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France: Reemployment obligation after restructuring

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France

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 04 November, 2019

Native name: Code du travail

English name: Labour Code

Article

L.1233-45, L.1235-13 and Ordonnance n° 2017-1387 du 22 septembre 2017 relative à la prévisibilité et la sécurisation des relations de travail L.1235-14

Description

Each employee that has been dismissed, either individually or collectively, on economic grounds, can benefit from a reemployment priority if a suitable job becomes available and if the employee has asked the employer to be informed about any upcoming vacancies. This priority lasts for one year from the date of termination of the employment contract. In the framework of a collective agreement on an employment security plan, social partners may extend this length.

The employer is obliged to mention this reemployment priority in the letter of dismissal, as well as the conditions for its implementation. If required by the employee, the employer has to inform them about each position available and compatible with the employee's qualifications. If the employee has acquired new skills and qualifications and has informed the employer about it, they benefit from reemployment priority for suitable positions in line with new skills and qualifications.

Employee representatives must also be informed about the vacancies in writing.

Non-compliance with the reemployment priority is a ground for courts to grant compensation to the employee. The judge may grant indemnification equivalent to at least 1 month of wages. If the employee has less than 2 years of seniority in the company or if the company has fewer than 11 employees, this disposition does not apply and it is up to the judge to determine the amount of compensation in relation to the loss suffered by the employee.

Comments

No information available.

Cost covered by

Not applicable

Involved actors other than national government

Works council

Thresholds

No, applicable in all circumstances

Sources

[Labour Code](#)

[Governmental website on labour law 'Economic dismissals: priority on reemployment', in French](#)

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