



Law & Policy Group

GRIST

France issues stronger protections for those posted to work in France

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Employees from another member state of the European Economic Area (EEA) who are posted to work temporarily in France will have stronger employment protections under an order (French) that takes effect on 30 Jul 2020.

Background

The order implements the European Union (EU) directive on the posting of workers. This directive specifies the terms and conditions of employment that impacts posted workers throughout the EU — and aims to ensure a level playing field by preventing foreign service providers from undercutting local service providers due to lower labor standards. Workers posted to another member state remain employed by the sending company and are subject to the laws of their home state, but are entitled to a set of core rights applicable in the host state.

Highlights

- Employees posted for up to 12 months to France will continue to be protected by core provisions in the French labor code. Employers must guarantee that posted workers are treated equally, including equal remuneration and the reimbursement of professional expenses during the posting, including transport, meals and accommodations. Currently, employers only have to pay posted workers the applicable minimum salary and other additional remuneration. Employers will be allowed to request approval for a six-month extension to a posting. The labor code's core provisions would apply during the extension.
- Postings that exceed 12 months will be subject to most of the labor code's provisions, but certain aspects won't apply, such as performance, training, fixed-term contracts and termination of the employment contract.

- Employers will be subject to new notification requirements and could be required to demonstrate their compliance to the French labor authorities. French employers that use the services of a posted worker will have to inform the worker's employer about the remuneration payable during the posting, and failure to do so could incur a fine.

Related resources

- [Directive concerning the posting of workers in the framework of the provision of services](#) (EurLex, 28 Jun 2018)
- [Order No 2019-116 \(French\)](#) (Legifrance, 20 Feb 2019)

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