

## HR: how far should you assist your impatriates<sup>1</sup>?

*February 2006*

Having foreign workers come to a French company may bring with it a lot of challenges for the Human Resources department. Faced with a lot of priorities, you may ask yourself a question: to which extent should I assist them? On one hand, they are “lost” in a foreign environment and they rightfully need some support. On the other hand, they are responsible workers, chosen to work abroad for their professional skills but also for their ability to take care of themselves and adapt to new situations.

Every HR manager will decide for himself where he draws the line, seeing every situation is different. But one criterion can be used in every situation: **integration**. To do this, you need to take into account ***matters which are purely human*** (i.e. non professional). One example: **does your impatriate speak French?** What about his spouse? If you make it available for them to take French classes, it will, generally speaking, be a good investment for your company. Also, if you help them when (if) they have their first health problems, it will be very useful: health issues can easily lead to panic. Where should they go in case of an emergency? What should they do in case of illness? Giving them simple answers and tips will take off a great burden from them...

Besides those purely human matters, HR managers are also responsible to ***keep the French labour laws***. Therefore, you need to keep yourself informed on the new laws and procedures, as they vary over time. This is true of labour laws, social security laws and laws pertaining to foreigners. Here is what you need to know as of February 2006:

**1. Work permits:** if you wish to have foreign workers work in France you need to obtain for each one of them a work permit. This is true of non-European Union nationals as well as some EU nationals. You need to make sure that the work permits they have is valid for their real dates of work in France and for the places where they work.

If they do not have any work permit, or if the work permit they do have is not valid, this will be considered **“illegal” or “concealed” work**. Illegal work is punished by French law by five years in prison and 15.000 euros of penalty per illegal worker. If this is done though an organized network, the punishment goes up to 10 years in prison and 100.000 euros.

Here are some examples of illegal or hidden work: a foreign worker has the “seconded” status when he should have the “salaried” status ; a student has a work permit but he works as the general manager of a company ; or this student works 35 hours a week when his work permit is valid for 20 ; an “intern” produces work ; etc... The conclusion is: having a work permit is not enough, it needs to correspond exactly to the work produced!

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<sup>1</sup> « Impatriates » are non-French workers who produce work in France.



**2. Social rights:** foreign workers have **the exact same social rights as French workers**, as guaranteed by the French Labour Code and the applicable Collective Agreement. This includes working no more than 35 hours a week ; benefiting from the “Reduced Working Hours” (*Réduction du temps de travail – RTT*) ; extra working hours ; paid leave ; work accidents ; sick- or maternity leave ; national holidays ; minimum wage ; medical examinations ; non-discrimination ; security- health- and hygiene standards ; etc...

As soon as a foreign worker works in France, he needs to benefit from a social security system, covering the following fields: health insurance, maternity, unemployment and pension. **Social security payments** are therefore mandatory. If the country of origin and France have signed a social security treaty, then the social security payments have to be paid to the country of origin. If there is no such treaty, then the social security payments need to be paid to the French system.

**Work inspectors** in France may come to your company and verify that you do abide by all those legal dispositions concerning the work permits and the French Labour Laws. If you do not abide by them, it may be officially sanctioned. It is your responsibility to have them respected. It is also your responsibility to inform your foreign workers concerning them all.

Of course, your foreign workers have also their own responsibilities. They need to make sure that they do have a work permit and a residency permit. They will need to take care of their renewal. They need to obtain a travel document (DCEM) for their children. They are also in charge of filling their tax return, registering to the local health department (CPAM), exchanging their driving license to a French one within the first year of their stay in France, etc...

If you need more information and would like to receive personal counselling, do not hesitate to contact us! We will gladly counsel you, either directly or through our **impatriation CD-Rom**.

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