

# Seasonal agricultural worker



What about my rights ?

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Every season, we travel to the other side of France for three weeks of work paid at the minimum wage.

Union organizing in the agricultural sector is rare due to the precarious nature of our jobs and the nomadism involved. However, this situation is not inevitable. We know how to stand in solidarity with one another and value our work.

This brochure provides legal tools for workers who need them. While it is not a definitive reference (last legal update: janvier 2024), it is a useful starting point to help workers assert their rights with their employers.

Legal frameworks are not an end in itself: solidarity and self-organization remain our best tools against exploitation.

If you feel isolated, contact local unions (CNT, SUD, CGT). They will likely assist you as much as possible. Check out El Eco Saisonnier, which does incredible work for foreign workers in particular.



# **1\_ Contract and documents**

- Seasonal Fixed-Term Contract (CDD): This is a more precarious version of the standard fixed-term contract. Instead of a specific duration, the contract ends when the work is completed. However, it must indicate a minimum estimated duration of the work. Seasonal contracts cannot be used for permanent tasks (e.g., milking cows).

*[Articles [L1242-2](#) and [L1242-7](#) of the French Labor Code]*

- Precarity Bonus: Unlike standard fixed-term contracts, seasonal contracts are not entitled to the 10% precarity bonus.

*[Article [L1243-10](#) of the French Labor Code]*

- Mandatory Documentation: Employers must provide a contract within 48 hours of starting work, specifying the minimum duration, probationary period, job title, and applicable collective agreement.

- At the end of the contract, employers must issue:

- A work certificate (dated and signed, detailing the period worked)
- A balance of any account (summarizing wages paid and owed; you can contest it if needed)
- A France Travail certificate (critical for unemployment claims)

# **2\_Salary**

- Minimum Wage (SMIC) as of January 2025:

- Adults: €11.88 gross/hour (€9.40 net/hour)
- 17-year-olds: €10.69 gross/hour (€8.46 net/hour)
- 16-year-olds: €9.50 gross/hour (€7.52 net/hour)

- Overtime Pay are calculated weekly:

- Hours from 36h to 43h: +25%
- 44th hour onwards: +50%
- Seasonal workers cannot work more than 40 overtime hours per quarter.

*[Article [L3121-36](#) of the French Labor Code]*

- Paid Leave: Seasonal contracts accrue 2.5 days of paid leave per month. If unused during the contract, workers receive a 10% salary indemnity (including overtime) at the end.

### **3\_Living conditions**

#### Housing:

Employers often provide housing, deducted from wages. The minimum legal standards are defined at:

[[R719-7 du Code Rural](#)] and [[R716-1 à R716-16-1 du Code Rural](#)]

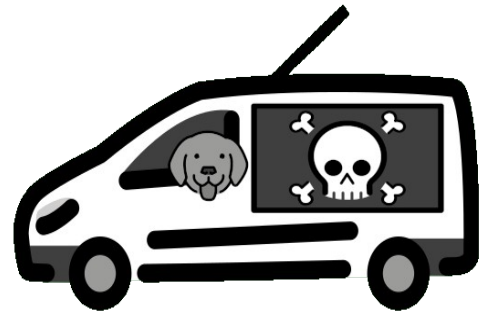
1. No tents or basements
2. Access to potable water, adjustable temperature, and heating
3. Windows with curtains or shutters
4. Maximum six people per room, bathroom, or shower (men and women must be separated in dormitories; bunk beds are prohibited)
5. Minimum surface area: 9m<sup>2</sup> (if there's a separate kitchen) or 12m<sup>2</sup> otherwise, plus 7m<sup>2</sup> per additional person
6. Employers must launder sheets every 15 days

Employer can request a derogation from the DREETS, for maximum 30 days, to get the right to host workers in tents.

[*Article [R716-16 du Code Rural](#)*]

If conditions violate human dignity, employers risk up to five years in prison and a €150,000 fine.

[*Article [225-14 of the Penal Code](#)*].



#### Sanitation:

Even if you don't sleep in your workplaces you must have:

- sufficient washbasins (1 per 10 employees) with potable water
- enclosed toilets (1 per 20 men, 2 per 20 women), toilet roll and proper ventilation.

#### Children's Schooling:

Seasonal workers have the right to enroll their children in schools near their temporary residence or workplace.

## **4\_Foreign workers**

All workers, irrespective of their nationality, are entitled to the same rights. Discrimination in pay or conditions based on nationality is illegal. If needed, contact local unions (CNT, SUD, CGT) or 'El Eco Saisonnier' for support ! Workers' solidarity is international!



## **5\_Unemployment Benefits (France Travail)**

When we go from season to season, periods of unemployment, more or less long, are inevitably part of our lives. To avoid finding yourself without income too often, and to facilitate the procedures, we advise you to remain registered permanently with France Travail even during long seasons.

Submit payslips promptly to reduce delays in resuming benefits.

When you haven't worked many hours in the month, it is possible (depending on your unemployment benefits) to accumulate, in the same month, your salary AND benefits.

New unemployment rules penalize seasonal workers by including non-working days in the average daily wage calculation. To optimize benefits, we recommend working as continuously as possible (at least 6 months at 35 hours/week to start new rights), and waiting as long as possible for your old benefits to end before starting a longer period of work.

## 6\_ Working hours and holidays

Minimum 20-minute break every 6 consecutive hours of work. And minimum one resting day weekly

*[L3121-16 du Code du Travail]*

Maximum 10 hours/day and 48 hours/week.

