

THE MACRON ORDINANCES

THEME 3

Dismissal for economic reasons: main changes

The level at which the economic reasons are evaluated

- Where the company belongs to a group as defined in the Commercial Code:
 - Line of business common to the company and the companies of the group it belongs to
 - Companies located in France

⚠ **Notions henceforth legally defined:** → group of companies
→ line of business

Employee Redeployment

- Limitation of searches for redeployment jobs within the group companies:
 - As defined by the Commercial Code
 - Whose organisation, lines of business or operating location allow transfer of all or part of staff
 - Among their establishments in France
- **The employer is no longer required to offer redeployment jobs in foreign countries**
- **Redeployment offers:**
 - Option 1: Precise written offers addressed individually to each employee
 - Option 2: A list of available jobs communicated to all the employees → minimum reply time of 15 days

Dismissal order criteria

- Possibility to set, by means of collective agreement, the **application scope** of the dismissal order criteria, **also when not part of an Employment Safeguard Plan**.
- Failing this, possibility for the employer to limit **unilaterally** the scope of application to that of an **employment sector** where one or more of the company's establishments are located.

Penalties for procedural irregularities

- **Lowering of the statutory indemnity minimum:**
 - If the dismissal process is nullified: at least the 6 last months' pay
 - If failure to give priority of reemployment: at least 1 month's pay

Sources

Ordinance n°2017-1387 of 22 September 2017 related to the foreseeability and safeguarding of work relationships ; Ordinance n°2017-1718 of 20 December 2017 for the purpose of completing and enhancing consistency in the provisions for implementation of Act n°2017-1340 of 15 September 2017 authorizing issuance of ordinances on measures to reinforce social dialogue.
Decree n°2017-1725 of 21 December 2017 related to the procedure of internal redeployment on the national territory in the event of dismissals for economic reasons.
Articles L.1233-3, L. 1233-4, L. 1233-5, L.1235-11, L.1235-13 to 14 and D.1233-2-1 of the Labour Code.