



Bouygues convicted by French court to pay fine in emblematic Flamanville-Case

In January, Bouygues has been convicted by the Court de Cassation of Cherbourg (France) to pay a fine of 29,950 euros for concealed work.

Bouygues employs almost 60.000 workers in the construction industry and is one of the biggest construction companies in France. In this case 460 Polish and Romanian employees were involved. They were hired via the Irish based temporary works agency Atlanco and posted to France and were part of the workers that built the new reactor on the site of the nuclear plant in Flamanville.

Between 2009 and 2011, several Polish workers were injured. Contrary to what they expected and what is foreseen in the context of posting, these workers were not covered by social protection in their home country. When they were sent back to their country, they discovered they had to pay the costs in advance and ask for reimbursement in Cyprus. These workers had a contract with Atlanco via a fictitious office in Cyprus. In this case Atlanco was also condemned.

EFBWW General Secretary Tom Deleu stated that *"unfortunately, this is yet another example that demonstrates how lucrative it is for unscrupulous companies in the construction industry to exploit vulnerable posted workers"*. It is also another case that shows the harmful role of temporary employment agencies and placement agencies, a phenomenon that occurs and spreads more and more in all European countries.

At the time EFBWW and the French affiliates had already exposed the creative and complex fraud schemes of Atlanco and the responsibility of the main contractor for what is going on their subcontracting chain. Atlanco has disappeared from the radars, but it used to operate under many different names (Atlanco, Atlanco Construction Limited, Atlanco Limited, Atlanco Rimec, Atlanco Rimec Group, RIMEC, Rimec Contracting SRL, etc.). Over the years, it has added up cases in court throughout the European Union.

More recently there is also the worrying [case](#) of the temporary agency Team Power Europe against the state of Bulgaria, which is in the European Court of Justice.

For Tom Deleu, *"It is urgent to improve the coordination of social security system across borders. We demand more and better tools for controls and effective enforcement. And sanctions need to be dissuasive if we want to end social fraud and social dumping. At the same time, this case shows also again the need for new initiatives against fraudulent agencies and letterbox companies. Something the EFBWW will continue to push for"*.

The EFBWW urges the European Commission (EC) to resume and end the triologue negotiations for a revised Regulation on the coordination of social security systems which have been at a standstill since December 2019. The revised Regulation should ensure social protection for posted workers and fight cross-border fraud.

The Bouygues case was brought to court by EFBWW's French affiliate, CGT Construction. Jean-Pascal François, the federal secretary in charge of International Issues of the National Federation of Construction Employees CGT: *"we are satisfied with the confirmation of the condemnation. But let us be clear. This amount of the fine is absurd. The French social security institutions calculated that 12 million euros should have been paid in social contributions. If this amount was taken into account in the original bidding, the company would never have won the contract for this project"*. CGT Construction is demanding that the French state will do everything to recover this sum owed by the construction giant.

Frédéric Mau, Federal secretary in charge of Occupational Health Issues of the National Federation of Construction Employees CGT also points out the "weakness" of the decision. *"This conviction, according to the judge in charge, was decided in the name of employment! Indeed, a company sentenced to more than 30,000 euros can no longer respond to public tenders (about 50% of the activity). It would seem that this law is no longer applied... Hence our question: is Bouygues still subject to legal proceedings on French soil? We have other cases of this type with heavier sentences and which concern far fewer undeclared employees."*

The EFBWW congratulates CGT Construction with this result and will support the union in whatever is necessary to ensure that the final goal is attained.

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About us:

The European Federation of Building and Woodworkers (EFBWW) is the European Workers' Industry Federation for the following sectors: building, woodworking, forestry and allied industries and trades. The EFBWW has 76 affiliated unions in 34 countries and represents a total of 2,000,000 members.