



E-Handbook on Cross-border Enforcement

OSH for Mobile Workers

FRANCE

French Republic

Committee of Senior Labour Inspectors (SLIC)

Last version adopted at the 83rd SLIC Plenary in Stockholm, 10 May 2023

TABLE OF CONTENTS

FOREWORD	4
DIRECTORY	5
NATIONAL REPORT: FRANCE	9
1. THE LABOUR INSPECTORATE	9
1.1. ORGANISATION OF THE LABOUR INSPECTORATE.....	9
1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION	9
1.3. COMPETENCES OF LABOUR INSPECTORS	10
1.3.1. Occupational Safety and Health (OSH)	10
1.3.2. OSH or Labour Law Matters	11
1.3.3. Labour Law	12
1.3.4. Social Security	12
1.4. INSPECTORS' POWERS	13
1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES	14
2. POSTING OF WORKERS	15
2.1. NATIONAL LEGISLATION	15
2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES	15
2.2.1. Deadline to submit the declaration.....	15
2.2.2. Content of the declaration of posting.....	16
2.3. SOCIAL SECURITY PROCEDURES.....	17
2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS	17
2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS.....	18
3. COOPERATION AND MUTUAL ASSISTANCE	19
3.1. LEGISLATION ON MUTUAL ASSISTANCE.....	19
3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION ..	19
3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES	20
3.4. TOOLS FOR EXCHANGING INFORMATION.....	20
3.4.1. IMI (Internal Market Information System) for Posting of workers...20	
3.4.2. KSS (Knowledge Sharing System)	20
3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE	21
ANNEX E-HANDBOOK (UPDATING 2023)	23
1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the	

road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012	23
1.1. Transposition to National Legislation	23
1.2. Competences of the SLIC Member on road transport	23
2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation.....	24
2.1. Transposition to National Legislation	24
2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation	24
3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.....	24
3.1. Transposition in National Legislation	24
3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive	24
4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS	24
4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?	24
5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS	25
5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...).....	25
6. COOPERATION WITH ELA	25
6.1. Do you regularly collaborate with the national liaison officer?	25
6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?.....	26

FOREWORD

The first version of the E-Handbook on Cross-border Enforcement was published in 2016 and updated in 2019. The last version was published in 2021 in the [Library of the SLIC public site](#) on the EU collaborative platform CIRCABC.

This last version had a format that enhances a better public disclosure of the organisation of the bodies and entities dealing with the inspection of occupational safety and health in EU Member States, as well as in Norway and Switzerland. The purpose of that E-Handbook was to provide labour inspectorates with informative tools to facilitate cooperation and mutual assistance with competent bodies from other countries.

The new working group on Mobile Workers on OSH matters, which replaced the previous working group dedicated to cross-border enforcement, was mandated to update the content of the E-Handbook for several reasons.

First, it was necessary to add new regulations such as the new Directive (EU) 2020/1057 laying down specific rules for posting of drivers in the road transport, a sector which moreover includes aspects related to the enforcement of working time under Directive 2006/22/EC, a matter that is considered a part of OSH legislation in many Member States.

Secondly, it was necessary to enlarge the content of that handbook following the new scope of the working group dedicated to mobile workers. A mobile worker is someone who works in more than one Member State or travels to other Member States as part of his job (posted workers, cross-border workers, seasonal workers, temporary workers, migrant workers...).

Therefore, the handbook should include information on the competence of SLIC Members on legislation about Third Country National workers. This includes Directive 2014/36 on seasonal workers in aspects related to the health and safety conditions such as workers' accommodation and Directive 2009/52 on sanctions. These directives have been explicitly mentioned in the current EU strategic framework on health and safety at work 2021-2027 in a changing world of work.

Moreover, it was necessary to complement some aspects related to the practice of concerted and joint inspections on OSH matters regarding the legal possibility to carry them out in each Member State.

Lastly, the SLIC working group considered that the easiest way to update the existing E-Handbook was to maintain its structure, with the updated information provided by Member States, and to complete it with new items gathered in a specific annex.

Finally, the handbook needed a new title reflecting its purpose and also support to gain more visibility among labour inspectors on the field.

