Austria

Public authorities information and consultation on dismissals

Phase	Labour Market Promotion Act (AMFG)
Native name	Arbeitsmarktförderungsgesetz (AMFG)
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

45a

Description

If the employer wants to dismiss, within a 30 day period,:

- at least 5 employees in a company with more than 20 and fewer than 100 employees,
- at least 5% of employees in a company with 100-600 employees,
- at least 30 employees in a company with more than 600 employees,
- at least 5 employees aged 50+ irrespective of company size,

the employer must inform the regional office of the Austrian public employment service (AMS) in writing at least 30 days before the first planned dismissals.

The notification must include:

- the reason for terminating the employment contract,
- the timing of dismissals,
- the number and function of regular staff and of employees to be made redundant, as well as their qualifications, gender, age, tenure,
- selection criteria for dismissals,

- possible planned measures to mitigate the negative consequences for affected employees.

The employer also has to prove that the works council has been informed and consulted. If there is no works council in the company, a copy of the notification to the public employment service has to be submitted to all potentially affected workers.

The public employment service has to start consultations with the employer, the works council, trade unions and employers' organisations and inform the social assistance office. If needed, also experts could be involved. The consultation should consider the optimal use of public support, particularly as regards older workers.

If the employer provides a sound justification (for example, establishment of a social plan or economic necessity), the public employment service can also authorise the dismissals before the 30 day period.

Commentary

Collective agreements can prolong the notice period of 30 days.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Employer organisation Public employment service Trade union Works council Other
Involvement (others)	Experts
Thresholds	Affected employees: 5 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Austria: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Belgium

Public authorities information and consultation on dismissals

Phase	Law of 13 February 1998 regarding measures in favour of employment (so-called 'Renault Law')
Native name	Loi du 13 février 1998 portant des dispositions en faveur de l'emploi dite loi Renault /Wet van 13 februari 1998 houdende bepalingen tot bevordering van de tewerkstelling (Wet Renault)
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Articles 62-70

Description

As soon as unions' representatives have been informed about the intention to proceed to collective dismissals (namely, within 60 days, dismissals of at least 10 workers in firms with 20-99 employees, of at least 10% of the workforce in companies with 100-299 employees or at least 30 workers in firms with 300 or more staff), the employers are required to notify the regional employment office (VDAB in Flanders, FOREM in Wallonia and ACTIRIS in Brussels). From that moment, the information and consultation procedure starts with no time limit with regards to when it should end. As soon as this step is completed, employers are required to notify the regional employment office in writing, providing proofs that the consultation procedure has been respected and providing information related to the affected employees, the activities of the employer, and the characteristics of the consultation (who was consulted when on what) that has taken place with the works council.

A copy of the notification letter must be also sent to the Federal Public Department for Employment, Labour ans Social Consultation. The law does not specify any obligation

for the public authority to respond to the notification.

From that moment, union representatives have 30 days to object about the information and consultation process. During this period, the employer cannot proceed to any layoff. If no objections are expressed during this period, at the end of it the employer is allowed to proceed with the collective dismissal. However, if objections are expressed, the regional employment office can extend this period up to 60 days. In this case, the employer has to address the issue raised by the unions by the end of the extended period.

Commentary

Based on data from the Federal Public Service for Employment, Labour and Social Dialogue, the following table illustrates the number of companies which started an information and consultation procedure each year, and the number of employees involved.

Time	Companies no.	Employees no.
Jan- Dec 2015	**105**	**5029**
Jan-Dec 2016	**118**	**12042**
Jan-Dec 2017	**62**	**3829**
Jan-Dec 2018	**87**	**6027**
Jan-Dec 2019	**81**	**5087**
Jan-Dec 2020	**103**	**9414**
Jan-Dec 2021	**79**	**5762**
Jan-Dec 2022	**61**	**3705**
Jan-Jun 2023	**45**	**3924**

Additional metadata

Cost covered by Not available

Involved actors other than national government	Public employment service
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Belgium: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Bulgaria

Public authorities information and consultation on dismissals

Phase	Law on encouragement of employment
Native name	Закон за насърчаване на заетостта
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Chapter 5, Articles 24 and 25

Description

In relation to collective dismissals (within 30 days, at least 10 dismissals in companies with 20-99 workers, at least 10% in companies with 100-299 workers, at least 30 dismissals in companies with 300 or more workers) the employer must notify the Employment Agency in writing not later than 30 days before the date of dismissal.

The Employment Agency must send a copy of the notification to the municipal administration, the territorial division of the National Insurance Institute and the territorial division of the Executive Agency of the General Labour Inspectorate. The employer must also present a copy of the notification to trade unions and employees' representatives.

Upon receipt of this notification, teams consisting of representatives from the employer, the workers' and employees' organisations in the enterprise, the Employment Agency and the municipal administration must be formed. The teams must work out the necessary measures and projects for mediation for employment, the retraining of adults, starting independent economic activity and employment programmes.

Commentary

The Law on encouragement of employment forms the basis for public authorities' coordination in case of collective dismissals for encouraging employment among affected employees. The information about dismissals must be distributed to the main public stakeholders including the territorial unit of the Employment Agency (labour offices), municipality, national social security institute and the social partners.

These institutions form teams consisting of a representative group made up by the employer, representatives of the employees' organisations in the enterprise, representative of the division of the Employment Agency and representative of the municipal administration. The teams are engaged in creating supporting measures such as employment mediation, vocational training and education, starting an independent economic activity or other employment programmes.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Public employment service Regional/local government Trade union Works council Other
Involvement (others)	National Insurance Institute, territorial division of the Executive Agency - General Labour Inspectorate
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Bulgaria: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Croatia

Public authorities information and consultation on dismissals

Phase	Labour Act 93/2014, 127/17, 98/19, 151/22, 64/23
Native name	Zakon o radu 93/2014, 127/17, 98/19, 151/22, 64/23
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Article 127, 128

Description

The employer is obliged to notify the competent public employment service of the consultations related to collective redundancies of at least 20 employees, of whom at least 5 made redundant on grounds of severe business conditions. The notification has to contain the information on the duration of consultations with the works council, outcomes and conclusions resulting therefrom, with a statement of the works council attached thereto. The works council may send any comments and suggestions they may have to the competent public authority responsible for employment and to the employer, with regards to the mentioned notification.

Projected collective redundancies notified to the competent public authority responsible for employment take effect no earlier than 30 days after the mentioned notification. The competent public authority responsible for employment may within a period of 30 days request the employer to postpone either collective or individual redundancies for a maximum 30 days if the employer is able to ensure the continuation of employment during this extended period.

Commentary

After the works council has submitted its observations, the employer has to consider and illustrate all options and proposals that could prevent the expected redundancies. This is an obligation introduced in 2017 for the employer which was not stipulated in the previous labor act. Thus, the legislator gives the works council a slightly more important role in advising in case of collective redundancy. According to the amended labor act, the employer has no longer the obligation to prepare the redundancy (redeployment) program. However, the law does not stipulate who is responsible for the preparation of redundancy (redeployment) program.

With article 218, the legislator is trying to avoid the inevitable, and by administrative measures to complicate and prolong the cancellation procedure, which will, in most cases, end with the termination of employment of certain workers. De facto, it is about the state buying the extension of the workers' notice period, with no real prospects of ultimately affecting the change in the status of the workers who are covered by this kind of notice. The specific provisions "freeze" the implementation of the redundancy plan in the part that foresees the termination of a certain number of workers, for a period of 30 (thirty) days from the date of delivery of the redundancy plan to the competent public employment service. The phrase from paragraph 1 "(...) the employment relationship must not end (...)" has the legal effect of ending the notice period.

Paragraph 2 of the cited article foresees the possibility for the competent public employment service to order a postponement of the cancellation of all or individual workers for whom a redundancy program has been prepared for a maximum of thirty days, if during the extended period it can ensure the continuation of the worker's employment (Graf, 2023).

Although there is no longer an obligation to notify about the measures taken to dispose of redundant workers, the employer still has to at least mention some of the previously mentioned elements, or as an explanation that he has already disposed of some of the workers on that way (e.g. by retraining) and for some other measures even simply mention that he did not have the opportunity to implement them. If this were not the case, there would be nothing to inform the works council about this type of notification. The employer would certainly have to provide the works council with information about the possibility of employing workers in other jobs, regardless of the fact that this is no longer a requirement for business-related dismissal. Namely, given that the law obliges him to give notice of measures to dispose of redundant workers, he or she should also mention to the works council the issue of employing workers on other jobs. In the case that there are no other jobs, he or she should inform the works council about such circumstances. He or she can also state the reason why workers from the collective surplus cannot be employed on freelance jobs (e.g. lack of qualifications, etc.). Employment in other jobs is certainly the most common and most realistic measure to prevent layoffs, so the employer should

definitely take this into account when collective redundancy and informing the works council (Rozman, 2023).

