

Labour Law - France

<p>Is it a legal requirement that employees must receive an employment contract?</p>	<p>No statutory requirement, however employment contracts may be required based on certain labour agreements and for other specified cases, e.g. fixed term contracts; apprentice contracts.</p>
<p>What factors constitute a fair dismissal i.e. legally justifiable reasons to terminate employment without the need to pay compensation?</p>	<p>If the dismissal is for a substantial and serious reason and for personal or economic factors (e.g. redundancy). Subjective reasons are not valid for a fair dismissal.</p>
<p>What is good practice with regard to dismissal procedures to minimise the risk of claims for unfair dismissal?</p>	<p>Good documentation describing the dismissal procedure and awareness based on advice, of what has previously constituted a fair dismissal following interpretation in the French courts.</p> <p>In parallel of the dismissal, a new type of termination of a labour contract is possible and quite often elected : « <i>rupture conventionnelle homologuée</i> » (c. mutual agreement)</p>
<p>If an employee is dismissed unfairly what is the financial range of compensation that can be made to employees?</p>	<p>Up to one month's gross salary for non-compliance with the dismissal procedure and/or compensation (e.g. 6 months gross salary, if more than 2 years employment and the company employs more than 10 employees) Possible reimbursement of employment contributions to the unemployment agency (up to 6 months).</p>
<p>Do employees have the right to be members of a trade union?</p>	<p>Yes (members obtain better protection against dismissals)</p>
<p>Is there any legal requirement for an employer to contribute to a pension for employees?</p>	<p>Yes, in certain situations, but the share of contribution is relatively minimal.</p>
<p>What are standard maternity rights?; What are parental leave rights (including paternity leave)?</p>	<p>Protection against dismissal; Six weeks maternity leave before birth, 10 weeks after birth (period can be extended, after third child)</p> <p>Parental rights: 3 days birth leave for fathers; 11 days leave for fatherhood; 3 years educational parental leave for one of the parents (labour agreements may provide longer periods)</p>
<p>When are employees eligible for redundancy payments?</p>	<p>When dismissed for that reason.</p>
<p>What are the statutory redundancy payment limits?</p>	<p>20% of the salary per year of employment (+ 15% per year above 10 years)</p>
<p>Can existing employees be dismissed if you buy a business with employees?</p>	<p>No, not in accordance with EU law.</p>
<p>Any other general legislation to note?</p>	<p>Discrimination and other EU regulations; and harassment legislation</p>