We hope that this document will be a useful tool for national labour inspectorates and beyond, for all organisations involved in OSH matters for mobile workers.

This new updated version was announced to SLIC members at the 82nd Plenary session of 12 October 2022, held under the Czech Presidency.

DIRECTORY

Austria	<p>ARBEITSINSPEKTION</p> <p>Favoritenstraße 7 A-1040 Wien</p> <p>https://www.arbeitsinspektion.gv.at/inspektorat</p>
Belgium	<p>SURVEILLANCE ON WELL-BEING AT WORK and SURVEILLANCE ON SOCIAL LAW</p> <p>Blerotstraat/rue Blerot 1 B-1070 Brussels</p> <p>http://www.employment.belgium.be In Dutch: www.werk.belgie.be In French: www.emploi.belgique.be</p>
Bulgaria	<p>GLI EA (General Labour Inspectorate Executive Agency)</p> <p>http://www.gli.government.bg/en</p>
Croatia	<p>STATE INSPECTORATE</p> <p>Šubićeva 29, 10 000 Zagreb</p> <p>https://dirh.gov.hr/</p>
Cyprus	<p>DEPARTMENT OF LABOUR INSPECTION (DLI) http://www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR (DL) https://www.mlsi.gov.cy/mlsi/dl/dl.nsf/index_en/index_en?OpenDocument</p> <p>DEPARTMENT OF LABOUR RELATIONS (DLR) https://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/home_en/home_en?openform</p>
Czech Republic	<p>STATE LABOUR INSPECTION OFFICE OF THE CZECH REPUBLIC</p> <p>Kolářská 13 746 01 Opava</p> <p>Email: opava@suip.cz https://www.suip.cz/web/en</p>
Denmark	<p>ARBEJDSTILSYNET</p> <p>Landskronagade 33 2100 København Ø</p> <p>Email: at@at.dk http://engelsk.arbejdstilsynet.dk/en/</p>
Estonia	<p>TÖÖINSPEKTSIOON</p> <p>Mäealuse 2/3, 12618 Tallinn Estonia</p>

	<p>Email: ti@ti.ee www.ti.ee</p>
Finland	<p>TYÖSUOJELUHALLINTO</p> <p>Email: tyosuojelu.viestinta@avi.fi https://www.tyosuojelu.fi/web/en</p>
France	<p>DIRECTION GÉNÉRALE DU TRAVAIL</p> <p>39-43 quai André Citroën 75902 Paris Cedex 15</p> <p>Email: dgt.dir@travail.gouv.fr https://travail-emploi.gouv.fr/ministere/organisation/article/dgt-direction-generale-du-travail</p>
Germany	<p>LASI Länderausschuss für Arbeitsschutz und Sicherheitstechnik (Gremium der Länder) LASI Vorsitz (bis 2024): Ministerium für Wirtschaft, Arbeit und Tourismus Baden-Württemberg;</p> <p>Theodor-Heuss-Straße 4, 70174 Stuttgart</p> <p>https://lasi-info.com</p>
Greece	<p>LABOUR INSPECTORATE</p> <p>8, Dragatsaniou str, 10110 Athens,</p> <p>Email: dpseaye@hli.gov.gr https://www.hli.gov.gr/</p>
Hungary	<p>MINISTRY OF ECONOMIC DEVELOPMENT, STATE SECRETARY OF EMPLOYMENT POLICY</p> <p>Kálmán Imre utca 2. Budapest, 1054-Hungary</p> <p>Email: munkavedelmi-foo@gfm.gov.hu http://www.mvff.munka.hu</p>
Ireland	<p>HEALTH AND SAFETY AUTHORITY</p> <p>The Metropolitan Building James Joyce Street Dublin 1</p> <p>Email: contactus@hsa.ie https://www.hsa.ie/eng</p>
Italy	<p>ISPETTORATO NAZIONALE DEL LAVORO</p> <p>Piazza della Repubblica, 59 00185 Roma</p> <p>https://www.ispettorato.gov.it</p>

