpes

FOREIGN WORKERS

(Outside the EU, EEA, and Swiss Confederation)

YOUR RIGHTS

**In France,
regardless of your situation,
you have rights!**





What are your rights as a worker?

- ☒ You do not have to pay a sum of money to get an employment contract or to work.
- ☒ You have to be paid every month.
- ☒ You may not work more than 10 hours per day (unless otherwise specified).
- ☒ You can't work more than 6 days a week.
- ☒ Your employer cannot withhold part of your salary for a service rendered or a fault.
- ☒ Having a written contract protects you.
- ☒ Your salary is paid according to the hours worked and not in relation to the task performed.
- ☒ Your employer must provide you with a pay slip every month.
- ☒ When you work, you are entitled to breaks and paid holidays.



Undeclared work is work that has not been the subject of a pre-employment declaration (PDAE) with Urssaf or MSA. Or when the employee does not have pay slips or they contain false or inaccurate information.



How to assert your rights acquired through work?*

1. If you are not deprived of liberty or travel upon termination of the employment relationship:

And if your employer or the client does not pay you the sums due within the 30-day period, you can refer the matter to the Conseil de prud'hommes via:

- ☒ From a lawyer
- ☒ From a trade union organisation
- ☒ possible direct referral by the employee

<https://www.service-public.fr/particuliers/vosdroits/F2360>



If you are under house arrest or placed in an administrative detention centre (CRA):



The OFII can intervene for you. You must inform the OFII staff member that you have not received your salaries and allowances.

The OFII will take care of obtaining them for you.

<https://www.ofii.fr/>



** even in case of voluntary or forced return*



Who pays for your rights acquired through work?

The employer must pay your wages and allowance within 30 days of the day on which the employment relationship was terminated.

They must also provide you with the documents relating to your period of employment (pay slips and work certificate).

In certain situations, the law allows the sums to be claimed, not from the employer, **but from the client or client.**



If you have been subjected to abusive working conditions or have been the victim of degrading or inhuman treatment, or if the employer shelters you in unworthy conditions, you can lodge a complaint with a police or gendarmerie service and refer the matter to the criminal justice system.



As part of these offences, you can apply to the prefecture for a temporary residence card for the duration of the procedure.