HERBERT SMITH FREEHILLS

MASS REDUNDANCIES IN KEY EUROPEAN JURISDICTIONS

AN OVERVIEW

LEGAL BRIEFING

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CONTENTS

INTRODUCTION

This briefing provides a brief overview of the collective redundancy regimes in the UK, France, Germany and Spain. As the procedures can be complex and potential sanctions for breaches of the required procedures significant, specialist detailed advice should always be taken before commencing a collective redundancy plan.

The common provisions under the applicable EU Directive

Whilst each country has its own laws on redundancy procedures, European law on redundancies sets out the following common requirements :

- where there are "collective redundancies", an employer must consult with the workers' representatives in good time and with a view to reaching agreement;
- consultation must be on avoiding or minimising the number of redundancies and mitigating the consequences (e.g. by redeploying or retraining workers);
- the employer must give the representatives specified information including the reasons for the proposals, the number and category of workers to be made redundant, the proposed timescale and selection criteria and the level of redundancy payments;
- consultation must take place with a view to reaching agreement as to the proposals and so it is very important that no decisions are taken before the process commences; and
- a government body must be notified a specified period before dismissals take effect.

However, individual member states are given discretion in a number of key areas, for example:

- how to define collective redundancies;
- who the representatives are;
- whether the representatives can call on the services of experts; and
- what the remedy for breach should be.

the EU Directive only sets out minimum requirements– individual member states can adopt laws more favourable to workers.

The following pages provide a short reference guide to the most important issues in each country and highlight the key differences, enabling you to analyse where and what the most significant timing and cost issues will be.

Key practical points to bear in mind

- Focus on the proposed timetable as early as possible. Is it feasible in each jurisdiction? You may need to delay taking steps in one country until certain other steps have been completed in another. Appoint a single person with overall coordination responsibility.
- Ensure consistent messages throughout the jurisdictions: trade union or other employee representatives may liaise with colleagues in other countries and share information.
- Ensure what is said clearly indicates that the proposals will not be finalised until consultation is complete e.g., avoid assurances to one country's representatives that other countries will suffer just as many redundancies or that one country will be 'safe' because redundancies will take place elsewhere.
- Ensure all documents record steps as proposals until the full consultation process has been completed. Pay particular attention to board minutes, press announcements and written communications with employees and their representatives.
- Check whether there are additional requirements for consultation and compensation specified in collective bargaining arrangements or pursuant to a European Works Council/other agreement.
- Prepare a PR and crisis management strategy.

FRANCE

When is collective consultation required ?

Prior information and consultation with the CSE (works council) is required when there is a proposal by an employer to dismiss on economic grounds at least two employees within the company over a period of 30 days or less. More onerous procedures apply when there are at least 10 proposed redundancies over a 30 day period (or 18 in a calendar year).

'Economic grounds' are defined as follows:

- economic difficulties characterised by a significant evolution in at least one economic indicator such as a reduction in orders or turnover, losses or a deterioration in cash-flow or EBITDA or by any factor demonstrating economic difficulties (as defined by the relevant article);
- technological changes;
- a reorganisation which is necessary to safeguard competitiveness; or
- the cessation of the activity of the company.

It should be noted that the economic grounds are considered:

- where the company is not part of a group : within the whole company and not just at business sector level or within one branch;
- where the company is part of a group − at the business sector level within France (the 2017 Macron Reforms restricted the test to France, rather than worldwide, which was previously the case). Business sector is defined as being characterised in particular by the nature of the goods or services delivered, the target clients, the network and distribution methods, relating to the same market.

What is the information-consultation requirement?

Where there are more than 2 but less than 10 proposed redundancies within 30 days, the employer must inform and consult the CSE in advance about the economic rationale for the proposed redundancies, the selection criteria and the accompanying measures (including in particular redeployment leave, where applicable), in advance of making any final decisions on the redundancies. The CSE must provide its decision within 1 month.

If no CSE is in place (for companies with less than 11 employees, the employer simply completes the formalities required for individual redundancies – see below).