Latvia	<p>VALSTS DARBA INSPEKCIJA (VDI)</p> <p>38 k-1, Kr.Valdemara Street Riga LV –1010</p> <p>Email: vdi@vdi.gov.lv https://www.vdi.gov.lv</p>
Lithuania	<p>STATE LABOUR INSPECTORATE OF THE REPUBLIC OF LITHUANIA (SLI)</p> <p>19 Algirdo str. LT-03607 Vilnius Lithuania</p> <p>Email: info@vdi.lt https://www.vdi.lt</p>
Luxembourg	<p>INSPECTION DU TRAVAIL ET DES MINES</p> <p>3 Rue des Primeurs, 2361 Strassen, Luxembourg</p> <p>www.itm.public.lu</p>
Malta	<p>OCCUPATIONAL HEALTH AND SAFETY AUTHORITY</p> <p>17, Triq Edgar Ferro, Pietà PTA 1533 Malta</p> <p>Email: ohsa@ohsa.mt http://www.ohsa.mt/</p>
Norway	<p>ARBEIDSTILSYNET</p> <p>Arbeidstilsynet Postboks 4720 Torgarden 7468 Trondheim</p> <p>Email: post@arbeidstilsynet.no https://www.arbeidstilsynet.no/en/</p>
Poland	<p>PAŃSTWOWA INSPEKCJA PRACY (PIP)</p> <p>28/30, Barska St., 02-315 Warsaw</p> <p>Email: kancelaria@gip.pip.gov.pl https://www.pip.gov.pl/en</p>
Portugal	<p>AUTORIDADES PARA AS CONDIÇÕES DE TRABALHO</p> <p>Praça de Alvalade, 1 1749-073 Lisboa</p> <p>Email: dir.mail@act.gov.pt http://www.act.gov.pt</p>

Romania	<p>INSPECTIA MUNCII</p> <p>Str. Matei Voievod, Nr. 14 Sector 2, București</p> <p>Email: comunicare@inspectiamuncii.ro www.inspectiamuncii.ro</p>
Slovakia	<p>NÁRODNÝ INŠPEKTORÁT PRÁCE</p> <p>Masarykova 10 040 01, Košice</p> <p>Email: nip@ip.gov.sk https://www.ip.gov.sk/home/</p>
Slovenia	<p>LABOUR INSPECTORATE OF THE REPUBLIC OF SLOVENIA (LIRS)</p> <p>Štukljeva cesta 44 SI-1000 Ljubljana</p> <p>http://www.id.gov.si/en/</p>
Spain	<p>ORGANISMO ESTATAL INSPECCION DE TRABAJO Y SEGURIDAD SOCIAL (OEITSS)</p> <p>Paseo de la Castellana 63 28046 Madrid</p> <p>https://www.mites.gob.es/itss/web/index.html</p>
Sweden	<p>THE SWEDISH WORK ENVIRONMENT AUTHORITY</p> <p>Svetsarvägen 12 SE 171 41 Solna</p> <p>Email: arbetsmiljoverket@av.se https://www.av.se/en/</p>
Switzerland	<p>STATE SECRETARIAT FOR ECONOMIC AFFAIRS (SECO) WORKING CONDITIONS – FEDERAL LABOUR INSPECTION</p> <p>Holzikofenweg 36 CH-3003 Bern</p> <p>Email: abea@seco.admin.ch www.seco.admin.ch/seco/de/home/Arbeit/Arbeitsbedingungen/Arbeitnehmerschutz.html</p>
The Netherlands	<p>NETHERLANDS LABOUR AUTHORITY</p> <p>PO Box 90801 2509 LV Den Haag</p> <p>https://www.nllabourauthority.nl/</p>

NATIONAL REPORT: FRANCE

LABOUR INSPECTORATE	GENERAL DIRECTORATE OF LABOUR DIRECTION GENERALE DU TRAVAIL
OTHER COMPETENT AUTHORITIES	<ul style="list-style-type: none"> • Nuclear Safety Authority (Autorité de Sûreté Nucléaire) • Inspectorate of Mines and Quarries • Maritime Affairs Directorate (Direction des Affaires Maritimes) • Army Labour Inspection (Inspection du travail dans les armées (ITA))

1. THE LABOUR INSPECTORATE

1.1. ORGANISATION OF THE LABOUR INSPECTORATE

The General Directorate of Labour (DGT) is the central authority of the labour inspection system. The DGT is one of the central administrations of the Ministry of Labour.

