



# TRAINING MAJORELLE MOBILITY

## Secondment of foreign workers in France

### Posted workers' regulation

#### **Intra-group Mobility**

#### **International service provision**

#### **Use of foreign subcontractors**

#### **Target audience :**

- Company directors, HR managers, in-house lawyers, international mobility managers, purchasing managers, etc.
- Managers and staff of international mobility departments, HR/payroll managers and assistants

#### **Training available in French and English**

#### **Learning objectives**

The international secondment of employees as part of intra-group mobility, or the loan of workforce as part of an international service provision or subcontracting contract, always raises a number of questions: formalities linked to secondment, immigration and applicable legislation, and social protection for seconded employees.

By taking part in this training course, dedicated to the formalities involved in seconding foreign employees to France, you will gain the keys to understanding and securing your practices when welcoming foreign employees seconded to France as part of an international service provision or subcontracting contract.

You'll be familiar with the various systems, their objectives and their application procedures: pre-declaration of secondment, obtaining social security certificates, managing the immigration of foreign seconded employees, etc.

This training course will enable you to master the latest procedures relating to the secondment of employees, in order to secure your files for the sending or the reception of seconded employees in France.

- Apply the legal rules on secondment in an international context (EU and non-EU).
- Define the formalities and obligations of the foreign employer and the host company in France.
- Apply immigration provisions specific to secondment.
- Integrate the impact of bilateral social security agreements to secure the social protection of seconded employees.
- Understand and master the scope of the duty of vigilance incumbent on the principal.
- Validate practices and enhance skills.

**Prerequisite :** None

### **Detailed program :**

*Ce programme est à jour des dernières évolutions législatives et réglementaires applicables.*

*This program is up to date with the latest applicable legislative and regulatory developments.*

### **Part 1 : Introduction**

- Sources applicable to the relationship with foreign seconded employees (EU/non-EU)
- The essential questions to ask before planning a project involving the hiring of foreign employees
- Current legislation, regulations and case law

## **Part 2 : The legislative framework for secondment in an international context**

- Defining secondment in terms of labor law (sending company and seconded employee)
- Notion of stable and continuous activity
- Identify the context of secondment according to activity and contractual links (intra-group, service provision, subcontracting)

## **Part 3 : The contractual framework applicable to foreign employees seconded to France**

- Principle of equal treatment for seconded employees
- Discover the concept of the "hard core" that must be respected in labor law
- Identify the collective bargaining agreement applicable to the seconded employee
- Determining the structure of the seconded employee's remuneration

## **Part 4 : Immigration procedures applicable to foreign employees seconded to France**

- Types of visa (short-stay/long-stay)
- Identify configurations requiring prior authorization to work in France
- Identify exemptions applicable to assignments of less than 3 months
- Using the ICT secondment procedure for intra-group secondments
- Using the procedure for providing services outside the group
- Identifying the situation of an employee from a third country, seconded by an employer located on European territory
- What if the conditions for ICT secondment/service provision are not met?

## **Part 5 : Social protection applicable to foreign employees seconded to France**

- Defining the notion of secondment under social security law
- Differentiate between the various texts relating to secondment (EU agreements or bilateral conventions)
- Anticipate obligations and costs in the absence of a social security agreement (Urssaf du Bas-Rhin)
- Penalties for non-compliance with obligations

## **Part 6 : Obligations of the foreign legal entity seconding employees**

- Preparing and submitting the SIPSI declaration and appointing a representative in France
- Comply with formalities for storing and making available documents
- Know the labor laws applicable to employees in France

## **Part 7 : Obligations of the host entity in France**

- Duty of care and co-responsibility
- Financial solidarity in the fight against illegal employment
- Completion of formalities prior to secondment by the foreign employer
- Proper application of the principle of equal treatment (remuneration, medical surveillance, workplace safety, etc.).
- Documentary obligations
- Be alert to labor inspection controls and penalties in the event of non-compliance

**Speaker:**

Experienced English-speaking employment lawyer specialising in international employment law

Working as a bilingual associate in charge of Majorelle Mobility (<https://majorelle-mobility.com/>) within Majorelle Avocats lawfirm, Clarisse assists clients with all issues in labour relations, both in an advisory capacity and acting in litigation.

She specialises in advising on all aspects of French employment law, with the ambition of making the ever-changing legislation easy to grasp for local and international companies.

She advises companies in both individual employee matters (with covers the beginning of the employment relationship via drafting employment contracts, to the end of the relationship by assisting throughout termination processes, settlement negotiations etc.) and collective employee matters (social security audits, working time regulations, annual negotiations, elections etc.)

Within the “Majorelle Mobility” area, Clarisse assists French and international companies in all their issues relating to the hiring of foreign employees, the sending of teams abroad, and the use of foreign subcontractors in France.

English and German speaking, Clarisse also advises foreign companies in the deployment of their activities in France.

**Teaching Support:**

- Sharing of content of Powerpoint
- Evaluation questionnaire

**Follow-up and evaluation procedure**

- Case studies
- Quizzes
- Evaluation at the beginning and end of the course

- Attendance sheet per half-day
- Certificate of attendance

| Dates                           | Place  | Cost   | Duration | Contact  |
|---------------------------------|--|--|----------|--|
| Contact us for more information | Face-to-face, in-company or inter-company or distance learning | In-house: by quotation, as we can adapt the duration/content of the training to your needs.<br><br>In-house :<br>- 750 € excl. VAT per person for 4 hours of training (approx.. USD 800 excl. VAT / 634 £ excl. VAT)<br>- Package possible for more than 5 participants per company. | 4 hours  | <a href="mailto:cdelaitre@majorelle-avocats.com">cdelaitre@majorelle-avocats.com</a> |



**Contact us :**

Clarisse Delaitre : *Lawyer – in charge of Majorelle Mobility*

[cdelaitre@majorelle-avocats.com](mailto:cdelaitre@majorelle-avocats.com)

+33 (0)6 73 12 71 82

[Linkedin](#)

Updated on June 2024