

Seasonal workers

Welcome to farming!

Practical guide for new staff

Translated into Arabic, Polish and English. Available to download from www.anefa.org

ANEFA National Association for Employment and Training in Agriculture

www.anefa.org

INTRODUCTION

With this guide, the social partners representing the farming industry, which signed the 18 July 2002 agreement on seasonal employment, aim to bring you all the information you need to better understand your working environment.

We hope that you will find answers to all your questions.

The social partners are your first point of contact and will be happy to provide more information.

Facts and figures on farming

Farming, real quality jobs!

443,000 agricultural companies belong to sectors as varied as green spaces, fruit growing, market gardening, winemaking, horticulture, plant nurseries, mixed farming and livestock.

Agreste 2014

Seasonal jobs:

1.1 million seasonal contracts are signed every year.

In the farming industry,

203,000 workers have permanent contracts.

Source: MSA 2015

Hello,

You are at least 16 and have just been hired by an agricultural company. Welcome!

We are going to tell you what you need to know.

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Your new job

Get off to a good start!

A good night's sleep, followed by a big breakfast, will stop you feeling tired. Remember to stay hydrated during the day with a soft drink.

The right workwear will help you minimize the risks:

Wear the right clothes for the weather (waterproofs, boots, hat, etc.). Good comfortable, tightly fastened shoes prevent sprains, falls and injuries. Your employer will provide specialist equipment if necessary.

The documents to give to your employer:

You are already registered with social security in France (you have a social security number):

- Proof of your registration (Carte Vitale).

You are from a country in the European Union:

- A form of identification.

You are from a country outside the European Union:

- Your civil status document (otherwise a certified true copy) or birth certificate,
- Your resident card and/or seasonal work permit.

Those documents are essential to complete the prerecruitment formalities.

But also, if necessary:

- Your bank details,
- Your driving licence,
- Your vaccination record book.

For under 18s

To work, you need to be at least 16.

But young people aged 14 to 16 can, with the permission of the labour inspectorate, be given contracts no longer than half of the school holidays.

There are special requirements for young people under 18 to be able to work:

- Maximum working hours of 8 hours a day or 35 hours a week,
- No working at night,
- Certain types of work banned or restricted (list of banned work in the Labour Code),
- Minimum pay in line with the national minimum wage, which is lower for some age groups,
- Paid leave allowance at the end of the contract equal to 10% of the total wages received. However, there is no end of contract bonus (or short-term contract allowance).

Your contract of employment

The seasonal contract:

Your contract of employment is a seasonal, temporary contract.

It may be:

- fixed-term: you know when your contract will end,
- open-ended: your contract will end when the work is done.

Your contract may be:

- standard,
- include TOIL*,
- include adjustable hours,
- include a set number of hours.

*TOIL: Time off in lieu

To be valid, your contract must:

- be written in duplicate,
- be signed by you and your employer,
- state your name and social security number as well as your employer's name,
- state the contract start and end date if known; otherwise, the minimum contract length,
- specify if it is a fruit-picking contract,
- specify the probationary period, if the employer wants one (probationary periods are optional),
- state your position in the grade structure and the related paygrade,
- state your total gross pay,
- specify the current collective agreement,
- specify the name and address of the social security fund and supplementary pension fund,
- you must be given a signed copy.

Tip: Keep your contract of employment for five years after your contract ends. You need it if you have a dispute with your employer.

You have signed a TESA*:

The Titre Emploi Simplifié Agricole (TESA) was created to simplify the formalities for hiring seasonal agricultural workers. There is one form for: the MSA declaration, the contract of employment for new jobs, providing payslips and the Job centre certificate when the contract ends.

None of your rights as an employee are affected.

For fruit picking:

You will sign a fruit-picking contract.

This is a specific seasonal contract lasting no more than a month. You can sign several contracts in a row, but only up to a total length of two months. Employees on sabbaticals and civil servants can also have these contracts.

Important! Remember that seasonal contracts do not entitle you to short-term contract allowances (except if the collective agreement states otherwise)

*TESA: Titre Emploi Simplifié Agricole

Your working hours

Your working hours are detailed in your contract. You will be eligible for overtime or rest periods when you work more than 35 hours.

In farming, working hours are largely determined by a national agreement but we also recommend that you check your collective agreement on this point.

Maximum daily hours:

10 hours a day (12 hours by special dispensation).

Daily rest:

Minimum 11 hours (except by special dispensation).

Maximum weekly hours:

48 hours a week (60 hours or more by special dispensation).

Weekly rest:

Minimum consecutive 35 hours (except by special dispensation).

Overtime:

Beyond 35 hours a week (depending on how the working hours are agreed in the contract).

Seasonal contracts of employment and rest days:

This is a contract in which the reduction from 39 to 35 working hours entitles you to rest days that you can take during your contract or just before it ends.

Seasonal contracts of employment and adjustments:

This is a contract in which the time worked after 35 hours must be compensated by rest hours, which you can take during your contract or just before it ends so that on average you have worked 35 hours a week.

