FRADECO

CHECKLIST · POSTING

Posting employees to France
what must be done before the first day.

An employer based outside France that sends staff to work in France for a limited period declares the assignment in advance, appoints a representative on site and applies the French core rules. This list covers the obligations before, during and after the assignment.

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FIRST, CLASSIFY

What kind of assignment is it?

Work for a client

You provide a service to a recipient in France. A SIPSI declaration and a representative on site are required.

Within your own group

A group company in France takes on your employees. This is intra-group mobility and must also be declared.

On your own account

Training, internal meeting, client appointment with no contract with a recipient on site. No declaration, but the core rules apply.

Basis: article L. 1262-1 of the French Labour Code. An intra-group service or loan of staff is not a posting on your own account.

Assignments exempt from declaration

No SIPSI declaration and no representative are needed for a posting on your own account and for the short activities listed in the order (arrêté) of 4 June 2019: artists, apprentices in international mobility, athletes and the people accompanying them, official delegations, and researchers and teachers speaking at colloquia, seminars and scientific events.

The core rules still apply. The documents listed in article R. 1263-1 must be shown to the labour inspectorate on request.

Trade fairs, business meetings and seminars are not on this list. They are exempt only as a posting on your own account.

REFERENCES

art. L. 1262-1 to L. 1262-4-4
Labour Code: posting, core rules, client's duties

art. R. 1263-1
Documents to keep available

art. L. 1264-3
Administrative fines

art. L. 8291-1
Construction ID card

Regulation (EC) 883/2004
Art. 12 and 16, social security

Instruction DGT/RT1/2024/46
of 27 March 2024

1 Before the first working day

Everything here must be done before the assignment starts.

- [ ] **Declare the posting on SIPSI**
  Online prior declaration of posting to the labour inspectorate of the place of work, or of the first place if there are several. Changes of dates or duration and a cancellation are entered in SIPSI.
  Before the start
  sipsi.travail.gouv.fr
  art. L. 1262-2-1

- [ ] **Appoint a representative in France**
  The appointment is made in the SIPSI declaration. The representative may be the client or one of the posted employees, who must have agreed in advance. They are the contact for the inspection authorities.
  With the declaration
  art. L. 1262-2-1

- [ ] **Apply for the A1 certificate**
  It certifies that the employee remains insured in the home country, for a posting of up to 24 months. In Germany it is issued by the health insurance fund, by the Deutsche Rentenversicherung for people outside statutory health insurance, and by the association of professional pension schemes for their members; since 2025 applications are electronic only.
  Before the start
  art. 12 Regulation (EC) 883/2004
  cleiss.fr · dvka.de

- [ ] **Check nationality**
  A third-country national who works regularly and habitually for an employer established in the EU, the EEA or Switzerland does not need a French work permit. Visa and right of residence must be checked separately.
  Before the start
  art. R. 5221-2 Labour Code

- [ ] **Construction: order the carte BTP**
  Every posted employee on a construction site needs the professional identification card. It is ordered from the CIBTP after the SIPSI declaration, using its number. Since 1 April 2024 it is valid for five years and is updated with the new SIPSI number for each new posting.
  By the first day at the latest
  art. L. 8291-1
  cartebtp.fr

- [ ] **Construction: paid-leave fund**
  Construction firms established in Germany, Austria and Italy are exempt from the French paid-leave and bad-weather fund under framework agreements. For Germany: declare the employees to SOKA-BAU, which sends the certificate to the CIBTP. For other countries, check case by case.
  Before the start
  travail-emploi.gouv.fr

- [ ] **Give the acknowledgment to the client**
  The client in France must obtain the SIPSI acknowledgment of receipt before the start. Otherwise it must itself file a declaration within 48 hours of the start of the posting.
  Before the start
  art. L. 1262-4-1

2 During the assignment

The French core rules apply from the first day.

- [ ] **Comply with the core rules**
  These include the French rules on working time and rest, paid leave, health and safety, and accommodation. The pay benchmark is remuneration under French law and the collective agreement, not just the minimum wage. The French rules on reimbursing travel, meal and accommodation expenses are part of it.
  From day one · art. L. 1262-4

- [ ] **Keep the documents available**
  In French, amounts in euros, on site or accessible without delay: proof of actual payment of wages (a payslip alone is not enough), a daily record of start, end and duration of working time, the employment contract if written, proof of an equivalent medical examination in the home country, and any work permit. For an assignment of one month or more, the payslips as well.
  Ongoing · art. R. 1263-1

- [ ] **Update the declaration**
  If the assignment is postponed, its duration changes or it is cancelled, the SIPSI declaration is amended or cancelled.
  On any change · sipsi.travail.gouv.fr

- [ ] **Workplace accident**
  For a posting to a client, the client in France declares the workplace accident. For a posting on the employer's own account, the employer declares it.
  When it occurs · art. L. 1262-4-4

3 Long assignments

After twelve months, the applicable law changes.

- [ ] **Watch the twelve months**
  From the thirteenth month almost all French labour law applies, except the rules on concluding and terminating the employment contract and on occupational pension schemes. Employees who succeed each other in the same post are counted together.
  From month 13 · art. L. 1262-4, II

- [ ] **Extend to 18 months**
  Possible by completing the SIPSI declaration with a reasoned request before the end of the twelfth month. An assignment planned from the outset to last more than twelve months is not a ground for the extension.
  Before month 12 ends · DGT instruction 2024

- [ ] **A1 beyond 24 months**
  Beyond 24 months, the employee stays insured in the home country only under an exceptional agreement between the states.
  Before month 24 ends · art. 16 Regulation (EC) 883/2004

Where posting ends

A company with a habitual, stable and continuous activity in France cannot rely on posting and must set up in France (article L. 1262-3 of the Labour Code). It must also carry on a substantial activity in its home country.

What a failure costs

Missing declaration, representative or document: an administrative fine of up to 4,000 euros per posted employee, 8,000 euros for a repeat within two years, capped at 500,000 euros in total (articles L. 1264-1 and L. 1264-3). The same amounts apply to the construction ID card (article L. 8291-2). In some cases the service can also be suspended for up to one month.

What FRADECO takes on

We classify the assignment and tell you what it triggers before anyone sets off. We file the SIPSI declaration, assemble what an inspection asks for, including the A1 certificate, apply for the construction ID card and are there when the labour inspectorate calls. The organisational decisions are of course yours. More: fradeco.fr/en/posting-workers-france

A question about your situation?

We answer in French, German and English.
FRADECO SAS · 50, rue Chapon · 75003 Paris, France
+33 1 40 09 13 77 · contact@fradeco.fr · fradeco.fr

This document provides general information and does not replace advice tailored to your situation. It reflects the law as at the date stated on the cover; the sources consulted are cited in the document.