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service Works council
Involvement (others)	None
Thresholds	Affected employees: 20 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Croatia: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Cyprus

Public authorities information and consultation on dismissals

Phase	Collective Dismissals Law of 2001 (Law 28(I)/2001); Termination of Employment Law, 1967 (Law 24/1967) as amended
Native name	N. 28(I)/2001 - Ο περί Ομαδικών Απολύσεων Νόμος του 2001; N. 24/1967 - Ο περί Τερματισμού Απασχολήσεως Νόμος του 1967, όπως τροποποιήθηκε
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Articles 6, 8 and 9 of the Collective Dismissals Law of 2001 (Law 28(I)/2001); Article 21 of the Termination of Employment Law, 1967 (Law 24/1967).

Description

Collective Dismissals Law

The Minister of Labour and Social Insurance must immediately be notified in writing about any intended collective dismissals (at least 10 dismissals in companies with 21-99 employees, 10% of workforce in companies with 100-299 employees or at least 30 dismissals in larger firms) by the employer. The notice must be given on a standard form and include all information disclosed to the employee representatives. There must be a minimum of 30 days from the date that the employer gives notice to the Minister of Labour and Social Insurance before the redundancy can take effect. Within the 30-days timeframe the Minister of Labour and Social Insurance may seek solutions for the problems that may arise from the intended collective dismissals.

As part of this obligation, the employer is also obliged to inform the Minister of the reasons for the proposed redundancies, the number of the employees that will be

dismissed and total number of employees, their employment positions, their names, family status and obligations, the period during which redundancies should take effect, whether consultations between the employer and the employee representatives took place and their context and outcome.

In many cases, when companies have informed the Minister of Labour and Social Security regarding their intention to proceed with collective redundancies, the Ministry has informed the Human Resources Development Authority along with the Cypriot Productivity Centre so they can work with the company concerned to try to overcome its difficulties and avoid dismissals.

Termination of Employment Law

According to Termination of Employment Law (Law 24/1967 as amended), an employer has the obligation to provide notice to the Minister of Labour and Social Insurance for any intended redundancy, even if the redundancy does not qualify as collective dismissals. The notification to the Minister has to be submitted at least 30 days before the redundancy takes effect and should include information on the number of employees and department of the enterprise concerned, profession and family situation of the employees concerned and the reason for redundancy.

Commentary

Although there is no legal obligation, companies might be members of employers' organisations (for instance the Cyprus Employers and Industrialists Federation and the Cyprus Chamber of Commerce). The latter may provide information to trade unions for any planned operations.

Additional metadata

Cost covered by	None
Involved actors other than national government	Employer organisation Trade union Other
Involvement (others)	Minister of Labour and Social Insurances; Human Resources Development Authority, Cyprus Productivity Centre

Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Cyprus: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Czechia

Public authorities information and consultation on dismissals

Phase	Labour Code (Law No. 262/2006 Coll.)
Native name	Zákoník práce, zákon č.262/2006 Sb.
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

62

Description

The employer shall inform in writing the regional branch of the Labour Office (that is competent according to the employer's place of activities) of collective dismissals (within 30 days, dismissals of at least 10 workers in companies with 20-100 employees, at least 10% in companies with 101-300 employees, or at least 30 workers in companies with more than 300 workers). In particular the employer shall inform of the reasons for such measures, the total number of employees and the number and professional structure of those employees affected by the measures, the period within which the collective dismissals will take place, the criteria proposed for the selection of employees to be made redundant and also the commencement of consultation with the trade union organisation and the works council.

The employer shall deliver to the regional branch of the Labour Office a written report on his/her decision on collective dismissals and on the results of consultations with the trade union organisation and the works council. One copy of this report shall be delivered to the trade union organisation and one to the works council. The trade union organisation and the works council have the right to give each its independent opinion on the employer's written report and deliver it to the regional branch of the Labour Office.

Commentary

The vast majority of employers fulfil their duties and follow the law. In terms of press monitoring, the Research Institute for Labour and Social Affairs (RILSA) did not find any problematic case within the last two years.

An overview of the number of collective dismissals and number of dismissed workers between January 2013 - December 2022 is available at this link and summarised in the table here below. In 2016, the number of employers who reported collective dismissals decreased, while the number of employees affected increased instead. Until 2015, the number of collective dismissals and the number of dismissed workers in the Czech Republic decreased. This was mainly due to the improving state of the economy and the increasing demand for labour force.

Year	Number of employers who reported collective dismissals	Number of employees affected by collective dismissals
2013	**340**	**17,489**
2014	**207**	**9,954**
2015	**126**	**4,709**
2016	**84**	**6,281**
2017	**72**	**6,562**
2018	**71**	**6,323**
2019	**110**	**11,757**
2020	**276**	**26,432**
2021	**113**	**8,787**
2022	**113**	**9,209**

Source: Annual Reports of the Labour Office of the Czech Republic, https://www.uradprace.cz/zprava-o-cinnosti Note: The given annual data are only indicative, because due to the possible multiple representation of employers and employees during the year, data for individual months in a given year cannot be added up.

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Czechia: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Denmark

Public authorities information and consultation on dismissals

Phase	The Danish Act on Collective Redundancies (Consolidation Act no. 291 of 22 March 2010)
Native name	Bekendtgørelse af lov om varsling m.v. i forbindelse med afskedigelser af større omfang (LBK nr 291 af 22/03/2010)
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Articles 6 (2), 7 (1), 7 (3), 7 (4), Section 5

Description

Employers must inform the relevant regional employment council of the negotiations with the employees' representatives on collective dismissals (within 30 days, dismissals of at least 10 workers in companies with 21-99 employees, at least 10% in companies with 100-299 employees and at least 30 dismissals in larger firms). The outcome of such negotiations must be sent to the regional employment councils in writing at the same time as the first notice to employees.

Information to be provided: reason for the proposed redundancies, total number of employees employed and period during which the proposed redundancies will be made.

The earliest date that the dismissals can take effect is 30 days after notice of the dismissals has been given to the regional employment council and the staff.

In the case of a company with at least 100 employees where at least 50% of the workforce is to be dismissed, the dismissals cannot take effect until eight weeks after notification.

Commentary

Collective agreements may provide for a longer period.

Additional metadata

Cost covered by	None
Involved actors other than national government	Regional/local government Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Denmark: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Estonia

Public authorities information and consultation on dismissals

Phase	Employment Contracts Act
Native name	Töölepingu seadus
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Employment Contracts Act § 101-103

Description

Collective dismissals means termination, within 30 calendar days, of the employment contract of no less than:

- 5 employees in an enterprise where the average number of employees is up to 19;
- 10 employees in an enterprise where the average number of employees is 20–99;
- 10% of the employees in an enterprise where the average number of employees is 100 to 299;
- 30 employees in an enterprise where the average number of employees is at least 300.

Before an employer decides on collective dismissals they shall send a transcript of the following information to the Estonian Unemployment Insurance Fund (Töötukassa), concurrently with the submission of the information to employees' representative or, in his or her absence, the employees:

- the reasons for the collective dismissals;
- the number and official titles of all employees;
- the number and official titles of those employees and the selection criteria determining the persons whose employment contracts are to be cancelled;

- the period of time during which the employment contracts are to be cancelled;
- the method of calculation of the compensation to be paid to the employees in addition to the benefits prescribed by law or the collective agreement.

After consultations, an employer shall submit the information specified above and the information about the consultations to the Estonian Unemployment Insurance Fund in a format which can be reproduced in writing. The employer shall send a transcript of the information to the employees or their representative concurrently with the submission of the information to the Estonian Unemployment Insurance Fund. The employees' representative may submit to the Estonian Unemployment Insurance Fund his or her opinion on the collective dismissals within seven calendar days as of sending the transcript of the information specified above.

Collective dismissals of employment contracts enter into force upon the expiry of the term for advance notice of dismissals, but not sooner than 30 calendar days after the time when the Estonian Unemployment Insurance Fund received the information specified above. During the period, the Fund shall seek solutions to the employment problems relating to the collective dismissals.

The Fund has the right to shorten the term if the employment problems can be resolved within a shorter term. The Fund may extend the term up to 60 calendar days if it finds that it cannot resolve the employment problems relating to the collective dismissals within 30 calendar days. The Fund shall communicate a decision to change the term to the employer in a format which can be reproduced in writing within 14 calendar days as of the receipt of the information specified above. The term of entry into force of the cancellation shall not be applied if employment contracts are cancelled collectively due to termination of the activities of the company on the basis of a court judgement which has entered into force.

Commentary

According to the Employment Contract Act survey, 81%-94% of employers informed the public authorities about the dismissals according to the law (Masso et al, 2013).