If these rest hours are taken just before the contract ends, you will still be paid and have the option to work somewhere else.

Seasonal contracts of employment and number of hours:

This is a fixed-term contract (you know when your contract ends) specifying the number of hours needed to do the job. If the job is finished before the contract term, you will still be paid but can work somewhere else.

Your payslip

When your wage is paid, your employer must give you a payslip.

It must show:

1. Your full name,
2. The period of work covered by your wage,

3. The number of working hours covered by your wage,
4. Your total gross pay: your salary before social security contributions are deducted

Important! You should keep your payslip indefinitely to assert your rights: healthcare, insurance, unemployment, pension...

5. Your total net pay: this is what you will receive,
6. Your taxable net pay: what you should declare for tax purposes,
7. Employee and employee contributions.

Info: The TESA is widely used in farming, but your employer may give you an ordinary payslip.

Your health and safety at work

Working equipment:

When your employer gives you equipment to protect you, you must wear it or you might be held responsible. This equipment can include: helmets, boots, overalls, gloves, etc.

The risks:

Plant-health products, fertilizers, acids... these are all dangerous products that should be used with caution. You need to follow the exact instructions given by your employer or manager as well as those on the products' boxes. You must wear the right equipment and make sure to wash your hands after using these products. Do not eat or smoke whilst handling them.

Physical risks:

To avoid causing physical problems, learn the right techniques and postures and follow the advice given.

Check that you are up to date with your vaccines, particularly your tetanus vaccine.

Remember to protect yourself against insects and the sun. If you have allergies, check that you have your medication with you because your employer is not allowed to give you any.

Risk of using machinery:

You must never use a machine without permission from your employer or manager.

It is important to report anything faulty or unusual.

Your health and safety at work

To operate certain types of machinery,

You must have specific permission from your employer. You may need to be trained before you can be given permission.

Right to stop work

If you feel that your work area presents an immediate danger to your life or health, or if you notice failings in the protection systems, you have the right to leave your work area and inform your employer or his/her representative without being disciplined or having your wage docked.

In the event of an accident:

- Stop the machine,
- Tell your employer or manager,
- Alert the emergency services,
- Try not to move anyone who is injured.

How to help in the event of an accident:

- Protect yourself and others whilst the risk remains,
- Protect the victim to avoid aggravating their injuries, sheltering them from the sun, rain or cold,
- Call or ask someone to call the emergency services immediately: Ambulance (15), Fire service (18), European emergency number (112).

Documents on your specific role have been produced by the MSA. They contain practical advice to protect your health.

To get them, contact your MSA office's Occupational Health and Safety Department.

Your rights

The rights that you will gain in farming (to social security, vocational training or unemployment benefits) are recognized in all other sectors, just as those that you have gained in other sectors are valid in agriculture.

Your rights to social security benefits:

Your work in farming entitles you to benefits from the MSA.

Your healthcare, maternity or occupational accident cover (daily allowances) depends on the number of hours worked and your family circumstances.

Medical for seasonal workers:

When you are hired, you must be given a medical.

For contracts of less than 45 days, however, you can request a personalized health assessment with an MSA doctor.

That is done outside working hours.

- The doctor will check your health,
- The doctor will explain the main ways to prevent occupational accidents.
- You will receive health advice relevant to your job, as well as your personal life.
- You can also receive support if necessary on medical, administrative or social formalities.

To make an appointment:

- Call your MSA office's Occupational Health and Safety Department,
- Use the tear-off coupon on the leaflet for seasonal workers, which your employer can provide.

For more information: www.ssa.msa.fr

Important! Date and sign all the documents that you send and remember to note your social security number on your letters!

Documents to provide to the MSA

- For your first healthcare refunds: you must provide a copy of your payslips as well as your full address and possibly your bank details.
- In the event of illness or occupational accident: you must send the MSA your sick note or medical certificate within 48 hours (don't forget to tell your employer too).

In the event of an occupational accident, you won't have to pay the medical costs upfront.

Additional social security benefits:

You receive additional benefits to those provided by the MSA. You pay contributions to gain supplementary pension rights and possibly additional benefits in the event of illness or death.

Finally, your pension and insurance funds may give you financial assistance via their support programmes.

AGRICA, HUMANIS, ANIPS and MUTEX Union are agriculture workers' first point of contact for:

- supplementary pension rights to those of the basic scheme managed by the MSA,
- additional benefits: death, inability to work, additional health costs, etc.,
- support programme: support for widows and orphans, families, the unemployed, education, etc.

Your rights

Like all workers, you have access to career advice and vocational training. During working hours, you may be given training as part of the company's training plan, which can be launched by you or your employer.

What to do: contact the FAFSEA* in your region: www.fafsea.com

NEW: With the CEP (professional development advice), training to diversify is easier than ever.

*FAFSEA: National Insurance Fund for Training Agricultural Workers, your provider

Your rights to vocational training:

Following your temporary agricultural contract and at your initiative, you can access:

- CEP (professional development advice), to review your professional situation free of charge and confidentially, and, if appropriate, develop and launch a professional development plan with training.