*[L3121-18, L3121-20 of the French Labor Code]*

May 1st is **always** a mandatory paid holiday, because it's the International Workers Struggle's Day.

Other holidays require three months' seniority to be paid, unless specified by collective agreements.

If you work several time in the same company, even in seasonal contracts, each one of your working period is counted for your seniority.

### Legal Holidays in France (10, included May Day)

- January 1st : New Year's Day
- moveable : Easter Monday
- May 8th: End of the World War II
- moveable: Ascension Day
- July 14th: National Day
- August 15th: Assomption
- November 1st: All Saints' Day
- November 11th: End of the World War I
- December 25th: Christmas

*(About resting days and daily/weekly working time it could happen some exceptions, get some informations from your local DREETS or unions)*

## 7\_ Piece-Rate work

Piece-rate basis must not result in earnings below the minimum wage. It can only be offered as a bonus.

In viticulture, piecework is regulated by territorial agreements, contact your local DREETS or Union to get the actualized informations.

If several people are working in the same field, all of them have to be legally contracted. Ask family or friend to help you working in a field where you are paid by the piece is illegal and your boss can fire you for that.



## 8\_ Collective bargaining agreement

These agreements supplement or clarify national labor laws and often provide better protections.

Collective agreements are negotiated between employers' unions and representative worker unions of each economical sector.

If you have any doubts about the Collective Agreement you are subject to, it must be noted on your employment contract and your wage slips.

Since 2020, a national collective agreement has existed for "Agricultural Production / CUMA" alongside local agreements.

When the two agreements contradict each other, the one most favorable to the employee applies.

## 9\_ Strikes

When we have unsatisfactory working conditions and asking nicely is not enough, we can consider going on strike, that is, stopping work. In France, it's quite easy.

-> Strike is **legal**. If your employer condemns you for this, it is worth sending it to the industrial tribunal

*[Articles [L1132-2](#) & [L2511-1](#) of the French Labor Code]*

-> Starting a strike requires at least two participants (or one if you are the only worker of the company) and express claims about wage or working conditions.

-> No need for a union to call a strike, but unions can assist in organizing.

-> Loss of wages applies only for the duration of the strike. And there is no minimum about the duration of the strike (if you stop working during 2 hours you lose only 2 hours of wage)

-> It's illegal to prevent your scab colleagues working.

When you organize a strike, you have to make it visible. Make banners, call the press, take photos, write a press release...

On farms, as we are very often isolated, it is even more important to show your boss that many outside people are on your side and that the consequences for him can be greater and in the long term more than a simple delay in the season.



## 10\_ Labor Inspectorate (DREETS)

DREETS (regional) or DDEETS (departemental) is the State-Administration of workplaces.

-> They provide free legal advice. You can join them by phone (not the best option), sending an email or booking an appointment with a Labor Inspector.

-> If you work in unsanitary or dangerous conditions, you can warn them because they can help unions taking your boss to court and enforces workplace safety.

Contact them is anonymous, your boss will never know it.



## 11\_ Workplace accidents

Report accidents to your employer within 24 hours. If you can, do it also by a **written way** (SMS, mail,...)

Employers must notify the MSA (Mutualité Sociale Agricole - social healthcare) within 48 hours and give you an accident sheet to prove it.

If it does not do so on time, contact the MSA and DREETS to inform them.

- Commuting accidents are also covered if they occur during logical detours (go to the supermarket, drop children at school,...)

## 12\_ Exemptions

Employers can request exemptions for working hours, allowing up to 72 hours/week in some regions. Unfortunately, it's quite easy for them to get it.

Check with DREETS or local unions for details.

## 13\_ Navigating the labor code

To appear serious and intimidate the boss, to be sure of yourself, to send your boss to an industrial tribunal or to gain autonomy, it is useful to be a little comfortable with the Labor Code.

France's up-to-date laws are available on **Legifrance**.

References in this brochure (e.g., [L1312]) can be searched online for clarity.

In this brochure, the name of the articles is specified in this form:

*[L1312 of the Labor Code]*

When you have this reference, you can copy L1312 into the Legifrance search engine and you will find the article concerned as it is written in the law. This way you can both verify that we made no mistake in our translation and that the law has not changed since then.

To have summaries that are a little more understandable than directly the legal texts, the **service-public.fr** website documents most of the situations.



Code  
du  
travail

**If you want to meet us, to join the union or ask us something,  
come on we are cute!**

## **The CNT, a union:**

### **-Revolutionary**

Because we want to abolish capitalism, patriarchy and colonialism. A radical social change.

### **-Without chief**

Because hierarchy makes us weaker and we think that the power has to be collective to be effective.

### **-Without paid representative**

We don't want to distance ourselves from our colleagues or support careerism inside of the union.



Our activism is not a job, we do it freely, in addition to our work.

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## **Contact us**

Confédération nationale du travail

[www.cnt-f.org](http://www.cnt-f.org) (France)

[www.cnt42.cnt-f.org](http://www.cnt42.cnt-f.org) (Loire)

[cnt42@cnt-f.org](mailto:cnt42@cnt-f.org)

04.77.25.78.04

Permanences tous les vendredis à partir de 17h, à la salle 15bis  
de la Bourse du Travail de Saint-Etienne ou sur rendez-vous

**STTE 42** on Instagram and Mastodon