The regulation is an important tool for monitoring collective redundancies and undertaking necessary action in case of large redundancies. It enables the start of activities towards employees who have received notice of redundancy and provides up-to-date information to the public employment service, enabling follow-up activities.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Public employment service Works council
Involvement (others)	None
Thresholds	Affected employees: 5 Company size: 19 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Estonia: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Finland

Public authorities information and consultation on dismissals

Phase	Co-operation Act (1333/2021), Act on Cooperation within [...] Groups of Undertakings (335/2007), Act on Cooperation within Government Agencies and Institutions (1233/2013), Act on Cooperation [...] within Municipalities (449/2007)
Native name	Yhteistoimintalaki (1333/2021), Laki yhteistoiminnasta suomalaisissa ja yhteisönlaajuisissa yritysryhmissä (335/2007), Laki yhteistoiminnasta valtion virastossa ja laitoksissa (1233/2013), Laki [...] yhteistoiminnasta kunnissa (449/2007)
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

335/2007: §3, 1233/2013: Ch. 5, Sec. 24-25, 28, 449/2007: Sec. 8-9, 1333/2021: Ch.3, Sec.21.

Description

When planning to dismiss or to temporarily lay off one or more employees, or when planning to turn one or more full-time employment relationships into a part-time, the employer is obliged to deliver the negotiation proposal with relevant details to the public employment services (TE Office) before the beginning of the negotiations.

When planning to dismiss 10 or more employees the employer must draw up a plan of action specifying ways to promote the reemployment of workers who are about to lose their jobs. In cooperation with the public employment services, the employer must chart the availability of services available for supporting employment. The plan must include the estimated schedule of the negotiations, the procedures to be followed therein, and principles for the use of public employment services and for supporting reemployment and training during the dismissal notice period.

The clauses are applicable to companies with 20 or more employees.

The Law on Amending the Employment Contracts Act [Laki työsopimuslain muuttamisesta] (403/2023), which will enter into force as of January 1st, 2025, states that the employer must immediately notify the labor authority of the dismissal of employees, if there are at least ten employees to be dismissed on economic or production grounds. The notification must state the number of employees to be dismissed, their hometowns, occupations or job duties, and the dates of termination of employment.

Commentary

The obligation of small companies with fewer than 20 employees to notify the public employment services in case of dismissals was revoked in April 2017. The reform was part of the efforts of the Government of Prime Minister Juha Sipilä to reduce and streamline regulations and to reduce the administrative burden of small companies. The main trade unions did not oppose the reform, but proposed that dismissed individuals be counselled to immediately contact the public employment services to investigate applicable employment services and unemployment benefits. Such a clause was not included in the legislation.

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service Works council
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Finland: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

France

Public authorities information and consultation on dismissals

Phase	Labour Code
Native name	Code du travail
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

L. 1233-24-1, L.1233-46, L. 1233-53, L.1233-57-12 and L.1233-57-13

Description

Any employer has to notify the labour inspectorate of each collective redundancy plan affecting a minimum of 10 or more employees over a 30-day period. In companies with less than 10 employees, the employer notifies the labour inspectorate in maximum 8 days after sending the dismissal letters to the redundant employees.

If employee representative bodies are present within the company, notification has to be provided to the labour inspectorate the day following the first meeting with the employee representatives. The information provided to the employee representatives are sent to the regional labour authorities at the same time ('Direction régionale de l'économie, de l'emploi, du travail et des solidarités - DREETS'). On or before the same day, the employer has to notify its intention to launch negotiations on a Job saving plan ('Plan de sauvegarde de l'emploi').

In companies with fewer than 50 employees, administrative authorities have 21 days to make sure that existing employee representatives have been informed and consulted in compliance with legal provisions and collective agreements, that worker representatives have been informed of any measures to avoid forced dismissals, or to reduce the number of job reduction and to facilitate employees' redeployment. Finally, the administrative

authorities have to check that these measures are properly implemented.

Commentary

Obligations of employers seeking external redeployment in case of redundancies: Companies that are not under judicial redress, are not insolvent and have more than 1,000 employees are obliged to attempt to find an investor in the case of a closure of the establishment that would result in collective redundancies (Labour Code, L.1233-57-14 to L.1233-57-22). In this framework, the employer has to inform and consult the employees' representatives, and immediately the public authorities (Labour Code,L.1233-57-1) that will inform the elected representatives of the impacted territory – and also the mayor of the city where the closure is expected (Labour Code, L.1233-57-13).

Additional metadata

Cost covered by	None
Involved actors other than national government	Other
Involvement (others)	Labour inspectorate
Thresholds	Affected employees: 2 Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), France: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Germany

Public authorities information and consultation on dismissals

Phase	Employment Protection Act
Native name	Kündigungsschutzgesetz
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Employment Protection Act, §17

Description

The employer has to inform the local Federal Employment Agency (Bundesagentur für Arbeit) within a period of 1 to 30 days before employees are notified about dismissal or redundancy.

The procedure applies to companies with 21–59 employees enacting at least 6 dismissals or termination contracts, to companies employing 60–499 employees and reducing their staff by at least 10% or 26 and more persons and to companies employing 500 or more workers dismissing (or terminating the work contract of) at least 30 persons.

Employers must provide the following information:

- the reasons for the proposed redundancies;
- the number and occupational groups of proposed dismissals and employed regularly;
- the timeframe within which the dismissals are to be effected;
- the positions and professions which are affected;
- the selection criteria for dismissals;
- the criteria for the calculation of compensation payments, if applicable.

A copy of this notification also needs to give information on gender, age, occupation and nationality and show that the selection has been approved by the works council.

If a works council is in place in the establishment or in the mother company, the employer has to inform and consult the council in due time before the notification of the employment agency. The opinion of the worker representatives should be attached to the notification. If a statement is not available because of ongoing consultations or disputes, the employer has to prove to the agency that the works council has been informed. Otherwise a decision will not be taken. The works council may attach its statements to the notification or send this to the agency separately.

The employment agency's decision is either taken by the local agency's manager or by a standing committee. The agency is not allowed to take decisions without information on the works council's opinion. It holds the right to extend the waiting period to two months if it feels that the interests of the local employment market and the more general public would otherwise be affected. It cannot altogether reject the planned collective redundancy, however.

Commentary

Notification to the Federal Employment Agency is not mandatory for small companies of up to 20 employees, public establishments not pursuing an economic business interest, maritime ships and seasonal companies (excluding construction).

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Public employment service Works council
Involvement (others)	None
Thresholds	Affected employees: 6 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Germany: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Greece

Public authorities information and consultation on dismissals

Phase	Law 4472/2017 (Act A' 74/19.05.2017), Implementation measures for fiscal goals and reforms, medium-term financial strategy framework 2018-2021 and other provisions, 19 May 2017; Law 1387/1983 on collective dismissals
Native name	Νόμος 4472/2017 (ΦΕΚ Α' 74/19.05.2017) Συνταξιοδοτικές διατάξεις Δημοσίου και τροποποίηση διατάξεων του ν. 4387/2016, μέτρα εφαρμογής των δημοσιονομικών στόχων και μεταρρυθμίσεων, μέτρα κοινωνικής στήριξης και εργασιακές ρυθμίσεις, Μεσοπρόθεσμο Πλαίσιο Δημοσιονομικής Στρατηγικής 2018-2021 και λοιπές διατάξεις; Νόμος 1387/1983 Έλεγχος Ομαδικών Απολύσεων και άλλες διατάξεις; Ν. 4472/2017 Συνταξιοδοτικές διατάξεις Δημοσίου και τροποποίηση διατάξεων του Ν.4387/2016, μέτρα εφαρμογής των δημοσιονομικών στόχων και μεταρρυθμίσεων, μέτρα κοινωνικής στήριξης και εργασιακές ρυθμίσεις, Μεσοπρόθεσμο Πλαίσιο Δημοσιονομικής Στρατηγικής 2018-2021 και λοιπές διατάξεις
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Monitoring of collective redundancies of Law 4472/2017 Article 17, par. 3; Law 1387/1983; Article 3, 4 and 5

Description

Consultation takes place in order to reach an agreement between the employer and the employee representatives. When defining or implementing practical arrangements for

information and consultation, the employer and the employee representatives have a legal obligation to act in a spirit of cooperation, with due regard to their reciprocal rights and obligations and taking into account both the interests of the undertaking or establishment and those of the employees. The period of consultation between the employees and the employer shall be 30 days, starting from the invitation of the employee representatives to consultations by the employer. Upon completion of the consultations, the employer must submit the consultation minutes to the Supreme Labour Council.

The result of the consultations is set out in minutes submitted by the employer to the SLC. The employee representatives may submit a statement on the consultations to the SLC. The SLC can invite and listen to the employee representatives and the employer, and to persons with expert knowledge of specific technical issues. If the SLC considers that the employer has complied with the above obligations, the redundancies take effect 20 days after the date of the decision. If not, the SLC extends the consultation period or sets a deadline within which the employer must take the necessary steps to meet the above obligations. If the SLC finds in a new decision that the employer has complied with the above obligations, the redundancies take effect 20 days after the date of the decision. In any case, the redundancies take effect 60 days after notification (publication of the minutes of the consultation).