Labour inspection system is organized in three layers:

- 1) As central authority, the General Directorate of Labour has in charge to conduct and implement the national Policy of Labour.
- 2) At regional level, the Regional Directorate for Economy, Employment, Labour and Solidarities (DREETS), is responsible of the strategy steering of the regional and local policy of labour.
- 3) At local level, the Departmental Unit, which is part of the DREETS, is organised in Control Units composed of several sections, each one of them occupied by a labour inspector.

At the end of 2022, there are 246 Control Units spread out of 101 Departmental Units in metropolitan France and overseas, for a total of 2031 sections.

1.2. NATIONAL LEGISLATION AND ILO CONVENTIONS RATIFIED ON LABOUR INSPECTION

The labour inspectorate has competencies to conduct inspections regarding all juridical corpus of the Labour Code. Concerning the ILO conventions: see information below.

Figure N° 1: International Conventions on Labour Inspection ratified

CONVENTION	RATIFIED	NOT RATIFIED
ILO Convention 81 on Labour Inspection in Industry and Commerce	X	
ILO Convention 129 on Labour Inspection in Agriculture	X	
Maritime Labour Convention 2006	X	
ILO Convention 187 on Promotional Framework for Occupational Safety and Health	X	

1.3. COMPETENCES OF LABOUR INSPECTORS

1.3.1. Occupational Safety and Health (OSH)

The Labour Inspectorate is the competent body on occupational safety and health. Labour inspectors have also competencies on labour relation, working conditions and illegal work.

Figure N° 2: Map of competence on Occupational Safety and Health

MATTERS	COMPETENCE OF THE LABOUR INSPECTORATE	OTHER PUBLIC BODIES WITH COMPETENCE
OSH, in general terms	Yes	
Occupational Safety, in general terms	Yes	
Occupational Health, in general terms	Yes	
Work-related accidents	Yes	
Trade of Machines and Equipments	Yes	
Radiations	Yes	Nuclear Safety Authority (ASN) on: - installation inspection - workers radioprotection -
Explosives	Yes	Inspectorate of powders

		and explosives, attached to the Ministry of the armed forces
Mines	Yes (transfert of competencies on mines and quarries to LI by decree n°2021-124 of 5 February 2021, applicable on 1 July 2021 + hydroelectric dams under concession)	Mines and Quarries Inspectorate (Regional Directorate of Environment, Development and Housing-DREAL) attached to the Ministry of the ecological transition: competent as soon as underground installations are existing.
Vessels	Yes	Maritime Affairs Directorate attached to the Ministry of the Seas
Retail sector	Yes	
Horecca	Yes	
Agriculture	Yes	
Construction industry	Yes	
Aviation	Yes	
Railway	Yes	
Road Transport	Yes	
REACH	Yes (part of it)	
Self Employed	Yes	
Police (*)	No	
Civil Servants (*)	No	
Military personnel and premises (*)	No	
Penitentiaries (*)	Yes but only for prisoners employed by private companies, in detention centers	
Customs (*)	No	

(*) Each ministry has a specific service and a body of OSH Inspectors

1.3.2. OSH or Labour Law Matters

Figure N° 3: Map of competences in matters which could be considered within OSH or Labour Law

MATTERS	Yes	No
---------	-----	----

Working hours	X	
Bullying and harassment	X	
Third Party Violence	X	

1.3.3. Labour Law

Figure N° 4: Map of competences on Labour Law matters

MATTERS	Yes	No	COMMENTS
Salaries	X		
Equal Treatment	X		
Labour rights	X		
Foreign workers	X		
Others, specify	Illegal and undeclared work		

1.3.4. Social Security

Figure N° 5 Map of competences on Social Security Matters

MATTERS	Yes	No	COMMENTS
Affiliation of workers (REGISTER)	X		In case of illegal and undeclared work, the labour inspectors can notify an infringement on the affiliation to social security institutions. However, only the social security institution decides to affiliate or not the workers.
Contributions to Social Security System	X		The labour inspectors can identify and notify infringement for undeclared work –even partially declared – with consequences on contributions to social security institutions. However, the power to collect unpaid contributions remains to the social security institution.
Social Security benefits		X	
Private pension funds		X	
Others, specify			