Where the employer proposes to make 10 or more redundancies within 30 days the procedure is more complex, the employer must :

- consult the CSE in advance about the proposals. There are two separate consultation phases (which can run concurrently): one in relation to the proposed restructuring and one in relation to the proposed redundancies and (if the company has at least 50 employees) in relation to the draft social plan. The works council/CSE must issue an opinion in relation to each consultation phase; and.
- negotiate a social plan with the trade union representatives (in companies with 50 or more employees).

Proposed closures – obligation to seek to find a buyer

There is also an obligation in groups with at least 1,000 employees and at least 150 in two or more EU Member States to seek to find a buyer for a site before definitely deciding to close a site and make redundancies, and to also inform and consult the CSE in relation to the proposed closure. The required information includes the economic, financial or technical reasons for the proposed closure, the actions the employer envisages taking to try and identify a buyer for the site, the possibility for employees to make an offer to buy the site and the different models available (e.g., cooperative companies), and the right for the works council/CSE to nominate an expert to advise it in relation to its examination of the proposed closure. The employer must also promptly notify the French Authorities and the local Mayor of the proposed closure. The CSE must be informed of any offers to purchase the site no later than 8 days after receipt of the offer, and can give an opinion on the offer and also participate more actively in the attempts to find a buyer.

Timing?

For 10 or more dismissals in a 30 day period within, consultation on the proposed redundancies must involve at least two meetings with the works CSE separated by at least 15 days and very often the process requires additional meetings.

The consultation process in principle takes a maximum of:

- 2 months for less than 100 redundancies;
- 3 months for 100-250 redundancies; and
- 4 months for 250+ redundancies.

The consultation on the proposed restructuring can take place at the same time as the consultation on the proposed redundancies and if applicable on the search for a new buyer in the case of a proposed cessation of business.

Can unions/the CSE members veto redundancy proposals?

No, but the CSE can potentially seek to delay the maximum time periods set out above for giving its opinion, which is a prerequisite for implementing the proposals e.g., if they seek to argue that they have not been provided with sufficient information in relation to the proposals to enable a decision to be given.

If at the end of the required maximum consultation period the CSE has not given its opinion, a negative opinion is deemed to have been given. Provided that all relevant information has been provided and all relevant questions have been answered by the employer within the maximum time limit referred to above, this should therefore limit the ability to delay implementation.

In the event that a collective agreement in relation to the social plan cannot be reached with the trade unions, at the end of the consultation period (see below), the employer can unilaterally prepare the terms of the social plan and submit this for homologation (formal certification and approval) to the French Authorities (the DIRECCTE). The DIRECCTE is required to communicate the decision in relation to homologation within a period of 21 days (15 days if a social plan can be agreed with the trade union representatives) and, if there is no response, validation is deemed. Any challenge to the decision must be brought within 2 months and the Administrative Tribunal determines the challenge within 3 months.

What is the potential penalty for breach of the consultation requirements?

A breach of the consultation requirements gives rise to the risk of a criminal sanction i.e.; of a fine of €7,500 for individuals (€37,500 for companies). More importantly, the CSE could seek an injunction to compel the company to comply with its information-consultation obligations and delay the implementation of the proposals until consultation has properly taken place and the DIRECCTE would refuse to homologate/validate the social plan.

What external approvals or notification are required?

For at least 10 redundancies, the employer must notify and send a copy of the relevant documentation to the DIRECCTE the day after the first meeting with the works council (and send the updated versions of the documents and copies of the CSE meeting minutes after every subsequent CSE meeting on the proposed redundancies). The DIRECCTE will verify that the draft social plan complies with French law or note any non-compliance, and may suggest amendments. It will also verify that the consultation procedures and the required social measures set out in the social plan are respected. The DIRECCTE will inform the company of any irregularity and the company must respond on any points raised before validating the redundancies.

Selection criteria and the pool for selection

The selection pool of potentially redundant employees must include all employees within the same professional category within the business regardless of place of work, unless there is a collective agreement which limits the pool for selection to certain sites. Employers making less than 10 redundancies in 30 days are able, unilaterally, to limit the pool for selection to the employees within a defined “employment zone”.

Selection criteria must comply with the requirements of the applicable collective bargaining agreement and must be objective, avoiding unlawful discrimination; the criteria typically include age, length of service and family circumstances, and can include professional skills and experience (the weight to be applied to each criteria is usually negotiated as part of the consultation process).

