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European Monitoring Centre on Change

## Luxembourg: Staff information and consultation on business transfers

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Luxembourg

Phase:

Anticipation

Type: Staff information and consultation on business transfers

Last modified: 22 January, 2021

Native name: Code du travail

English name: Labour Code

### Article

L.127-6

### Description

Employers of the transferred company (the 'transferor') and of the buyer company (the 'transferee') are obliged to provide employees' representatives with information (irrespective of company size) on:

- the date and the grounds of the transfer,
- the legal, economic and social consequences for the employees and
- the measures foreseen.

This information must be given by the transferor 'in good time' before the transfer is carried out. It must also be given by the transferee 'in good time' and in any case before the employees will be directly affected by the transfer as regards their conditions of employment. Moreover, when the transferor or the transferee envisages measures in relation to the employees, they must consult their representatives in good time on such measures with a view to reaching an agreement.

In transnational restructuring processes, there must be a transnational information and consultation process when circumstances would considerably affect the interests of the workers and especially in the case of offshoring, close-down or collective redundancies.

The transferor has to inform the employees' representatives in due time to allow them to express their view in due time. If the employees' representatives give an opinion, the transferor has to give an answer with justifications in due time. If there are no employees' representatives in the company, the employees concerned by the transfer have to be informed previously and in writing on the date and the grounds of the transfer, on the legal, economic and social consequences for the employees and on the measures foreseen.

### Comments

No information available.

#### Cost covered by

Not applicable

#### Involved actors other than national government

Works council

#### Thresholds

No, applicable in all circumstances

### Sources

DG Employment, Social Affairs and Equal Opportunities/Héra, 2011, Selected companies' legal obligations regarding

restructuring

Thomas, A., 2010, National background paper Luxembourg, Anticipating and managing restructuring in enterprises: 27 national seminars, ARENAS Report. Brussels, European Commission

Labour Code

Le transfert d'entreprise

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