1.4. INSPECTORS' POWERS

Figure N° 6: Map of Inspectors' powers

POWERS	Yes	No	COMMENTS
Visit workplaces	X		
Request for documents	X		
Summon employers to the Inspection Office	X		
Recommendations / Assistance	X		
Injunction / Improvement notice	X		
Initiate an administrative punishment procedure	X		In case of illegal or undeclared work, the inspectors can submit the decision to Prefect to close the undertaking up to 3 months.
Initiate a judicial punishment procedures	X		
Imposing fines	X		Administrative fines are possible in cases such as infringements on posting of workers, minimum wage, working hours, trainees and young workers, hygiene, catering & accommodation, construction card, failure to comply with a decision, lack of forestry site declaration and no asbestos survey before construction.
Stoppage / Prohibition Notice	X		Regarding posted workers, inspectors can initiate a procedure to stop temporarily the posting when : <ul style="list-style-type: none"> - the core standards are violated, - the request for documents to justify the respect of the core standards is ignored, - the administrative fines previously imposed are unpaid (new law adopted in September 2018). The decision is signed by the regional

			director of the labour inspectorate. The posting can resume as soon as the company fulfil its obligations.
Notify offences to the Public Prosecutor or the Judge	X		
Others			

1.5. MECHANISMS OF COOPERATION AND EXCHANGE OF INFORMATION WITH OTHER NATIONAL PUBLIC BODIES

Figure N° 7: Cooperation mechanisms with other national public bodies

BODIES	Yes	No	COMMENTS
Tax Authorities	X		On undeclared work
Social Security bodies	X		On undeclared work and OSH
Police	X		Police (urban areas) and gendarmerie (rural areas) on undeclared work and judicial investigations in occupational accidents.
Public Prosecutor	X		
Others	Customs, fraud control bodies, regional health agencies.		

2. POSTING OF WORKERS

2.1. NATIONAL LEGISLATION

The legal disposition that transposes Directive 96/71/EC, of the European Parliament and of the Council, of 16 December 1996, concerning the posting of workers in the framework of the provision of services, is the Labour Code in Articles L. 1261-1 to L. 1263-2 and R. 1261-1 to R. 1264-3, derived from art. 89 of "Law n° 2005/882 on small and medium enterprises and the Decree n° 2007-1739 - 11 December 2007, (adopted in pursuance of this Law), set out the rules applicable to French transnational posting of workers, thus completing the transposition of Directive 96/71/EC.

Transposition of Directive 2014/67:

- Law n° 2014-790 of 10 July 2014 on combating unfair social competition
- Decree n° 2015-364 of 30 March 2015 on combating fraud and the posting of workers and combating illegal employment
- Law n° 2016-1088 of 8 August 2016 on labour, modernising social dialogue and securing professional pathways (Article 108)

Transposition of Directive 2018/957: ordonnance n° 2019-116 of 19 February 2019 (applicable 30 July 2020).

Figure N° 8: EU Directives on posting of workers implemented

DIRECTIVE	Yes	No	DATE
Directive 96/71	X		2005
Directive 2014/67	X		2014
Directive 2018/957	X		2019

2.2. ADMINISTRATIVE REQUIREMENTS AND CONTROL MEASURES

In France, European and foreign posting companies are required to declare posting to the labour inspection by Internet via an electronic system called SIPSI.

2.2.1. Deadline to submit the declaration

The declaration must be made by the employer before the posting in France.

2.2.2. Content of the declaration of posting

Figure N° 9: Content of the posting declaration

COMPANY DATA		
	YES	NO
Identity of Service Provider	X	
Representative of the company in your country	X	
A person designated for acting as a representative into collective bargaining within the host Member State		X
Activity		X
Authorization in the sending MS		X
If it is a Temporary Work Agency or not	X	
Identity Tax Number	X ⁱ	

WORKERS DATA		
	YES	NO
Number of workers	X	
Name of workers	X	
Nationality	X	
Age	X ⁱⁱ	
Role	X	

POSTING DATA		
	YES	NO
Envisaged beginning	X	
End date of the posting	X	
Anticipated Duration	X ⁱⁱⁱ	
Address(es) of the workplace	X	
Nature of the services justifying the posting	X	
Contractor	X	

LABOUR CONDITIONS		
	YES	NO
Working hours	X	
Salaries	X	
Collective accommodation	X	
Use of dangerous agents	X	
Prevention services		X

Note: The companies must respect the national obligations concerning the working conditions.