There are special protections for certain categories of employee e.g., employee representatives, and the prior authorisation of the Labour Inspector is required for their dismissals

Redeployment obligations for both individual and collective redundancies

In relation to both collective and individual redundancies, the company has a strict obligation to seek to redeploy employees before notifying any redundancies. This relates to redeployment opportunities in France unless the employee also expresses an interest in redeployment abroad. The employer can now also simply refer employees to a database where the available roles are listed (e.g., an intranet site) rather than having to prepare tailored redeployment letters for each employee (although the latter is recommended if possible).

Individual redundancies

As for collective redundancies, the company must be able to demonstrate that it has real and serious economic reasons to make a lawful individual redundancy (using the same test as set out above).

The employer must hold a pre-dismissal meeting with the individual on at least five working days' notice and can only notify the dismissal at least 7 or 15 working days (depending on the employee's grade) after the meeting, having first sought to redeploy the employee within the Group.

What severance payments will employees be entitled to?

In addition to notice and the terms set out under the social plan or accompanying measures if no social plan is required and the redundancy is a collective redundancy, employees will be entitled to notice payments and a severance payment calculated in accordance with the applicable collective bargaining agreement or, if none, a statutory severance payment of:

- if at least one year's service, 25% of the average monthly salary per year of service; plus
- if at least 10 years' service, an additional 2/15 average monthly salary per year of service over 10 years.

The social plan (or accompanying measures, for redundancies of less than 10 employees in a 30 day period or where there are less than 50 employees employed by the company) will provide for additional payments and benefits.

Larger employers must also offer redeployment leave (a training and outplacement programme during which the employee is entitled to at least 65% of previous salary). Whilst the legal redeployment leave is 4-12 months (including the notice period), a higher period may have to be negotiated.

If a dismissal is held to be without real and serious economic reasons, the Employment Tribunal can award, at its discretion, damages, subject to caps. The company would also have to reimburse the unemployment fund for up to six months' unemployment benefits per employee. If the social plan is declared null and void, the employees could also seek their reintegration (which is very rare) or damages of a minimum of 6 months' remuneration.

GERMANY

When do I have to consult collectively?

Collective consultation is required where there is a proposal or intention of a company with a works council to make redundant at the same operation unit:

- in a workforce of 21-59 employees, at least six employees;
- in a workforce of 60-499 employees, at least 10% of workforce or 26 employees; or
- in a workforce of at least 500 employees, at least 30 employees and not less than 5% of the workforce.

(Note that, unlike other jurisdictions, the threshold does not apply only to proposed redundancies falling within a set time period of 30 calendar days ; the courts will take all materially connected proposals into account.)

Only dismissals for reasons unconnected with the individual (i.e., for operational/business reasons) are counted.

What is the consultation requirement?

You must inform and consult with the works council on an implementation agreement (i.e., a 'reconciliation of interests' setting out what, how and when the changes are to be implemented) and (in most cases) a social plan (concerning compensation for the employees affected by the proposals, i.e., termination payments, relocation benefits, etc.). Moreover, you must inform the works council about the details of the mass dismissal and then in advance of each individual dismissal (see below).

How long will it take?

There is no statutory minimum time frame for collective consultation. The consultation process commonly takes two to nine months mainly depending on the working relationship between the company and the works council.

You cannot give notices of dismissal until the consultation with the works council is finished and until you have notified the labour authorities (see below). The dismissals themselves cannot take effect until at least one month after the labour authorities are notified. The relevant government agency can extend this period to two months, but this is rare. As applicable notice periods are usually longer than one month, the impact is low.

Can unions/works councils/other representatives veto redundancy proposals?

No, but they can delay implementation by dragging out consultation. If agreement with the works council on an implementation agreement and a social plan cannot be reached, the negotiations will continue before a conciliation board.

The conciliation board can impose a social plan but not an implementation agreement (thus the company can implement after the proceeding at the conciliation board have finally failed).

In addition, unions can ask the employees to go on strike and request the employer to conclude a collective bargaining agreement with comparable provisions as usually agreed in a social plan (termination payments, etc.).

What is the potential penalty for breach of the consultation requirements?

A failure to inform the works council can lead to an administrative fine of €10,000.

