

Seasonal workers : what are your rights ?

If you work temporarily in France in the agricultural or agri-food sector, you benefit from protective rights.

You have been recruited by an employer established in France : whatever your contract, you **have the same rights as French workers and therefore benefit from all French labor laws**, particularly the rules for **concluding and breaking an employment contract**. Your employer must register you with the French social security system (“mutualité sociale agricole”) to benefit from social protection (more information: <https://www.cleiss.fr/particuliers/venir/travailler/>).

You are posted to France by your employer established in another country : you benefit from the same main protective rights (working hours, remuneration, health and safety) as employees of French companies. **On the other hand, the rules for the conclusion and termination of employment contracts provided for under French law do not apply to you.**

Please note: *more favourable measures may be provided for by the collective agreement applicable in your sector of activity.* For more information: <https://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries/>

You are a temporary worker : You have **the same rights as the other workers in the French company where you work**, in terms of **working hours, collective facilities and remuneration** (at least equal to that which a worker in the same company would receive for the same qualifications and position). You benefit from an end-of-assignment indemnity, unless you have an open-ended contract. You also benefit from the rights provided for by the collective agreement applicable to temporary workers: https://travail-emploi.gouv.fr/IMG/pdf/fiche_convention_collective_des_ettvdef.pdf

YOUR WORKING HOURS ARE REGULATED

The legal working **time is 35 hours per week** (maximum 10 hours per day, and 48 hours per week, unless otherwise agreed). You can work overtime.

You have the **right to a break**, to a rest of at least 11 consecutive hours between two work periods (for example between two work days) and to a **rest of 35 consecutive hours each week**. If you work at night (between 9 p.m. and 6 a.m.), special rules apply to protect your health and safety.

If not all workers work the same hours, **your employer must keep an individual time sheet showing the start, end and length of your daily working time.**

ALL OF YOUR WORKED HOURS MUST BE PAID OR COMPENSATED

Your compensation consists of:

1. **base pay.** It must be at least equal to the minimum wage set by the applicable collective agreement and never below the legal minimum wage (gross hourly amount in 2021: €10.25 <https://travail-emploi.gouv.fr/droit-du-travail/la-remuneration/article/le-smic-montants-en-vigueur-a-compter-du-1er-janvier-2021>) ;
2. **the payment of your paid vacations;**
3. **possibly, various salary increases for overtime, night work or a public holiday for example:** Overtime is the time worked beyond the 35 hours per week. Unless the applicable collective agreement provides for a lower rate, you are entitled to an increase of your pay of at least **25% for the first 8 hours of overtime worked in the same week and 50% for the following hours**. Your employer may decide to replace this increase in salary with additional rest time which must take place during your usual working hours (you are paid as if you were working);
4. **possibly, certain bonuses provided for by the collective agreement** (bonuses linked to particular working conditions: arduousness, insalubrity, nuisance, etc.).

Your employer must issue a pay slip. In the case of a posting of less than one month, your employer must provide a document proving that the minimum wage has been paid.

YOUR PROFESSIONAL EXPENSES CANNOT BE DEDUCTED FROM YOUR SALARY

The reimbursement of professional expenses **comes in addition** to the payment of your salary: **If you are employed directly by a company established in France**, your employer must reimburse your professional expenses under the same conditions as for French workers.

If you are posted, you are entitled under certain conditions to the reimbursement of professional expenses for transportation, meals or accommodation.

YOU BENEFIT FROM HOLIDAYS

All employees are entitled to **2.5 days of paid vacation per month of actual work**. If you work less than one month, your vacation is calculated according to the number of days worked. **You are entitled to a paid vacation allowance of 10% of the remuneration received during the period of your secondment or contract.**

Payment for non-working holidays is due to all employees according to the terms of the collective agreement. There are also other days of leave provided for in the event of a family event (for example, birth or death).

YOUR HEALTH AND SAFETY FIRST

Your employer (and the French company where you work) **is responsible for protecting your health and safety**. They must take measures and provide you with protective equipment adapted to the risks to which you may be exposed (for example : working at heights, dangerous products, use of machines, agricultural equipment and machinery...). Posters in your language presenting the precautions to take are available on the Ministry of Labour website: <https://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries/detachement-des-salaries/article/ressources-utiles>

You will receive a safety training and must respect the collective protections installed and wear the personal protective equipment provided by the employer. In the event of serious and imminent danger endangering your safety, you must alert the person in charge and you can stop working.

In case of hot weather, your employer must protect the most exposed workers (provision of fresh drinking water, adjustment of working hours, etc.). All the precautions to take are available on the Ministry of Labour website (<https://travail-emploi.gouv.fr/sante-au-travail/prevention-des-risques-pour-la-sante-au-travail/article/chaleur-et-canicule-au-travail-les-precautions-a-prendre>). **In case of**

an accident at work, the employer (or the French company where you work) must send a declaration to the labour inspectorate of the place where the accident occurred within 48 hours. **If the employer has not declared the accident at work, you can report it to the labour inspectorate.**

In this period of health crisis (covid-19), advice sheets by trade or by sector are available on the website of the Ministry of Labour: https://travail-emploi.gouv.fr/IMG/pdf/covid-19_saisonnier_v06042021.pdf

YOUR ACCOMMODATION MUST BE PROPER

Your employer is not obliged to provide accommodation. If it does, the accommodation must comply with the safety and health requirements stipulated by law (in particular hygiene and comfort). **The main characteristics and minimum facilities of the accommodation are listed here:** <https://travail-emploi.gouv.fr/droit-du-travail/detachement-des-salaries-posting-of-employees/posting-of-employees/article/posted-workers-rights-377922> (no accommodation in basements or tents, and a maximum of 6 workers per unisex dormitory and a ban on bunk beds). **Housing expenses incurred by the employer can be deducted from the salary. Please note that the remaining salary must not be less than the legal minimum wage or that provided for by the applicable collective agreement.**

YOUR RIGHTS IF YOU HAVE NOT BEEN DECLARED

If your employer has not declared you and/or you do not have the right to reside or work in France, you have rights because of your work. If you can prove that you worked, you will be paid the full amount of the remuneration due in France as well as a lump-sum compensation of 6 months of salary. If you have been subjected to abusive working conditions, degrading or inhumane treatment, you can file a complaint and obtain a residence permit for the duration of the procedure. To help you get your rights recognized by going to the Conseil des Prud'hommes, you can contact a trade union, a specialized association or the labour inspectorate.

To contact the labour inspectorate: <https://martinique.deets.gouv.fr/972.uc1@deets.gouv.fr> To contact the representative trade unions at national and sectoral level, which can take legal action : FNAF - CGT: <http://www.fnafcgt.fr/> FGA - CFDT: <https://fga.cfdt.fr> FGTA - FO: <https://www.fgtafo.fr/> CFTC-AGRI: <https://cftcagri.fr/> FNAA-CFE-CGC: <http://www.cfecgcagro.org/> //

To contact the industrial tribunal <http://www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-conseils-de-prudhommes-21779.html> The industrial tribunal is the specialized French court which settles disputes between workers and their employers.