2.3. SOCIAL SECURITY PROCEDURES

A1 forms and information on the relevant social security legislation are delivered:

- For employees by the local Healthcare Insurance Office (Caisse Primaire d'Assurance Maladie) or Agricultural Social Mutual Fund (Mutualité sociale agricole)
- For self-employed by the relevant social security body of the self-employed worker.

Further information is available on the CLEISS website: <https://www.cleiss.fr/>

Figure N° 10: Position of the Labour Inspectorate with regard to A1 forms

	Yes	No
Access to A1 forms delivered by national authorities	X (in the SIRDAR database of the CLEISS)	
The Labour Inspectorate is consulted about the approval of A1 forms by competent institutions		X
Access to A1 forms delivered by other Member States (*)	X	

(*) In the inspection and partially in the SIRDAR database for member states cooperating with the CLEISS)

2.4. WORK RELATED ACCIDENTS / OCCUPATIONAL DISEASES OF POSTED WORKERS

When an occupational accident happens, enterprises must communicate immediately to labour inspection, including when the victim is a posted worker.

For all serious or fatal accidents, the emergency services and police intervene on the scene of accident. When they identify an occupational accident, they immediately inform via all means the labour inspectorate. This administrative organisation allows labour inspectorate to be informed in real time about all accidents at work.

With this "alert system", the labour inspectorate can be informed even when the users undertakings undeclared the accidents.

Then, the liaison office informs by IMI the labour inspectorate of the country where the posted worker comes from.

2.5. NATIONAL AUTHORITIES INVOLVED IN POSTING OF WORKERS

Figure N° 11: Authorities involved in posting of workers

	Yes	No
Labour authorities	X	
OSH authorities	X	
Customs authorities		X
Tax authorities	X	
Social Security Institutions	X	
Others	Police/gendarmerie	

In fact, there is no specific OSH authority. The French Labour Inspectorate has a generalist approach and a global competence to inspect all working condition matters: health and safety at work, wages, working time, illegal and undeclared work.

Tax authorities may be involved, particularly concerning investigations on the affairs of the illegal or undeclared work of posted workers. Customs might cooperate but without specific powers on posted workers.

The Labour Inspectorate is part of a network system that includes other control bodies such as the social security insurance officers, customs and tax officers, police forces.

3. COOPERATION AND MUTUAL ASSISTANCE

3.1. LEGISLATION ON MUTUAL ASSISTANCE

Figure N° 12: Legislation and International Conventions signed and ratified

	RATIFIED / IMPLEMENTED	APPLICABLE TO L.I.	COMMENTS
Legislation on Mutual Assistance implementing Dir. 96/71 and Dir. 2014/67	Yes	Yes	Article 4 of the Directive 96/71EU has been transposed to Labour Code articles L.1263-1, R.1263-11, L.8271-6.
European Convention in Criminal Matters	Yes	Yes	
Convention 094 Council of Europe	Yes	Yes	Ratified the 21 st of December 1979
Others			

3.2. BILATERAL AND MULTILATERAL AGREEMENTS ON LABOUR INSPECTION

Figure N° 13: Bilateral Agreements signed

COUNTRIES	DATE
Belgium	May 2003
Bulgaria	June 2017
Germany	May 2001
Italy	September 2011
Luxembourg	Mars 2018
Portugal	November 2017
Spain	September 2010
The Netherlands	May 2007

3.3. REQUEST AND RECEPTION OF INFORMATION FROM OTHER INSPECTORATES

Figure N° 14: Exchange of information from other Labour Inspectorates

MATTERS	YES	YES But subjected to previous Protection Data Authorities supervision or approval	NO	COMMENTS
Does current regulation in your country allow providing information directly to other Labour Inspectorates?	X			Labour code art. L.8271-6 related to undeclared work
Does current regulation in your country allow receiving information directly from other Labour Inspectorates?	X			