If an agreement is reached during the consultations, the redundancies can proceed accordingly following a lapse of 10 days from the submission of the consultation minutes. If no agreement is reached, the council must issue a decision within 10 days from the submission of the consultation minutes regarding the employer's compliance with the information and consultation obligations. Prior to issuing its decision, the council can hear the parties involved as well as technical experts. If the decision of the council finds that the employer has complied with its information and consultation obligations, the redundancies can be implemented after a lapse of 20 days from the council's decision. If not, the council can either extend the consultations or set a deadline for compliance. If the council then finds that the employer has met its obligations, the redundancies can take effect after the lapse of 20 days from the council's (new) decision. In any case, the redundancies become effective 60 days after the submission of the consultation minutes to the council.

Under the law the employer may submit a social plan for the affected employees during the consultations. The social plan may include measures for mitigating the consequences of the redundancies for the employees, such as coverage of self-insurance costs, training and outplacement services, utilisation of state programmes against unemployment and possibilities for redeployment. Furthermore, the employer is obliged to submit all supporting documentation not only to the employee representatives (which applied also under the previous legal regime), but also to the Supreme Labour Council - a special

committee within the Ministry of Labour that consists of an equal number of representatives from the state, the employee associations and the employer association.

Commentary

Law 4472/2017 abolished the administrative intervention which was until recently required (approval of collective redundancies by the Minister of Labour).

Additional metadata

Cost covered by	None
Involved actors other than national government	Regional/local government Trade union Works council Other
Involvement (others)	Labour inspectorate; Supreme Labour Council
Thresholds	Affected employees: 7 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Greece: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Hungary

Public authorities information and consultation on dismissals

Phase	Act I of 2012 on the Labour Code
Native name	2012. évi I. törvény a Munka Törvénykönyvéről
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Articles 72 (5), 74, 75 (2); 85 (2)

Description

The employer shall notify the government employment agency of its intention regarding collective redundancies and of the details and aspects of collective redundancies as negotiated with the works council and shall supply a copy thereof to the works council. Collective dismissals are defined as those affecting at least 10 workers in companies with 21-99 employees, 10% of workers in companies with 100-299 employees, and at least 30 workers in companies with 300 or more employees. Regarding the intention of collective redundancies, the employer shall notify in writing the government employment agency of its decision at least 30 days prior to delivering the notice of dismissal. This notification shall contain:

- the identification data;
- the job position; and
- the qualification of the employees to be made redundant.

The employer shall negotiate on collective redundancies with the works council. The agreement concluded between the employer and the works council in the course of these negotiations shall be made in writing, and a copy shall be sent to the government employment agency (regarding the content of the negotiations and the agreement (see

'Staff information and consultation on collective dismissals'). Furthermore, the employer shall notify in writing the workers affected from the decision regarding collective redundancies at least 30 days prior to delivering the notice of dismissal or the dismissal without notice as defined in the law. The notice of dismissal or the dismissal without notice may be delivered after 30 days following the time of notification. The notification shall be sent to the works council and the government employment agency as well. Any notice of dismissal delivered in violation of the above regulations regarding the notification of workers affected shall be considered unlawful.

Commentary

A modification from 2017 foresees that, in the event of collective dismissals affecting the crew of a sea ship, the employer has to inform the competent authority of the nation of the ship.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Public employment service Works council
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Hungary: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Ireland

Public authorities information and consultation on dismissals

Phase	Protection of employment act, 1977 (as amended by S.I. No. 370/1996 Protection of employment order 1996); The companies (rescue process for small and micro companies) Act 2021
Native name	Protection of employment act, 1977 (as amended by S.I. No. 370/1996 Protection of employment order 1996); The companies (rescue process for small and micro companies) Act 2021
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

9-14 of 1977 Act; s.9 of the 2021 Act

Description

The Protection of employment act makes it mandatory on employers proposing a collective redundancy to engage in an information and consultation process with employees' representatives and to notify the Minister for Enterprise, Trade and Employment of the proposed collective redundancy at the earliest opportunity and in any event at least 30 days before the first dismissal takes effect.

Collective redundancy, for the purpose of the act, is defined as at least 5 redundancies in an establishment employing 21-49 employees; at least 10 redundancies in an establishment employing 50-99 employees; at least 10% of employees made redundant in an establishment employing 100-299 employees; and at least 30 redundancies in an establishment that employs 300 or more people.

The following information has to be provided: name and address of the employer, indicating whether he or she is a sole trader, a partnership or a company; the address of the establishment where the collective redundancy is proposed; the total number of persons normally employed at the establishment; the number and description or categories of employees proposed to be made redundant; the period during which the collective redundancies are proposed to be effected; the reasons for the proposed redundancies; the names and addresses of the employees' representatives consulted about the proposed redundancies; the date on which those consultations commenced and the progress achieved to date of notification.

The minister must also be supplied with a copy of all the information given to employee representatives, and all information supplied to the minister has to be supplied to employee representatives.

The minister cannot prevent the redundancies, but may require employers to consult various authorities in order to seek solutions to problems caused by the redundancies, or attempt to reduce the number of planned redundancies.

In some redundancy situations, likely to have a major impact in a region, special interagency task forces designed to fast track the design and provision of services in response to significant impending job losses are in place. IDA Ireland is often consulted during the 30-day period at companies that come under its remit and which are affected by redundancies.

No redundancies can take place during the 30-day consultation period.

If an employer fails to comply with the notification process, they are guilty of an offence and can be fined up to €5,000. Where redundancies have taken effect during the 30-day period, the employer can face a fine of up to €250,000. However, if the company is in formal wind-up/liquidation, the penalty for carrying out redundancies before 30 days does not apply.

The Companies (Rescue Process for Small and Micro Companies) Act 2021 provides new rights to employees as creditors in liquidation scenarios. The main change is that it is now a right of creditors to form an inspection committee, on which there must be at least one employee creditor. There is also recourse to the Workplace Relations Commission and Labour Court built into new provisions, in the event of a dispute during the liquidation consultation phase. This inspection committee facilitates a direct employee voice in the liquidation scenario; the chosen employee creditor would most likely be chosen through a trade union or works council process.

Commentary

The protections under section 12 of the 1977 Act came under scrutiny following the controversial sudden closure of the Clerys store in Dublin, June 2015. Though section 12 of the Act requires an employer to consult with employee representatives, the penalty for breaching this obligation has been criticised as ineffectual. The Court of Justice of the EU in its Claes judgement (C-235/10), confirmed that obligations under Articles 2 and 3 of the collective redundancy Directive 98/59/EC apply 'to a termination of the activities of an employing establishment as a result of a judicial decision ordering its dissolution and winding up on grounds of insolvency, even though, in the event of such a termination, national legislation provides for the termination of employment contracts with immediate effect.' This would suggest Irish law is currently at odds with European authority in this regard.

In June 2021, the government confirmed its legislative plans to remedy the situation around the current exemption to the 30-day consultation period for collective redundancies in insolvency scenarios. The Department of Enterprise states that this exemption 'will be removed to ensure that all collective redundancies will be subject to the 30-day notification period.' Where a redundancy arises due to company insolvency, it has been decided that an employee may be placed on temporary lay-off by the liquidator for the duration of the 30-day notification period (with the employment termination date to coincide with the expiry of the statutory 30-day period). To ensure compliance, the department has decided that the redress provision in section 41 of the Workplace relations commission act 'will apply to a contravention of section 14 of the Protection of employment act 1977 (which provides for the statutory 30-day period of notification to employees).'

The proposed revisions to the legislative framework are inspired by the 'Duffy-Cahill' report of 2016, which recommended several changes to employment law in company liquidation scenarios.

The Department published the General Scheme of the planned legislation in 2023. As of October 2023 it has yet to be formally introduced on the statute book.

Additional metadata

Cost covered by	None
Involved actors other than national government	Trade union Works council

Involvement (others)	None
Thresholds	Affected employees: 5 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Ireland: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Italy

Public authorities information and consultation on dismissals

Phase	Law 23 July 1991, no. 223, Rules on the Wage Guarantee Fund, redundancies, unemployment benefits, enforcement of European directives, job placement, and other labour market provisions
Native name	Legge 23 luglio 1991, n. 223, Norme in materia di cassa integrazione, mobilità, trattamenti di disoccupazione, attuazione di direttive della Comunità europea, avviamento al lavoro ed altre disposizioni in materia di mercato del lavoro
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

4 and 24

Description

The mandatory procedure foreseen by law no. 223/1991 in case of collective dismissals (i.e. the dismissal of at least five workers within 120 days in companies with more than 15 employees) foresees that the employer needs to give a written preventive communication to company employee representatives (RSU or RSA), trade unions, and to the local branch of the Ministry of Labour and Social Policies, that is the territorial labour inspectorates (Ispettorati Territoriali del Lavoro).

If the redundancies concern production units located in various provinces of the same region or in several regions, the communication must be sent directly to the Ministry of Labour and Social Policies. After the mandatory communication, under request of the trade unions, a first consultation phase between the management and unions begins, lasting up to 45 days. After this deadline, the company communicates the results of the

consultation and the reasons for any negative outcome to the relevant territory labour inspectorate.

