

THE MACRON ORDINANCES

THEME 6

The new collective performance agreements (APC)

Mechanism

Repeal of the former 4 agreement categories, unified into one single plan:

- Agreements for employment preservation and development (APDE), internal mobility (AMI), maintain employment (AME) and reduction of work time (ARTT)

Two cases of recourse:

- Respond to the company's operational requirements
- Preserve or develop employment

Three topics of negotiation:

- Pay (with respect for the senior level minimum salaries : Professional, qualification and coefficient)
- Work time (terms and conditions, organisation and distribution)
- Professional or geographic internal mobility

Implementation

Plan based on:

- Conclusion of a collective agreement
- Absence of employee refusal expressed within one month of receiving information from the employer by any and all means
 - Absent employee refusal : the APC is the relevant plan, including with regard to any contrary or incompatible provisions in the employee's employment contract or the collective agreement
 - In case of employee refusal : the employer may dismiss the employee **within two months**, in accordance with the procedure and terms applicable to **individual dismissal for personal reasons**



No standard letter ➡ obligation to state the specific reason in the dismissal letter (reference to the agreement + modified element of the contract + employee refusal)



Advantages

- Fixed term or unfixed term agreement (optional)
- **The APC is not contingent upon the existence of economic issues**
- Broad freedom with respect to the content of the APC (no mandatory offset)
- Employee refusal alone constitutes actual and serious cause for dismissal
- No redeployment, no employment safeguard plan in the event of dismissal of more than 10 employees, no professional security contract



Disadvantages

- Need to negotiate and reach a collective agreement
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- Need to take into account the key points of the negotiation (either by offering specific offsets, or reaching a fixed-term agreement)