3.4. TOOLS FOR EXCHANGING INFORMATION

3.4.1. IMI (Internal Market Information System) for Posting of workers

Figure N° 15: Liaison office of the Labour Inspectorate in IMI

	Yes	No
Use of IMI by the Labour Inspectorate	X and other modalities specified in the cooperation agreements, in relation with local liaison offices.	
In affirmative case, specify the liaison offices	At the General Directorate of Labour – central liaison office and six local liaison offices attached to the Regional Directorates (DREETS) of Hauts-de-France, Grand Est, Auvergne-Rhône-Alpes, Occitanie, Nouvelle-Aquitaine, Provence-Alpes-Côte d’Azur	

Email of contact for central liaison office: bureau.liaison@travail.gouv.fr

3.4.2. KSS (Knowledge Sharing System)

The French Labour Inspectorate usually participates in KSS System.
Email of contact: kss.coordinator@travail.gouv.fr

3.5. FINES AND EXECUTION OF FINES PROPOSED OR IMPOSED BY THE LABOUR INSPECTORATE

Figure N° 16: Nature of fines

	Yes	No
Penal or criminal fines	X	
Administrative fines	X	
Others	See 1.4 inspection powers	

Figure N° 17: Execution time of fines

	Yes	No
After the first judgement of the courts		X
After the final judgement of the courts	X	
After the first administrative decision	X	
After the binding administrative decision		X
Others		

Figure N° 18: Nature of Courts where fines can be appealed

	Yes	No
Penal/Criminal courts	X	
Labour/Civil courts	X	
Courts for administrative affairs	X	
Others		

Figure N° 19: Authorities with competence to collect fines

	Yes	No
Labour Inspection Authorities		X
Labour/ Government Authorities		X
Tax/Customs Authorities	X	
Courts		X
Others	Social security contributions authorities (URSSAF / MSA)	

Figure N° 20: Legal framework to collect fines imposed by authorities from other Member States

	YES	IF YES, is it applicable to Labour Inspectorate proceedings?	NO Authorities supervision or approval	COMMENTS
Framework Decision 2005/214	X	Yes		Adopted by Laws of March and May 2007
Directive 2014/67 on administrative fines	X	Yes		Labour Code article L.1264-4
International or Bilateral Conventions			X	
Other National Rules				

ANNEX E-HANDBOOK (UPDATING 2023)

SLIC MEMBER: Ms Annaick LAURENT / alternate: Ms Agnès GLAS
MEMBER STATE: FRANCE

1. About the Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012

1.1. Transposition to National Legislation

Transposition	National Law or Regulations	Date
Yes	Law n° 2021-1308	8 October 2021
	Decree n° 2022-104	1 February 2022

1.2. Competences of the SLIC Member on road transport

LEGISLATION	COMPETENCE		COMMENTS
Regulations 1071/09, 1072/09 and 1073/09 on road transport activity		No	Competencies of DREAL (road transport officers)
Regulation 561/06 on driving time	Yes		
Directive 2006/22 on social legislation in road transport	Yes		
Article 1 of Directive 2020/1057 on posting of workers on road transport	Yes		

2. About Article 20.2.c) of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers regarding health and safety conditions of workers' accommodation

2.1. Transposition to National Legislation

Transposition		National Regulations Collective Agreements	Law, or	Date
Yes		Law n° 2014-790		10 July 2014

2.2. Competences of the SLIC Member on health and safety conditions on workers' accommodation

COMPETENCE	COMMENTS
Yes	NLI is competent on workers'accommodations

3. About Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals

3.1. Transposition in National Legislation

Transposition		National Regulations	Law or	Date
Yes X	No	Law n° 2011-672		16 June 2011

3.2. Competences of the SLIC Member on sanctions and measures provided in this Directive

COMPETENCE	COMMENTS
Yes	Sanctions against employers for illegal work

4. JOINT AND CONCERTED INSPECTIONS ON OSH MATTERS

4.1. Is it allowed to organise concerted and joint inspections on OSH matters with other inspectorates?

Yes, by legal rules	
Yes, by bilateral agreements	X
No	

5. NATIONAL INFORMATION AND INITIATIVES FOR MOBILE WORKERS

5.1. Please describe the initiatives you have implemented (e.g.: website, flyers, documents...)

Informing foreign service providers and their employees about the legal framework applicable to posting in France is essential to ensure the proper application of the legislation and respect for the rights of posted workers. This is why the ministry in charge of labour offers on [its website](#) clear and complete information on the rules applicable in case of posting of workers in France. This information is available in 9 languages (French, English, German, Spanish, Portuguese, Italian, Polish, Romanian, Bulgarian). It includes information on the contractual provisions applicable in the occupational sectors where most frequent posting situations are encountered (construction, metallurgy, temporary work).