When the joint examination has given a negative outcome or has not taken place because it was not requested by the trade unions, the territory labour inspectorate has the power to convene the parties for further examination and can formulate proposals for reaching an agreement. This further examination must be completed within 30 days.

After these two procedures, lasting 75 days in total, employers can proceed with the collective dismissals.

Commentary

In the current framework, trade unions play an important role. Nevertheless, employers are not obliged to conclude an agreement.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Regional/local government Other
Involvement (others)	Territory labour inspectorates
Thresholds	Affected employees: 5 Company size: 16 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Italy: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Latvia

Public authorities information and consultation on dismissals

Phase	Labour law
Native name	Darba likums
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

106, 107

Description

In case of collective redundancy (within 30 days, dismissals of at least 5 workers in companies with 21-49 employees, at least 10 workers in companies with 50-99 employees, at least 10% in companies with 100-299 employees or at least 30 workers in larger firms), the public authorities (State Employment Agency and the municipality) have to be informed.

Employers are required to notify in writing public authorities at least 30 days in advance of planned collective redundancies. The notification has to include the given name, surname or company name of the employer, location and type of activity of the undertaking, reasons for the intended collective redundancy, number of employees to be made redundant stating the occupation and qualifications of each employee, number of employees normally employed by the undertaking and the time period within which it is intended to carry out the collective redundancy, as well as provide information regarding the consultations with employee representatives. The employer has to send a duplicate of the notification to the employee representatives.

In exceptional cases the State Employment Agency may extend the time limit to 60 days. The State Employment Agency has to notify in writing the employer and employee

representatives regarding extension of the time period and the reasons for it two weeks before expiry of the time period mentioned before.

Law on the Management of the Spread of COVID-19 Infection (in force since 5 April 2020) sets that the State Employment Agency may shorten the time period for a notification of collective redundancy specified in Section 107 of the Labour Law by determining it shorter than 30 days. The State Employment Agency must immediately notify in writing an employer and representatives of employees of the shortening of the time period. This norm will expire on 1 January 2024.

Commentary

No information available.

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service Regional/local government Trade union Works council
Involvement (others)	None
Thresholds	Affected employees: 5 Company size: 21 Additional information: collective redundancy is (within 30 days), dismissals of at least 5 workers in companies with 21-49 employees, at least 10 workers in companies with 50-99 employees, at least 10% in companies with 100-299 employees or at least 30 workers in larger firms.

Sources

Citation

Eurofound (2015), Latvia: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Lithuania

Public authorities information and consultation on dismissals

Phase	Labour code No XII-2603, Specification of the procedure for giving notice of intended group redundancies to the local employment office approved by order of the Minister No A1-383
Native name	Darbo kodeksas Nr. XII-2603, Pranešimo teritorinei darbo biržai apie numatomą grupės darbuotojų atleidimą tvarkos aprašas, patvirtintas ministro įsakymu Nr. A1-383
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Labour code (63), Specification of the procedure for giving notice of intended group redundancies to the local employment office approved by order of the Minister No A1-383

Description

According to the Labour code, an employer must notify the Employment service in writing of any projected collective redundancies (at least 10 dismissals with a workforce of 20-99 employees, at least 10% with a workforce of 100-299 employees or at least 30 dismissals with a workforce of at least 300 employees in any 30-day period). The notification requires filling in a form, determined by the government. The notification follows consultations with the works council (or in the absence thereof – the employer-level trade union) and it needs to be made no later than 30 days before the termination of the employment relationship. The employer shall submit a copy of this notification and a notice of group redundancies (in the event of employer's bankruptcy) to the works council or the employer-level trade union, which may submit its observations and proposals to the Employment service.

In case of individual dismissals, an employer does not have the obligation to inform public authorities of the dismissal.

The specification of the procedure for giving notices of intended group redundancies to the local employment office approved by Order No A1-383 sets out the procedure for employers for notifying the Employment service of the projected group redundancies. When filing a notification form to the employment service, an employer must provide the following information:

- the number of employees in the company;
- the number of redundancies;
- terms of dismissals;
- qualifications of redundant employees;
- causes of dismissals;
- information regarding consultations with employees' representatives on planned layoffs.

Commentary

According to the Labour code, an employment contract may not be terminated upon breach of the obligation to notify the Employment service about the planned collective redundancy or to hold consultations with the works council or the employer-level trade union. Provisions regarding consultations with works councils or employer-level trade unions shall not apply in the event of bankruptcy (article 63).

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Public employment service Trade union Works council Other
Involvement (others)	An employer must notify an employment service; some other institutions (e.g. municipality) might be involved as well.
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Lithuania: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Luxembourg

Public authorities information and consultation on dismissals

Phase	Labour Code
Native name	Code du travail
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Art.L.166-2, Art.L.511-27

Description

An employer who intends to dismiss at least 7 employees over a period of 30 days or at least 15 employees over a period of 90 days for reasons not related to employees' conduct must follow the procedure set up for informing public authorities about collective redundancies.

In the first instance, the employer must inform the national public employment agency [ADEM] (http://www.guichet.public.lu/entreprises/en/organismes/adem/index.html) and employees' representatives or the employees themselves if the company regularly employs fewer than 15 employees. Before proceeding with dismissals, the employer must begin negotiations with the employees' representatives in order to establish a redundancy plan. In order to do this, the employer must notify employees' representatives of the employee's intention to implement a collective redundancy and provide them with the following information in writing preferably before the start of negotiations, or at the latest at the start of negotiations:

- detailed reasons for the collective redundancy;
- number and categories of employees to be made redundant;
- number and categories of employees that are usually employed;

- period during which the redundancies will take place;
- criteria to be used to identify the employees for redundancy;
- method used for calculating any financial compensation that goes beyond the amounts established by law or collective agreement, or failing this, the reasons for refusing such compensation.

The employer must send a copy of the document addressed to the employees' representatives to ADEM at the latest when negotiations begin. ADEM, on its part, will forward a copy to the national Labour and Mine Inspectorate (Inspection du travail et des mines, ITM). The employer must also provide employees' representatives or, should there be no employees' representative, the employees themselves, with a copy of the notification sent to ADEM. Employees' representatives may also report their observations to ADEM, which will forward a copy to the labour inspectorate.

In addition, if the company regularly employs 15 employees or more, the employer must notify each individual dismissal for economic reasons to the Conjuncture Committee (Comité de Conjoncture). The notification must be sent at the latest when employees receive notification of their period of notice. The Committee can then invite the social partners to negotiate on a job retention plan which must at least explore the scope for avoiding redundancies, mitigating their consequences, taking steps to assist redeployment, and providing the provision of financial compensation.

Commentary

The Conjuncture Committee consists of four representatives of the government, four from the employers and four from the trade unions. It is under the authority and coordination of the Ministry for Economy. In 2021, the National Conciliation Office (Office National de Conciliation, ONC) has deliberated in 4 cases with companies and staff representatives that could not reach a consensus as regards social plans or collective bargaining agreements ([Ministry of Work and Employment, Annual Report 2021)] (https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-travail-emploi/2021-rapport-activ

Additional metadata

Cost covered by	None
Involved actors other than national government	Employer organisation Public employment service Trade union Works council Other

Involvement (others)	Conjuncture Committee; experts; National labour and mine inspectorate
Thresholds	Affected employees: 7 Company size: 7 Additional information: There are two company eligibility thresholds: - at least 7 employees over a period of 30 days; - at least 15 employees over a period of 90 days.

Sources

Citation

Eurofound (2015), Luxembourg: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Malta

Public authorities information and consultation on dismissals

Phase	Subsidiary Legislation 452.80 - Collective Redundancies (Protection of Employment) Regulations (Legal Notice 428 of 2002, as amended by Legal Notices 427 and 442 of 2004, and L.N. 281 of 2017); Employment and Industrial Relations Act, 2002 - Articles 36 and 81
Native name	Leġislazzjoni Sussidjarja 452.80 - Regolamenti dwar Sensji Kollettivi (Harsien ta' l-Impjiegi) (Avviż Legali 428 of 2002, kif emendat bl-Avviżi Legali 427 u 442 tal-2004 u 281 tal-2017); L-Att Dwar l-Impjieg u Relazzjonijiet Industrijali, 2002 - Artikli 36 u 81
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Collective Redundancies (Protection of Employment) Regulations as amended by L.N. 428 of 2002, as amended by Legal Notices 427 and 442 of 2004 and 281 of 2017- Whole regulation; Employment and Industrial Relations Act, 2002 - Articles 36 and 81

Description

The Collective Redundancies (Protection of Employment) Regulations stipulates that in the case of collective redundancies, the employer shall forward to the Director General responsible for Industrial and Employment Relations (IER) a copy of the written notification given to the employee representatives regarding the proposal to make redundancies. The Director General should be informed of the notification on the same day.