Before choosing your CPF or CIF training, contact your local job centre or service if you are under 26; your regional Fafsea office if you still working.

- CPF (personal training allowance), your individual account for all your working life. This new vocational training scheme gives you the opportunity to train outside working hours and use your CPF entitlement (new or resulting from the DIF individual training allowance).

Create your account at: www.moncompteformation.gouv.fr

More information: watch the Fafsea national video on YouTube

- CIF for temporary contracts (individual training leave limited to temporary contracts), accessible if your last temporary contract was in the agricultural sector, in two cases:
 - You have a total of 12 months of paid work (607 hours) over the last four years, including four months in farming;
 - You have a total of 24 months of paid work (3,460 hours) over the last five years. The CIF for temporary contracts includes long training courses and can be combined with the CPF.
 - Vocational training leave:
 - if you have worked in agriculture for four months over the last year and are under 26 or you are a jobseeker aged over 45;
 - if you are registered with a job centre (subject to conditions). This leave gives access to up to 120 hours of training, to be completed during your temporary contract if your employer agrees or thereafter.
 - Practical job preparation (POE): collective or individual, it is limited to jobseekers targeting sectors with labour shortages. It gives access to up to 400 hours of training.
 - A skills review: 24 hours helping to define a professional development or training plan. To receive one, you must have worked for 24 months in 5 years, including four months on a temporary contract.
 - APEL leave (24 hours or more subject to conditions), to prepare for and participate in the APEL process in the year following the temporary contract. Accreditation of prior experiential learning makes it possible to convert one year of previous experience and gain credit towards a certification, qualification or credential. Although partial, it can then lead to additional training

Your rights

Your benefits entitlement:

If you are jobseeker receiving unemployment benefits, you do not lose your rights by doing seasonal work.

You cannot receive unemployment benefits for longer than you contributed to the scheme.

The minimum length of paid work (or contribution period) to receive unemployment benefits is four months.

For more information, call the job centre on 39 49.

www.pole-emploi.fr

The guaranteed income supplement (RSA)

The RSA replaces the RMI. It is available, subject to conditions, to people aged over 25 and whose resources are less than a guaranteed income. It is possible to combine the RSA with a wage.

If you are in this situation, contact:

- your MSA office if you were already registered with the MSA or if you have already signed your seasonal contract;
- your family benefits office if you were not registered with the MSA before you were hired.

Your integration

Communication is key

Your employer or manager is there to give you information, answer your questions and provide training.

Don't be unsure: ask questions

Cultural and language differences can lead to misunderstandings. If they are not identified, they can harm you and the company. Integration also means accepting differences.

Communicate to increase understanding

Want to improve your French? Specialist training bodies provide training courses in your area.

The free training courses work around your limited time and meet your needs to increase your knowledge of French. The OFII* finances the courses. They are provided within language training centres in the regions.

*OFII – French Office of Immigration and Integration

Contact your nearest OFII Regional Division: www.ofii.fr "Where are we in France?"

Prevention is better than cure

- You must complete the working hours defined in your contract of employment.
- Last-minute breakdown or problem? Tell your employer that you will be absent or late.
- If you feel unwell, tell your employer.
- You must provide a sick note within 48 hours.

Two heads are better than one

- Report anything unusual: a dangerous machine, injured co-worker, damaged products...
- A risk stopping you doing your job? Tell your employer and co-workers fast.

MORE INFORMATION

If you want more information, you can always get it from:

- your employer or manager,
- the agricultural department of your Regional Directorate for Enterprises, Competition Policy, Consumer Affairs, Labour and Employment (DIRECCTE),
- your local MSA office, the equivalent of social security for farming, which covers your rights, including healthcare cover, family allowances, etc.
- the regional delegation of your local FAFSEA* training fund,
- your company's staff representatives, if there are any,
- trade unions representing workers.

You will find all the useful contact details below.

Your useful contacts

Labour law

MINISTRY OF AGRICULTURE, AGRI-FOOD AND FORESTRY

Subdivision for Labour and Social Protection Tel: 0149 558260 – www.agriculture.gouv.fr

MINISTRY OF LABOUR, EMPLOYMENT AND TRAINING Tel: 0144 383838 – www.travail-emploi.gouv.fr

[Trade unions representing agricultural workers](#)

[Organizations representing agricultural employers](#)

[Social security and occupational health](#)

For tailored information on healthcare, maternity, family and housing benefits, pension entitlements, support programmes, and occupational health and safety, contact your MSA office. www.msa.fr
"Contact / MSA contact details"

[Benefits, support programmes and supplementary pension rights](#)

[Job offers](#)

[Unemployment benefits](#)

[Vocational training](#)

Glossary of the organizations

[Legislation and labour law](#)

[Trade unions > workers](#)

[Trade unions > employers](#)

[Social security](#)

[Benefits, support programmes and supplementary pension rights](#)

(job centre) – Institution resulting from the merger of the ANPE and ASSEDIC, working for jobseekers and companies.

[Employment, training and unemployment benefits](#)

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