



European Monitoring Centre on Change

## France: Notice period to employees

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France

Phase:

Type:

Management

Notice period to employees

Last modified: 26 July, 2017

Native name:

Code du travail

English name:

Labour Code

### Article

L.1234-1 to L.1234-8, L. 1243-1

### Description

Each employee that is to be dismissed is entitled to a notice period, except if the dismissal was due to gross misconduct, negligence, or incapacity. The employee continues to work in the company under the same status and receives regular remuneration until the employment relationship is terminated. The length of notice depends on the employee's seniority in the company:

- One month notice for six months to two years of seniority;
- Two months notice for more than two years of seniority;

The notice period for seniority below six months is set by collective agreement or company practice.

The notice period commences on the day on which the letter of dismissal is presented to the employee. The notice period cannot be postponed or suspended except in case of an accident at work, an occupational disease or paid leave.

If the employer exempts the employee from the notice period, the employee cannot oppose it. However, it does not alter the date of termination of the employment contract and the employer has to pay compensation for the period remaining.

The employee may request to be released from work during the notice period but the employer is not obliged to grant a release. If the employer accepts, the contract ends at the date decided upon by both parties and the employer has no obligation to pay any further wages or compensation.

If the employment relationship is terminated at the request of the employee, the notice period depends on the employee's seniority in the company and professional status. Details are determined by sectoral collective agreements but the notice period is generally between one and three months. Shortened periods may be negotiated between the parties and some collective agreements release employees from any notice period if they have found new employment.

There is no notice period for fixed-term contracts in the case of a restructuring. According to [article L. 1243-1 of the Labour Code](#), notice periods apply to fixed-term contracts only if the employee decides to leave the employer for another position on a permanent employment contract or in case of dismissal related to a serious misconduct, inability or force majeure (these three grounds are not relevant in the context of restructuring).

### Comments

In practice, in case of restructuring, employers decide not to renew fixed-term contracts.

#### Cost covered by

Employer




#### Involved actors other than national government

National government only

### Thresholds

No, applicable in all circumstances

### Sources

-  [Labour Code \(articles L.1234-1 to L.1234-8\)](#)
-  [Labour code \(article 1243-1\) \(fixed-term contract\)](#)
-  [Governmental website on Labour law \(préavis de licenciement\), in French](#)

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