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“Employing people in France”

I – THE CANDIDATE SEARCH:

The recruitment of an employee in France generally involves going through the Job Centre Service (*Pôle Emploi*), a public body which collects job offers and advises companies on recruitment, recruitment consultants or the APEC (The Executives Recruitment Association) which handles executive recruitment (*cadres*), i.e. people with managerial responsibilities.

www.pole-emploi.fr
www.apec.fr

The recruitment of an employee must not discriminate against the candidate's origin, sexuality, family circumstances, sex, nationality, pregnancy, religious or political convictions or union affiliation.

The information requested from the candidate must be solely intended to assess the candidate's capacity to perform the job offered.

The employment contract must also indicate the applicable collective bargaining agreement and the employee's grade, according to the employee's salary, qualifications and professional experience.

The employment contract must specify the working hours. If the employee has autonomy in organizing his or her work, agreements on working hours and days can be concluded for periods of a week, month or a year.

A fixed term contract can only be concluded for a specific temporary task, and within certain statutory cases, measures to support employment or vocational training.

II – DRAFTING THE EMPLOYMENT CONTRACT:

The employment contract can be for an indefinite or fixed term.

An indefinite term employment contract usually has a trial period which cannot exceed 2 months for blue-collar and white-collar workers, 3 months for supervisors and technicians and 4 months for executives. The trial period can be renewed once.

Shorter periods may be stipulated in the collective bargaining agreement which applies to each company. When the employee is French, the employment contract must be written in French, possibly with an English translation, but in this case only the French version will be the authentic version.

III – THE FORMALITIES FOR RECRUITING AN EMPLOYEE:

1 – Recruiting a French national or a citizen of a Member State of the European Union:

A – Recruiting a French national:

(i) Recruitment by a French company:

A company wishing to hire an employee must complete a DUE (Unique Employment Declaration) form (*Déclaration Unique d'Embauche*) and send it to the competent URSSAF (www.URSSAF.fr) (*Social Security contribution collection organization*) office for its registered office.

(ii) Recruitment by a foreign company:

A foreign company, European or not, can recruit an employee in France without having a subsidiary, branch office or representation bureau in France.

A foreign company wishing to recruit an employee in France must comply with the following formalities:

- EO form sent to the CNFE:

Before recruiting the employee, the foreign company must register with the social security organizations by sending an administrative 'EO' document to the CNFE (National Centre for Foreign Firms at the URSSAF of Strasbourg) (*Centre Nationale des Firmes Étrangères près l'URSSAF de Strasbourg* www.strasbourg.urssaf.fr) which then informs the following organizations :

- The INSEE (French National Statistics Office) (which will send a SIRET (identity n°) to the foreign company so it can communicate with the social security organizations and pay social security contributions),
- Job Centre Service (*Pôle Emploi*) (Unemployment insurance)
- Novalis – Taitbout group (complimentary retirement pension),
- The retirement pension fund,
- The tax office (Tax Office for Foreign Companies - Foreign residents and general services department) (*Recette des entreprises étrangères – Direction des résidents à l'Étranger et des services généraux*) and
- The retirement and occupational health insurance fund.

However, if the employee is a multi-card agent (sales representative), the declaration must be made to the National Social Security Contributions Fund for Multi-card Sales Representatives *Caisse Nationale de compensation des cotisations de Sécurité Sociale des VRRP à cartes multiples*).

The foreign company will pay social security contributions directly (or through a representative in France) to the Social Security collections office for the Bas-Rhin (*URSSAF du Bas-Rhin*), which is exclusively competent for companies with employees in France without a fixed site (branch or subsidiary).

- Unique declaration of recruitment *Déclaration Unique d'Embauche (DUE)* to the CNFE :

The foreign company must send the CNFE, a unique declaration of recruitment *Déclaration Unique d'Embauche (DUE)*, which enables all the Social Security organizations to be informed.

Additional formalities by all companies :

Employees must have a medical checkup when they are recruited and before the trial period ends at the latest. Employees must also be entered on the unique staff register the company possesses a site in France.

If the company employs at least 50 employees it must send a summary of the employment contracts concluded and terminated during the previous month to the Employment Director for the Department (*director departmental du travail*) before the 8th of the following month.

B - Recruiting a European citizen:

Citizens of a member state of the European Union and of Iceland, Norway and Switzerland do not require a work permit to work in France.

They can enter France, travel around and stay unrestrictedly if they possess an identity card or valid passport, providing they are not a threat to public order.

They can work in France without a residence permit but must be able to prove their identity and nationality at any time.

2 – Recruiting a foreigner who is not a European citizen:

The employer must check that the foreigner, who is not a European citizen, is authorized to work in France. Such foreigner shall have obtained a work

permit, which can be included in a residence permit or a temporary residence permit.

There are several kinds of work permit:

- The temporary residence permits authorizing the holder to work,
- The temporary work permit, and
- The authorization to work and reside in France by holding a resident's permit.

The temporary residence permit (*carte de séjour*)

There are several kinds of temporary residence permit (*carte de séjour*) :

- The temporary 'employee' residence permit,
- The temporary 'artistic and cultural' profession residence permit,
- The 'temporary worker' residence permit,
- The 'seasonal worker' residence permit,
- The temporary 'employee on mission' residence permit,
- The temporary 'student' residence permit,
- The temporary 'skills and talent' residence permit,
- The temporary 'scientist' residence permit,
- The temporary 'private and family life' residence permit.

The length of the work authorization will vary between 6 month and 3 years depending on the type of residence permit.

The temporary employment permit (*l'autorisation provisoire de travail*)

This permit is granted for very short periods of work in France (3 months). It is often, used for models or performers.

The residence's permit (*Carte de resident*)

The resident's permits allow foreigners to live and work in France. It is valid for 10 years and is automatically renewable.