

Employment protection in France – 2009

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	<p>Personal reasons: Letter; interview; statement of reasons to employee; a second letter: notification by registered letter with recorded delivery.</p> <p>Economic reasons: Letter; interview; statement of reasons to employee; a second letter: notification by registered letter with recorded delivery. Notification sent to the labour inspectorate and usually to the personnel delegates or the Works Council.</p>
Item 2 Delay involved before notice can start	<p>Personal reasons: Minimum delay between the first letter and the interview is five days. Additional delay of two working days after the interview for the second letter to be sent.</p> <p>Economic reasons: 15 days are required after the interview for the second letter to be sent.</p>
Item 3 Length of notice period at different tenure durations	Less than 6 months tenure: no notice required; 6 months – 2 years: 1 month; more than 2 years: 2 months. These are minimum periods and can be increased by agreement.
Item 4 Severance pay at different tenure durations	No severance pay for workers with less than one year of tenure. For tenure greater than one year: 1/5 months salary per year of tenure with an additional 2/15 months after 10 years of tenure.
Item 5 Definition of unfair dismissal	<p>Fair: Dismissals for real and serious cause: for personal characteristics such as non-performance or lack of competence, or for economic reasons. In case of dismissal for economic reasons, the employer must take account of certain criteria (such as social characteristics, family responsibilities, professional qualifications). The employee is given priority when rehiring in the year following dismissal.</p> <p>Unfair: Dismissals without a real and serious cause. In case of employee illness or dismissals for economic reasons, the employer must attempt to find another position for the employee.</p> <p>Null: Dismissals for reasons relating to the private life of the employee, based on discrimination or following harassment.</p>
Item 6 Length of trial period	Contracts of indefinite duration can include trial periods of two months, (three months for supervisors and technicians and four months for managers). The trial period can be renewed once by agreement to a maximum, including renewal, of four months (six months for supervisors and technicians and eight months for managers).
Item 7 Compensation following unfair dismissal	<p>Compensation in addition to regular severance pay of six months minimum (generally 12-24 months, can be more) for employees with at least two years of tenure and working in enterprises with more than 11 employees. For employees with less than two years of service and/or working in a firm with fewer than 11 workers, the judge an order compensation according to the loss suffered, but without any minimum.</p> <p>Typical compensation at 20 years tenure: 16 months.</p>
Item 8 Reinstatement option for the employee following unfair dismissal	The option of reinstatement is available to the employee in cases of discriminatory dismissal only.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	The maximum time for claims in cases of dismissal for economic reasons is 12 months. For all other cases, the maximum time for claim is the same as for civil cases.
Item 10 Valid cases for use of fixed term contracts	Restricted to "objective situations" (replacement, seasonal work, temporary increases in company activity). New FTCs are not allowed in the six months following a dismissal for economic reasons.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No specified limit, but a new contract in the same post can start only after a waiting period of one third of the initial contract length.
Item 12 Maximum cumulated duration of successive FTCs	The maximum duration of FTCs depends on the grounds for employing on a fixed-term basis. In principle, it is 18 months, but can vary from 9-24 months.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	Limited to "objective situations" similar to FTCs.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	Yes. One prolongation is possible. A new contract in the same post can only start after a waiting period amounting to one third of the initial contract.
Item 15 Maximum cumulated duration of TWA contracts	Maximum duration is six months in principle but can vary from 9-24 months depending on the reason.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	Agencies must receive special administrative authorisation.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	TWA workers must receive equal treatment regarding pay and conditions of work as equivalent workers in the user firm.
Item 18 Definition of collective dismissal	No specific definition of collective dismissal in the Labour Code. Requirements in the case of more than 10 dismissal within 30 days are nevertheless significantly more onerous..

Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	<p>Employee representatives: Full information to be given to personnel delegates or Works Council and consultation meetings to be held.</p> <p>Public authorities: Notification of departmental labour market authorities (DDTEFP).</p>
Item 20 Additional delays involved (compared to Item 2)	30-60 days for firms with 50+ employees and 21 days in 35 firms with <50 employees (depending on the number of redundancies).
Item 21 Other special costs to employers in case of collective dismissals	<p>Type of negotiation required: multi-stage consultation on options other than dismissal, such as redeployment or retraining; consultations on a social plan is compulsory in enterprises with 50 employees or more. There is no right of veto for employee representatives, the social plan can be rejected by labour market authorities.</p> <p>Selection criteria: Must take into account family responsibilities, seniority, age, disability and professional qualification (by job categories).</p>

This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2009 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see www.oecd.org/employment/protection.