The Director General (Employment and Industrial Relations) shall also receive a copy of the written statement with all relevant information including the reasons for the redundancies,

the number of employees planned to be dismissed, the number of employees normally employed, the criteria proposed for the selection of employees to be made redundant, details regarding any redundancy payment obligations and the period over which redundancies are to be effected. This information must be handed over to the Director General on the same day on which the employee representatives are notified. Moreover, where the projected collective redundancy concerns members of the crew of a seagoing ship, the employer shall notify the Registrar General of Shipping and Seamen.

These rules apply to the termination of employment by an employer on grounds of redundancy, over a period of 30 days, of:

- 10 or more employees in establishments normally employing more than 20 employees but fewer than 100;
- 10% or more of the number of employees in establishments employing 100–300;
- 30 employees or more in establishments employing 300 or more.

These regulations shall not apply to terminations of employment effected under contracts of employment concluded for limited periods of time or for specific tasks, except where such terminations take place prior to the date of expiry or the completion of such tasks and the reason for such prior termination is the redundancy of the employees so terminated.

Notice of dismissal may only take effect after 30 days from notification to the Director General of Employment and Industrial Relations who may either shorten the period in exceptional circumstances or who my extend the 30 day period by a second period of the same length if such extension may lead to finding resolution, or to the identification of beneficial solutions to employees who will be made redundant.

Commentary

Labour legislation and related amendments are discussed at policy formulation stage in the tripartite Employment Relations Board (ERB). Members forming this board come from trade unions, employers' associations and the government. Amendments to the Collective Redundancies (Protection of Employment) Regulations were effected in August 2018.

Additional metadata

Cost covered by None

Involved actors other than national government	Employer organisation Trade union Other
Involvement (others)	Employment Relations Board; Department of Industrial and Employment Relations
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Malta: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Netherlands

Public authorities information and consultation on dismissals

Phase	Civil code (dismissal permit); Royal decree on dismissal; Balanced labour market act of 1 January 2020
Native name	Burgerlijk Wetboek (toestemming UWV); Ontslagregeling UWV; Wet arbeidsmarkt in balans (WAB) van 1 januari 2020
Type	Public authorities information and consultation on dismissals
Added to database	06 August 2015
Access online	Click here to access online

Article

Article 7:671a of the Civil code; whole Royal decree on dismissal; Article XII, XIII, XIV and XV of Balanced labour market act of 1 January 2020

Description

Effective from 1 July 2015, a new procedure with regard to dismissal permits applies. According to article 7:671a of the Civil code, in case of restructuring for business reasons (which in practice is the sole reason for restructuring), the employer needs a dismissal permit from the public employment service (UWV), if the employee and the employer do not come to an agreement. This is the procedure for dismissals which are not collective in nature (that is, under 20 people from the same branch or region of an enterprise branch). However, it is possible that binding collective agreements stipulate that a sectorial committee takes a request for collective dismissal (if an employer intends to dismiss or has dismissed at least 20 employees in one or more locations of the same company within one and the same region of the public employment service within 3 months due to reorganisation for economic reasons) into consideration instead of the UWV.

In the request for a dismissal permit, an argument has to be made to explain why a collective dismissal is necessary. There are several reasons for collective dismissals that

are recognised as valid by the UWV:

- Bad or worsening financial situation of the enterprise;
- A decrease in demand and a subsequent decrease in available labour;
- Changes in technology or in the organisation of the company;
- Cessation of business activities;
- Movement of business activities to another location (only if this is necessary from a business perspective);
- Cessation of labour market subsidies for a sufficient number of employees.

This permit is also needed in case of dismissal after long-term illness and disability, when illness has lasted over 2 years and reintegration in the labour market is not possible in the foreseeable future. In these cases, a transition payment has to be made by the employer and dismissal with permission from the public employment service is possible. However, there have been new developments in this regard due to judgement of Supreme Court given on 28 February 2022. According to the judgement, the request for termination of employment contract, in a situation of illness, can be granted by subdistrict court in cases when employees become ill between the request for termination at UWV and request for termination at subdistrict court. The Supreme Court found that exception from prohibition of termination of employment contract applies in this case, in order to prevent improper reporting of illness to prevent appeal.

With the Balanced labour market act (2020), a new ground for dismissal has been introduced: the cumulation ground. Dismissal is possible when circumstances from the various grounds for dismissal that are submitted through the subdistrict court together provide a reasonable ground for dismissal. In the event of dismissal on the basis of the cumulation ground, the court may award additional compensation to the employee.

Involvement of cantonal courts

In other cases, it is the cantonal court that decides. In case the collective agreement contains an arrangement on special bipartite boards, established by the social partners, the employer has to apply for the permit from this board. In both cases, employers and employees get the opportunity to be informed and consulted. Appeals are possible.

In accordance with Article 7:671a of the Civil Code, employers need to follow the procedure laid down in the article if they want to dismiss employees due to reasons such as business restructuring. If an agreement cannot be reached between employer and employee, the employer must obtain a dismissal permit from the public employment service (W) for non-collective dismissals (involving fewer than 20 employees). Collective dismissal may be subject to sectorial committee approval as per binding collective

agreement.

In the request for a dismissal permit, an argument has to be made to explain why a collective dismissal is necessary. There are several reasons for collective dismissals that are recognised as valid by the UWV:

- Bad or worsening financial situation of the enterprise;
- A decrease in demand and a subsequent decrease in available labour;
- Changes in technology or in the organisation of the company;
- Cessation of business activities.
- Movement of business activities to another location (only if this is necessary from a business perspective);
- Cessation of labour market subsidies for a sufficient number of employees

In a situation where employers request a dismissal permit, the employer may not ask for a dismissal request after an employee has reported sick. However, in a recent case (Feb 18 2022) the supreme court has answered a question whether this prohibition applies when the employee falls sick after the dismissal request has been made. In the case the employer made a dismissal request to the UWV based on Article 7:671(a), however the employee fell sick after the request was made. The request was dismissed but the employer still requested the cantonal court to end the employment relationship. The court found that the normal prohibition does not apply in such situations. This means that if an employee falls ill after the request for dismissal, the procedure may still continue.

Commentary

The view of employer organisations was that although the new 2015 procedure aimed to simplify and relax dismissal regulation, the rules still need improvement. The main point for improvement was, according to the umbrella employer organisation VNO-NCW, a further simplification and increase of the accessibility of dismissal permits. In their view, it is particularly important for small and medium enterprises (SMEs) to be able to complete collective dismissal procedures swiftly in order to continue their business. They said these changes should have been taken through further elaboration and adjustment of dismissal regulations via the new Balance on the labour market act (Arbeidsmarkt in balans) which has taken effect since 1 January 2020.

The unions were strongly against a further simplification, arguing that the 2015 tripartite deal was a very recent one. Apart from the cumulation ground (mentioned above), no other simplifications were introduced in the Balance on the labour market act.

In 2020, there were more than 31,700 redundancy applications, almost twice as many as a year earlier. This doubling is mainly due to the dismissal applications for business and economic reasons, which amounted to 28,300 applications. The total number of applications for dismissal has almost doubled compared to 2019 (+99%), and the number of applications for economic reasons is more than doubled (+113%). Most of the redundancy applications for business reasons were in industry (7,000), trade (5,400), business services (5,300) and catering (3,300).

In the first quarter of 2021, the number of redundancy requests is 27% higher than the number in the first quarter of 2020. The number of dismissal applications for economic reasons is 40% higher. The number of dismissal permits issued in the first quarter of 2021 is 19% higher than the number in the first quarter of 2020.

Additional metadata

Cost covered by	National government
Involved actors other than national government	Employer organisation Public employment service Trade union Court
Involvement (others)	None
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Netherlands: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Norway

Public authorities information and consultation on dismissals

Phase	Working environment act; Labour market act
Native name	Arbeidsmiljøloven; Arbeidsmarkedsloven
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

15-2 (Working environment act); 3, 8 (Labour market act)

Description

An employer who plans to have collective dismissals or to shut down a company has to submit relevant information to the public authorities.

In the event of collective dismissals, the Norwegian Labour and Welfare Administration (NAV) has to be notified 30 days before the planned collective dismissals (at least 10 dismissals within 30 days). Employers are required to notify public authorities 'at the earliest opportunity'. The employees' elected representatives may comment on the notification directly to NAV.

The notification should be the same as the one given to the employees, stating:

- the grounds for any redundancies,
- the number of employees who may be made redundant,
- the categories of workers to which they belong,
- the number of employees normally employed,
- the groups of employees normally employed,
- the period during which such redundancies may be effected,
- proposed criteria for selection of those who may be made redundant,

- proposed criteria for calculation of extraordinary severance pay, if applicable.

Projected collective redundancies shall not come into effect earlier than 30 days after NAV has been notified.

Commentary

Normally, NAV will not be involved in consultations before the public announcement. The involvement of NAV is established by the labour market act (arbeidsmarkedsloven).