In addition, as part of the Occupational Health Plan 2016-2020, an action to prevent occupational risks for posted workers has been implemented. It aimed to develop communication adapted to people with poor French language knowledge or without. The objective of this campaign was to convey simple and understandable messages to posted workers on the main occupational hazards (working at heights, chemical hazards, manual handling, use of work equipment) most of them are exposed to. These messages, in poster form, have been translated into 10 languages. This campaign is available on the ministry's website at the following address:

[Campagne de prévention des risques professionnels multilingue - Ministère du Travail, du Plein emploi et de l'Insertion \(travail-emploi.gouv.fr\)](https://travail-emploi.gouv.fr/campagne-de-prevention-des-risques-professionnels-multilingue)

Furthermore, as part of the fourth Occupational Health Plan (PST4) presented in December 2021, the Plan for the Prevention of Serious and Fatal Accidents at Work, co-built between the French State, the social partners, the Social Security and preventive agencies, is particularly concerned with workers most exposed to serious and fatal accidents at work, namely temporary and posted workers. This plan includes concrete actions to target efforts on these people, with a focus on safety training, especially when they begin their new positions, or by reinforcing awareness and prevention messages aimed at them. It covers the main risks such as road hazards, falls from heights and the use of certain machines.

6. COOPERATION WITH ELA

6.1. Do you regularly collaborate with the national liaison officer?

France collaborates on a regular basis with NLO who is an indispensable coordination point for monitoring projects through ELA and helping national authorities to relay and carry European projects at national level.

6.2. Could you provide any useful information regarding your participation in working groups, campaigns, training, etc. ?

France is participating in all experts groups : inspection, mediation and information. Its participation is particularly proactive in terms of pilot joint inspections and access to information projects, in the framework of the work carried out by the expert groups where France can propose cooperation projects, analyse good initiatives taken by national authorities and also provide feedback on the national projects carried out. These national actions are also linked to the annual transversal actions proposed by ELA.

It was the case in 2021 with the transversal action for the protection of seasonal workers in the "agri-food" sector, with joint inspections performed with Bulgaria in Champagne region and with Spain in Pays de la Loire. A specific information sheet on seasonal work and access to rights has been created and translated into 9 languages, including Ukrainian.

In 2022, a control officer exchange programme was carried out by France and supported by ELA:

- a visit of French labour inspectorate in Denmark in June to exchange on organization, competencies and working methods;
- during the days of joint actions against trafficking in human beings through labour exploitation, a Portuguese delegation took part in controls in the wine sector in Gironde and a Bulgarian delegation took part in controls in the forest in the Aisne department;
- a joint inspection with France and Romania enabled each delegation to attend an inspection in both Member States and to strengthen links in terms of administrative cooperation;
- joint inspections were also carried out in Brittany with an Irish delegation, and in Bourgogne-Franche-Comté with Danish officials.

Due to the entry into force of the mobility package (posting, cabotage, driving time), a major update of information on posting of road workers is now available in 8 languages on the Ministry of Transport's website, with the support of the European translation centre and the expert group on information for mobile workers.

France is currently participating in a pilot project carried out by ELA: this is a specific action on information for seasonal workers in the agricultural and tourism sector with a multidisciplinary French team (national authority, social partners, social security expert) and 9 European delegations (BG, DE, ES, IT, NL, PL, PT, RO, SK). Meetings aimed to benchmark good practices on national and European websites in terms of access to information, but also at local level in terms of communication on the rights of seasonal workers in their workplaces.

Finally, a multilateral cooperation action was held in December 2022 in France with Spain, Portugal and Italy.

ⁱ EU VAT number

ⁱⁱ Date of birth

ⁱⁱⁱ Predictable duration