Additionally, employees can claim up to 12-18 months' salary as damages if the company goes ahead with redundancies without having properly negotiated an implementation agreement or if it breaches an implementation agreement. These damages are in most cases set off against the termination payments agreed in the social plan. Furthermore, some local and regional labour courts grant interim injunctions to prevent redundancies going ahead.

If the works council has not been informed properly in advance of an individual dismissal, this dismissal will be invalid.

What external approvals or notification are required?

You must notify the local labour office about mass redundancies before giving notices of dismissal. No approval is required.

How do I make the individual redundancies?

Employees with six months' service (or more) can claim their dismissal is invalid if there are insufficient grounds, provided more than ten employees are regularly employed at the operation, or if the works council has not been informed properly in advance of their individual dismissal.

Operational reasons can constitute sufficient grounds where there is a reduced need for jobs and a proper selection process amongst comparable employees. The court will not question the economic justification for the decision which leads to the redundancy (although this will be examined by the works council as part of the collective consultation), unless it is arbitrary. The selection amongst comparable employees who is to be dismissed must be based on length of service, age, number of dependents and severe disability. There is no obligation to meet and consult with the individual employee about his selection, but the works council must be informed before notice of dismissal is given to the individual (otherwise the dismissal is invalid). There is special protection against dismissal for certain types of employees e.g. works council representatives, employees having the office of an internal data protection officer, disabled employees and employees on maternal or parental leave.

What severance payments will employees be entitled to?

In addition to continued remuneration during the notice period, employees will be entitled to severance payments agreed out in the social plan. There is no set formula for severance payments. The social plan will often provide for compensation of monthly salary multiplied by years of service multiplied by a factor between 0.25 and 1.5 (depending on age, job prospects and the company's commercial situation).

If a dismissal is held to be invalid, the court will order reinstatement; often the parties will avoid this by mutual termination involving payment of further compensation (in addition to social plan payments) or by a court settlement.

SPAIN

When do I have to consult collectively?

When there is a proposal by the employer to dismiss based on objective grounds (economic, technical, production or organisational) over a period of 90 days or less:

- in a workforce of fewer than 100 employees, at least 10 employees;
- in a workforce of 100 – 300 employees, at least 10% of workforce; or
- in a workforce of more than 300 employees, at least 30 employees.

Economic grounds will exist when it can be deduced from the company's results that its economic position is negative, in cases such as the existence of current or forecast losses, or the persistent reduction of its ordinary income or sales. In any event, it shall be understood that the reduction is persistent if during three quarters the level of ordinary income or sales obtained in each quarter is lower than the ordinary income or sales recorded in those same quarters in the previous year.

Technical grounds for termination will be understood to exist when there are changes to production means and processes; **organisational grounds**, when the changes appear within the scope of the systems and working methods or in the method of organising production; **and productive grounds**, when the changes are envisaged, among others, in the market demand for the products or services that the company intends to place on the market.

Only dismissals for reasons unconnected with the individual are counted. On a business closure, you must also consult if the redundancies affect the entire workforce of more than five employees if the termination is due to the total stoppage of the company's operations or services justified by the above grounds.

What is the consultation requirement?

You must inform and consult with the works council or, if none, the employee representatives or, if none, the affected employees (or an ad hoc committee representing the affected employees, made up of a maximum of thirteen employees). A single negotiating commission, representing all the places of work affected, must be formed within seven days of the company calling the parties to the table (15 days if a place of work does not have representatives) and, in any event, before the company sends its notice of the start of the consultation process. The negotiations during the consultations must be in good faith, but do not necessarily have to reach an agreement. If the company fails to notify its decision within 15 days of the last consultation meeting held, the consultation procedure will be void and the company will have to begin again.

If the company has at least 50 employees, there is an obligation on companies to implement an outplacement plan using authorised outplacement companies. According to that plan, affected employees are offered the services of such companies for a minimum period of six months. This requirement will not apply to companies in an insolvency scenario. Furthermore, the parties will negotiate with a view to reaching agreement on social measures to reduce the impact of the collective redundancies (i.e., training, recycling to increase employability, etc.).

How long will it take?

You must consult with the works council for a maximum period of 30 days (or 15 days if there are fewer than 50 employees).

