

**Client Alert
7 June 2019**

Declaration and control of posted workers

Decree No. 2019-555 and Order No. MTRT1914009A of 4 June 2019, relating to the posting of workers, were published in the Official Journal of June 5.

Summary: These two texts specify the conditions of application of workers' secondment (posting) and the fight against illegal work, as well as the activities exempted from the secondment declaration and the designation of the representative in France. They entered into force the day after their publication, except for certain provisions that will be applicable from 1 July 2019.

Exemption from the secondment declaration and the designation of the representative for certain activities in the case of short-term secondment

The order of 4 June 2019 lists the activities exempted from the secondment declaration and the designation of the representative in France in the case of short-term detachments and occasional events:

• For secondments that do not exceed ninety days in twelve consecutive months

- Artists in the fields of live performance, film and audiovisual production and distribution, and phonographic publishing.

- Athletes, referees, members of the sports coaching team, official delegates attached to the practice or organization in the context of sports events.

It should be noted that in these two cases, the activities of assembling or dismantling equipment or temporary installations, catering, transportation, surveillance and site security are excluded from this exemption.

• For secondments that do not exceed twelve consecutive months

- Apprentices on temporary mobility as part of their theoretical or practical training, in execution of a tripartite agreement, or when the presence of the apprentice is not linked to the performance of a service on the national territory to which he/she participates.

- Seminars and scientific events as well as occasional teaching activities by visiting professors and researchers.

As a reminder, the exemption is also applicable in the case of secondment for own account since 7 September

2018, regardless of the duration of the service.

Withdrawal of the designation letter of representative in France

From 1 July 2019, it will no longer be necessary to file a designation letter of the representative in France. The designation of the representative in France will be made in the secondment declaration and will cover the entire period during which the employees will be posted to France.

Change in the indication of the remuneration of the seconded employee in the secondment declaration

Decree No. 2019-555 modifies the content of the secondment declaration. From 1 July 2019, the hourly rate of remuneration applied during the secondment period will have to be indicated instead of the gross monthly remuneration.

Extension of the deadline for submitting documents to the labor inspectorate in case of control

From 6 June 2019, companies posting their employees (ICT and secondment under provision of service) for a short period of time and occasional events (the activities concerned are listed on the page 1) have a deadline, which cannot be more than 15 days, to present the required documents to the labor inspectorate in case of control.

The deadline for submission of documents to the labor inspectorate is also extended in the case of secondment for own account of the employer. However, in this case, only certain documents are concerned: attestation of medical examination in the home country, documents proving the real and substantial activity of the home company.

For all other cases of secondment, in case of control, the documents must be sent to the labor inspectorate without delay.

Modification of the obligations of the beneficiary (maître d'ouvrage) and the contracting party (donneur d'ordre) with an employer established outside France

From 1 July 2019, the beneficiary (maître d'ouvrage) or the contracting party (donneur d'ordre) who contracts with an employer established outside France must ask his co-contractor, before the beginning of each posting of employees in France, for the following documents:

- the acknowledgment of receipt (instead of a copy) of the posting declaration made on the SIPSI on-line service,
- in the event of the co-contracting party being sentenced to an administrative fine in France: an attestation certifying that the other party has paid the sums due.

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