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service Trade union Other
Involvement (others)	Innovation Norway
Thresholds	Affected employees: 10 Company size: 10 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Norway: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Poland

Public authorities information and consultation on dismissals

Phase	Act of 20.04.2004 on promoting employment and labour market institutions (consolidated text: Journal of Laws of 2008, no. 69, item 415) implemented 25.04.2008; Act of 13.03.2003 on special rules of termination of employment contracts for reasons not related to employees - 'Collective Dismissals Act'
Native name	Ustawa z dnia 20.04.2004 o promocji zatrudnienia i instytucjach rynku pracy tekst jednolity: Dz.U. z 2008 r. Nr 69, poz 415) wdrożone 25.04.2008; Ustawa z dnia 13.03.2003 o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn niedotyczących pracowników) ustawa o zwolnieniach grupowych
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Article 70 Act on promoting employment and labour market institutions; Article 2 par 6 and article 4 of the Act on special principles of termination of employment contracts for reasons not related to employees (Collective Dismissals Act)

Description

The employer is obliged to notify the company trade unions in writing about the reasons for the planned redundancies (collective dismissal, that is 10 employees within 30 days if the company employs 20 to 99 persons, 10% of the employees within 30 days if the company employs 100 to 299 persons and 30 employees within 30 days if the company employs 300 or more persons), the estimated number of employees to be dismissed and job categories they belong to, the period over which the projected redundancies are to be effected, the criteria proposed for the selection of the employees to be made

redundant, the sequence of the redundancies, the proposals on resolving the employment matters connected with the projected collective redundancies, and, if any financial considerations are involved, the employer is additionally obliged to present the method for calculating of their amounts.

At the same time, the employer is obliged to give to the local employment office the same information except of information about extra financial payments (severance payment which are higher than severance payment established by law).

After negotiations with the trade unions are completed the employer has the obligation to deliver the agreement to the local employment office. The company trade unions may present their opinion on the collective redundancies to the local employment office.

An employer who intends to dismiss at least 50 employees* within three months is obliged to agree with the local employment office on the scope and forms of assistance to redundant workers, in particular employment services, guidance, training, and assistance in active job search. This assistance programme can be implemented by the employment office, employment agency or a training institution. The programme can be financed:

- by the employer;
- by the employer and the relevant bodies of public administration,

on the basis of an agreement between organisations and legal entities in cooperation with the employer.

Commentary

*In any case of collective dismissal an employer has the obligation to inform public authorities. If there are collective dismissals which in a period of 3 months' time covers at least 50 employees, the obligation to inform public authorities is stronger as the employer not only needs to inform public employment services (Powiatowy Urząd Pracy), but also needs to agree with them on the scope and form of assistance. In Polish legislation this kind of collective dismissal is called monitored dismissals (until 2007 it was at least 100 employees).

Additional metadata

Cost covered by None

Involved actors other than national government	Public employment service Trade union Works council Other
Involvement (others)	Training institutes
Thresholds	Affected employees: 10 Company size: 20 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Poland: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Portugal

Public authorities information and consultation on dismissals

Phase	Labour Code (Law 7/2009 of 12 February)
Native name	Código do trabalho (Lei 7/2009 de 12 de fevereiro)
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

360, 362, 363 (3)

Description

The beginning of a collective dismissal (at least two workers in micro and small companies, and at least five workers in larger companies) process has to be communicated to the Directorate-General for Employment and Labour Relations (Direção-Geral do Emprego e das Relações de Trabalho - DGERT), of the Ministry of Labour, Solidarity and Social Security (Ministério do Trabalho, Solidariedade e Segurança Social - MTSS).

There is an administrative intervention during the procedure of collective dismissal: the relevant services of the government will only participate in the negotiation with the purpose of ensuring the regularity of the substantive and procedural aspects and promoting the conciliation of the parties' interests.

In practical terms, the DGERT must participate in the bargaining meetings in order to guarantee that all procedures are followed, and to promote understanding between both parties. Furthermore, the Institute for Employment and Vocational Training (Instituto do Emprego e Formação Profissional - IEFP) and the Regional Employment Service may indicate support measures for employment and vocational training.

In addition, on the same date the final decision is communicated to the employees, the employer is required to send to the DGERT the minutes of the consultation meeting, the rationale behind the lack of agreement, and the final position of the parties, as well as information on each employee affected by the collective dismissal (including name, address, date of birth, hiring date, social security situation, occupation, category, salary, the measure decided and its planned implementation date).

Commentary

No information available.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Trade union Works council Other
Involvement (others)	Institute for Employment and Vocational Training (Instituto do Emprego e Formação Profissional - IEFP); Directorate-General for Employment and Labour Relations (Direção-Geral do Emprego e das Relações de Trabalho - DGERT)
Thresholds	Affected employees: 2 Company size: 2 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Portugal: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Romania

Public authorities information and consultation on dismissals

Phase	Labour Code, Law no. 53/2003, republished in the Official Gazette of Romania No. 345 of 18 May 2011; Law no. 76/2002 regarding unemployment insurance system and employment stimulation, as subsequently amended and supplemented
Native name	Codul muncii, Legea nr. 53/2003, republicată în Monitorul Oficial nr. 345 din 18 mai 2011; Legea nr. 76/2002 privind sistemul asigurărilor pentru şomaj şi stimularea ocupării forţei de muncă, cu modificările şi completările ulterioare
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

68-74 (Law no. 53/2003); 49-50 (Law no. 76/2002)

Description

In case of collective dismissal (i.e. dismissal of at least 10 employees in companies with 21-99 workers, at least 10% of staff in companies with 100-299 workers or at least 30 employees in larger firms of at least 300 workers), employers have the obligation to forward a copy of the collective redundancy notice to the local labour inspectorate and the local employment agency on the same date it was sent to the trade union or representatives of the employees (the employment agency must be notified at least 30 days before the redundancy date).

The local labour inspectorate and the local employment agency are involved in designing measures to diminish the effects of restructuring and can modify the deadlines within which collective redundancies are planned to take place.

The notification must include all relevant information regarding the intention to proceed to collective redundancy, which includes the outcome of the consultations with the trade unions or the representatives of the employees, especially: * the reasons for the redundancy; * the total number of employees; * the number of employees to be made redundant; * the selection criteria applied to employees singled out for dismissal according to law or collective agreement provisions, in order to establish priorities on the redundancy list; * measures proposed to limit the number of redundancies; * measures to mitigate the consequences of mass redundancies; * severance to be paid according to law or the applicable collective agreement; * the date when the redundancy begins or the period of time during which dismissals take place; * the term within which the unions or the employee representatives may propose solutions to avoid mass dismissals or diminish the number of redundancies.

A copy of the notification must be sent to the trade union, on the same date. The trade union or the employee representatives may communicate their point of view to the local labour inspectorate. Within 30 days, at the request of any of the parties involved, the labour inspectorate may, with the approval of the local employment agency, resolve to shorten or to postpone the date/period of communication of the dismissal notices, provided that the said authority informs both the employer and the employee representatives of such change and of the underlying reasons.

During the procedure, the local employment agency must look for solutions to the problems triggered by the collective redundancy, and propose them in due time to the employer and the trade union or employee representatives.

Commentary

The purpose of these notifications to public institutions is to enable them to provide pre-redundancy services and to ease work-to-work transitions. Active measures counteracting unemployment aim at offering support to those in search of a job. Such measures include professional orientation; training the unemployed about how to seek a job position; professional and entrepreneurial training; establishing centres for business advice and development services; and financial support in creating new work places, including public works programmes.

One of the steps a local employment agency must take is to provide pre-redundancy services (such as information, placement to vacant jobs, career change, etc). Employment Agencies provide redundancy support services, according to Government Decision no. 278/2002. The expenses for redundancy prevention measures are funded by the unemployment insurance fund and employers.

Law 127/17 June 2018 amended article 72 regarding the collective dismissal.

Additional metadata

Cost covered by	Employer National government
Involved actors other than national government	Public employment service Other
Involvement (others)	Labour inspectorate
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Romania: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Slovakia

Public authorities information and consultation on dismissals

Phase	Labour Code; Act on employment services
Native name	Zákonník práce; Zákon o službách zamestnanosti
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Article 73 of the Labour Code; Article 13 of the Act on employment services

Description

The employer who envisages collective redundancies (dismissals of at least 10 employees in companies with 21-99 workers, at least 10% of staff in companies with 100-299 workers, or at least 30 employees in companies with 300 or more worker, within 30 days) is obliged, at least 30 days before dismissals take place, to consult employees' representatives (or directly with the employees concerned if there are no employees' representatives) on planned dismissals and the matter of finding out if any other solution or the minimisation of redundancies is possible. At the same time, the employer is obliged to submit a copy of information about planned dismissals with an attached list of redundant employees and their contacts to the Labour Office (ÚPSVaR). Subsequent to consultations with employees´ representatives (trade unions or work councils/employee trustees), the employer is obliged to submit written information on outcomes of consultations to the Labour Office and employees' representatives.

Not earlier than one month after the delivery of the information to the Labour Office, the employer can give the employees notice or a proposal to terminate the employment contract by agreement. During this period the employer discusses with the Labour Office any measures that could enable mitigation of the negative effects of collective redundancies.

