

POSTING OF EMPLOYEES TO FRANCE BY AN EMPLOYER BASED ABROAD

PART 1

— Decree No. 2019-555 and Order of 4 June 2019 on various measures relating to employee posting and stepping up the fight against illegal employment

Overview of the legal framework applicable to transnational posting to France

Definition of posting:

French laws and regulations on transnational posting apply to the employee of an employer duly registered and operating outside of France, and who, habitually working for this employer outside of France, works at this employer's request for a limited period of time in France

Types of posting:

- Intra-group
- Temporary work
- On behalf of the employer
- Provision of services

Preliminary obligations of the employer based outside of France:

1. Prior notice of posting
2. Appointment of a company representative in France tasked with liaising with the Employment Inspectorate and the social security authorities [Urssaf]

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New rules applicable with effect from 1 July 2019

- Prior notice of posting can be filed **online** via SIPSI
- Amendment to the **list of information** which must be included in the prior notice of posting
- Appointment of a representative for the employer can be carried out **at the same time** as the prior notice of posting
- Setting a list of **documents to be kept by the employer based outside France** which posts employees to France and documents to be submitted on request by the Employment Inspectorate
- Setting a list of short-term activities, services and operations or one-off events for which the employer based outside of France is **exempt** from the obligation to file prior notice of posting and to appoint a company representative in France
- Heightened **duty of care** imposed on the principal **based in France**
- Addition of new sanctions in the event of non-payment of administrative fines resulting from breaches such as a **temporary ban on provision of services**
- Setting the procedure for document and information disclosure requests made by the **Employment Inspectorate**



Carla Di Fazio Perrin
Partner
cdfazio-perrin@racine.eu



Margaux Succurro
Associate
msuccurro@racine.eu