PARIS OLYMPIC GAMES 2024: REMINDER OF THE MAIN RULES APPLICABLE TO NON-FRENCH EMPLOYERS

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Labor, Employment, and Workplace Safety Alert

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France will host the Olympic Games from 26 July to 11 August 2024, and the Paralympic Games from 29 August to 8 September 2024.

A number of foreign workers are expected to come to work in France during this period, and non-French employers may wonder whether they need to comply with specific rules.

Employers should obtain advice on the legal requirements that may apply to their specific situation. In order to help these companies understand the main rules surrounding the temporary assignment of foreign workers in France, below is a general overview of the main formalities to be complied with before an employee can work in France for the Olympic Games.

A non-French employer who will have employees working in France for the Olympic Games needs to comply with the French "secondment" regulation. Secondment is a temporary assignment of an employee from a company established in a non-French country to work in France.

Under this temporary assignment, the employee remains employed by the non-French company.

Secondment is applicable in different situations and can either involve a French company (customer or end user) or not. In other words, there is no need for the non-French employer to set up a specific relationship with a French company in order to validly second its employees in France.

Depending on the situation, the non-French employer will have to comply with key formalities before having its seconded employees in France.[1]

WHAT ARE THE MAIN FORMALITIES TO BE COMPLIED WITH?

Secondment Formalities Before Arriving in France

In most situations, non-French employers will have to:

- Complete a prior online SIPSI declaration, i.e., declaration of secondment (*déclaration préalable de détachement*) to the French labor authority, which requires specific information to be provided;
- Appoint a company representative in France (*représentant de la société en France*) who will be the contact person for the French authorities in case of control; and

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- Apply for a certificate of coverage to the relevant social security authority in the state of origin certifying that the foreign social security legislation remains applicable to the employees seconded in France.

The above is only required for employees, i.e., individuals who are subject to employment law (excluding independent contractors or freelancers who are not considered as employees).

Immigration Formalities

Non-French employers should check whether the employees to be seconded in France need a visa or a work permit and should apply in advance to get the relevant documentation before starting the secondment in France.

In principle (except specific cases)[2]:

- EU resident employees do not need a visa to stay in France; and
- Employees from outside the European Union must obtain a visa and a work permit to validly work in France.

WILL SECONDED EMPLOYEES BE SUBJECT TO FRENCH LABOR LAW?

Non-French companies seconding employees in France remain the employer of these employees. Seconded employees will, in principle, remain subject to the social security system and social security contributions of their country of origin.

However, the French public policy principles (i.e., a set of specific fundamental rules mentioned by the French labor code) will apply to seconded employees working in France during the Olympic Games,[3] including rules relating to working time, public holidays, paid annual leave, and remuneration.[4]

Non-French employers should pay specific attention to working time requirements as French law has strict and complex requirements in relation to this, meaning that employers may need to adapt their usual working arrangements to ensure that employees meet these requirements.

Indeed, the French labor code provides with several limits on working time:

- Maximum 10 hours worked per day;
- Maximum 48 hours worked per week; and
- Minimum daily rest period of 11 consecutive hours between two worked days.

However, the usual daily 10-hour working limit[5] or the weekly maximum 48-hour limit[5] may not be sufficient for specific activities. Alternative solutions should be considered. Some companies may also need to be exempted from the daily rest limit (11 hours)[5] and may therefore have to apply for such exemption before the French labor inspection.

A decree dated 23 November 2023[6] provides for an exemption to weekly rest requirements (that is usually granted on Sundays) for the Olympic Games. This exemption applies for the strict period from 18 July 2024 to 14 August 2024 and under specific conditions (i.e., very specific activities).

Employers are also required to ensure that certain documents are available in case of control by the French labor inspector (work authorizations, documents relating to the employees' remuneration, employment contracts, etc.).

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Labor inspectors are in charge of checking that non-French employers have complied with their obligations, and we anticipate an increased number of controls during the Olympic Games.

FOOTNOTES

[1] Depending on whether the secondment occurs within the framework of a service agreement or not, foreign employers will have to comply with different obligations. All or part of the obligations mentioned may apply, depending on each situation.

[2] This is a general principle, and each situation must be analyzed depending on the facts (the nationality of the employee, the duration of the stay, the activity to be performed, etc.).

[3] As long as the duration of the secondment is less than 12 months.

[4] This list is not exhaustive.

[5] The Collective Bargaining Agreement applicable to the company may provide for another duration.

[6] Decree dated 23 November 2023 (n°2023-1078).

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