Some measures are discussed at the regional level because Labour Offices operate in the various areas and districts.

Commentary

According to trade unions, to avoid procedures related to collective dismissals some employers frequently dismiss fewer employees within 30 days than what the Labour Code thresholds specify in terms of what counts as a collective dismissal.

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Slovakia: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Slovenia

Public authorities information and consultation on dismissals

Phase	Employment Relationship Act (ZDR-1)
Native name	Zakon o delovnih razmerjih (ZDR-1)
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

100-103

Description

The employer must inform the Employment Service in writing about the procedure of establishing collective redundancies (within 30 days, dismissals of at least 10 employees in companies with 21-99 workers, at least 10% in companies with 100-299 employees or at least 30 dismissals in larger firms). The employer is obliged to consider and to take into account any proposals submitted by the Employment Service in order to reduce the harmful consequences of collective dismissals.

The notification must include:

- the confirmation that the employer has conducted consultations with trade unions,
- the reasons for the redundancies,
- the number and categories of all workers employed,
- the foreseen categories of redundant workers, and
- the foreseen term in which the work of the redundant workers will no longer be needed.

A copy of the written notification must be sent to the trade unions.

The employer may give notice of termination of employment contracts to redundant workers by taking into account the adopted dismissal programme for redundant workers, but not prior to the expiration of a 30-day period from the notification of the Employment Service about the procedure. The expiration period may be extended to a 60-day period at the request of the Employment Service.

Commentary

A research report on managing restructuring in Slovenia (Urdih Lazar and Dodič Fikfak, 2014) highlights the active role of the Employment Service of Slovenia in cases of collective dismissals, something that has developed through the exchange of good practices with other EU countries. After being informed by the employer about the planned collective dismissals, the Employment Service may give on-site support to the redundant workers in accordance with the employer during the notice period. This support may include training courses in job seeking or unemployment registration procedures, and psychosocial support for coping better with the expected dismissal. The Employment Service also provides the redundant workers with information about job vacancies. Unfortunately, the Employment Service cannot provide complete information about job vacancies, because the general obligation of reporting every employment vacancy has recently been cancelled.

Additional metadata

Cost covered by	Not available
Involved actors other than national government	Public employment service Trade union
Involvement (others)	None
Thresholds	Affected employees: 10 Company size: 21 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Slovenia: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Spain

Public authorities information and consultation on dismissals

Phase	Statute of Workers' Rights; Law 3/2012 of 6 July on urgent measures to reform the labour market; Royal Decree law 11/2013 of 2 August for the protection of part-time workers and other measures in the economic and social field; Law 3/2023, of 28 February, on Employment; Royal Decree 608/2023 of 11 July, which implements the RED Mechanism for Employment Flexibility and Stabilisation
Native name	Estatuto de los Trabajadores (ET); Ley 3/2012, de 6 de julio, de medidas urgentes para la reforma del mercado laboral; Real-Decreto ley 11/2013, de 2 de Agosto, para la protección de los trabajadores a tiempo parcial y otras medidas urgentes en el orden económico y social; Ley 3/2023, de 28 de febrero, de Empleo; Real Decreto 608/2023, de 11 de julio, por el que se desarrolla el Mecanismo RED de Flexibilidad y Estabilización del Empleo.
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

Art. 51 Statute of Workers' Rights; Art. 18.3 Law 3/2012; Art. 4 Royal-Decree 11/2013; Third final provision, sixth additional provision, Royal Decree 608/2023 of 11 July; Eighth final provision, Modification of the revised text of the Workers' Statute Law, Law 3/2023, of 28 February.

Description

Collective dismissal in Spain was under administrative authorisation until February 2012. In February 2012, a labour legislation reform eliminated the requirement for administrative

authorisation. Other requirements related to information and consultation of employees' representatives are still valid. In the case of individual dismissals, procedures related to information and consultation are not required.

Collective dismissals apply if redundancies affect, within a period of 90 days, at least 10 employees in companies employing fewer than 100 employees; 10% of the employees in companies employing between 100 and 299 employees; or 30 employees in companies employing more than 299 employees. In addition, the company can implement a collective dismissal if it affects a minimum of more than five employees if the entire workforce is affected in case business shuts down completely.

The employers must supply the labour authorities and the employees' representative the following information in writing: a statement for the reasons for redundancies, individual personal and job information on candidates for redundancy; the names of all other employees; financial statements such as balance sheets, with a separate report on the finances, production, sales and organisation; an auditor's assessment and a report by the works council or personnel delegates.

Following Law 3/2023, of 28 February, on Employment, the report of the Labour and Social Security Inspectorate, in addition to verifying the details of the communication and the development of the consultation period, rules on the concurrence of the causes specified by the company in the initial communication, and verifies that the documentation presented by the company is in line with that required according to the specific cause alleged for dismissal.

Once the information is provided by employers to labour authorities, a consultation period is opened which will be no longer than 30 days, or 15 in case of companies with fewer than 50 employees. During this period, employers and workers' representatives (i.e. workers' delegates and workers' committees) discuss the reasons motivating the process and the possibility of avoiding or reducing its effects, as well as the necessary measures to attenuate its consequences for workers. For example, the parties can negotiate measures such as the use of outplacement companies, training, or professional recycling for the improvement of the workers employability, or other measures to make the undertaking viable.

Consultation has to take place with a single negotiating committee. If there are several establishments, the negotiating committee will be limited to the job centres affected by the collective dismissal. The negotiating committee will be made up by a maximum of 13 workers. The negotiating committee must be established before the company notifies the opening of the consultation process.

The labour authority monitors the effectiveness of the process and forwards warnings and recommendations to the parties. These are submitted in writing to both parties. Employees' representatives can provide the labour authority with their observations. In line with these, the labour authority forwards warnings or recommendations to the parties. The labour authority (ministry of employment at national level/employment section in the regional government at regional level) has to communicate the collective dismissal to the public employment service and request a report about the development of the consultation process. The report must be submitted 15 days after the communication by the employer at the end of the consultation period.

If there is an agreement between the employer and the employees' representatives, the collective dismissal is applied. If there is no agreement, the employer has the final decision. Thus, the employer is to communicate to the labour authority and the employees' representatives its final decision and the conditions to be applied.

Commentary

According to the OECD (2013), the elimination of the administrative authorisation increased uncertainty about the final cost for employers of dismissal decisions. Even if the litigation rate as regards collective redundancies remained relatively low (below 5%), a large share of concluded procedures concerning collective dismissals resulted in court rulings against the employer. And, in most of these cases, the judges ruled that the dismissal procedure was null and void and ordered the reinstatement of the affected workers with the obligation to pay them for the period they were not working. This was a new situation in the Spanish labour market. Moreover, in most cases, the court decisions against employers were based on the non-respect of the negotiation procedure rather than on the dismissal causes. These shortcomings of the new regulations of collective dismissals were partly addressed by the Royal Decree law 11/2013 which defined in a more precise way the requirements of the consultation procedure and the cases in which the dismissal can be declared void.

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service Regional/local government Trade union Works council
Involvement (others)	None

Thresholds	Affected employees: 6 Company size: 6 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Spain: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin

Sweden

Public authorities information and consultation on dismissals

Phase	Promotional Measures Act (1974:13)
Native name	Lag (1974:13) om vissa anställningsfrämjande åtgärder
Type	Public authorities information and consultation on dismissals
Added to database	08 May 2015
Access online	Click here to access online

Article

1, 2-2a,

Description

The Promotional Measures Act (1974:13) instructs employers of what they must do in cases of collective dismissal of employees.

Article 1 states that in cases of collective dismissal, covering at least five employees, notice must be given to the Public Employment Service (Arbetsförmedlingen). Article 2 clarifies that different notice periods are to be given depending on the scale of the dismissal.

If more than five employees are to be made redundant, or if 20 employees are expected to be made redundant over a 90-day period, notice of collective redundancies must be given to the Public Employment Service within certain time limits, defined with respect to the number of employees concerned:

- at least two months before the first employee leaves their employment, if fewer than 25 employees are affected (terminated) by the restructuring process;
- at least four months, if 25–100 employees are affected;
- and at least six months, if more than 100 employees are affected.

The primary reason for this measure is for the public authorities to be able to take action to reduce the economic and social consequences at regional level.

The notice given to the Public Employment Service should include all relevant information about the planned redundancies and especially contain information on the following: 1. The reasons for the planned redundancies. 2. The number of employees to be made redundant and to which categories they belong. 3. The number of workers normally employed and their categories. 4. The time the production cutbacks are to be carried out and the period over which the redundancies are intended to be enforced.

Once notice is given to the Public Employment Service, it offers regular counselling to the employees that may be redundant.

Commentary

No information available.

Additional metadata

Cost covered by	None
Involved actors other than national government	Public employment service
Involvement (others)	None
Thresholds	Affected employees: 5 Company size: 5 Additional information: No, applicable in all circumstances

Sources

Citation

Eurofound (2015), Sweden: Public authorities information and consultation on dismissals, Restructuring legislation database, Dublin