An agreement is no longer necessary with the workers' representatives as, if no agreement is reached, the employer is able to inform them of its decision provided that the maximum negotiation period has been observed. Once that period has elapsed, the employer will inform each one of the affected employees individually of its decision.

Can unions/works councils/other representatives veto compulsory redundancy proposals?

Negotiations with the workers' representatives (or, other negotiating body as detailed above) no longer need to focus on the reasons for the collective redundancies or the justification for the measures taken, but rather on the possibility of avoiding or reducing the need for collective dismissal and mitigating the consequences of the same through alternative measures of assistance (outplacements, training or recycling). This is especially significant insofar as the reasons behind the redundancies will not be reviewed by the courts until after the measures have been adopted, and will not prevent the

company from making and adopting the relevant decision. The role of the workers' representatives has been sensibly limited since the implementation of Royal Decree-Law 3/2012 of urgent measures to reform the employment market.

However, given that it is no longer necessary for the workers' representatives to approve or agree the employer's decisions as part of the negotiations, their focus for challenging the employer's decisions has shifted to a later stage, i.e. challenging those decisions before the courts. The most common arguments used to challenge such decisions before the courts are (i) the suitability of the criteria taken into account when selecting the workers to be laid off and (ii) formal breaches of the notification and communication duties during the negotiation process.

The workers' representatives are able to challenge the decision to lay off workers within 20 days from the end of the negotiation process and notification of the dismissals to employees affected. If the decision has not been challenged by the workers' representatives, it is possible for the company to lodge a claim or request that its decision to impose redundancies be declared lawful. This 'claim' must be lodged within 20 days following the end of the period in which the workers' representatives are able to challenge the measure. The judgment rendered will be declarative and final.

What is the potential penalty for breach of the consultation requirements?

A failure to inform and consult can lead to an administrative fine of up to €6,250.

What external approvals or notification are required?

The employer must communicate the results of the consultation period to the Administrative Labour Authority, with a copy of any agreement made. If no agreement is reached, the employer must notify the workers' legal representatives and the Administrative Labour Authority of the final decision, conditions and terms of the redundancy dismissals. After either option the employer must notify the individual affected employees in writing.

There is no longer an obligation to apply for administrative authorisation from the Labour Authority to terminate employment contracts and the role of the Labour Authority will be limited to safeguard the effectiveness of the consultation process. It is also able to make recommendations or issue cautions to the parties involved, but may in no event suspend the process. The Labour Authority may challenge the agreement reached during the consultation process if it understands that fraud, wilful misconduct, coercion or abuse of law has taken place, or when the managing body of the INEM – the entity that supervises unemployment benefit in Spain – claims that the purpose of the agreement is to enable the employees to unduly and fraudulently receive unemployment benefit.

How do I make the individual redundancies?

Selection criteria are not fixed by law but must avoid unlawful discrimination and should be reasonable in the context, for example skills, experience, and staffing requirements. Certain categories of employees, such as employee representatives, have greater protection. The criteria are set as part of the consultation process. Once the collective redundancy process has been complied with (i.e., the maximum negotiation period has expired), the employer will inform each one of the affected employees individually of its decision by delivering a letter of dismissal to each affected employee.

What severance payments will employees be entitled to?

The statutory minimum severance payment is 20 days' salary per year of service, up to a maximum of one year's salary. A payment in lieu of notice can also be made instead of the otherwise compulsory 15-day notice period following the simultaneous written dismissal letter and offer of severance payment. If employees aged 50 years or more are affected by the redundancy, a monetary contribution must be made to the Public Treasury where the company or group has at least 100 employees and has made a profit in the last two financial years.

If the redundancy was on unfair grounds, then employees are entitled to a payment of 45 days' salary for each year worked before 12 February 2012 with a cap of 42 months' salary, and 33 days of salary for each year worked after that date with a cap of 24 months' salary (and an aggregate maximum compensation of 720 days, unless the employee already accrued the maximum compensation before February 2012).

UNITED KINGDOM

When do I have to consult collectively?

Where there is a proposal to make redundant 20 or more employees at the same organisational unit over a period of 90 days or less. Only dismissals for reasons unconnected with the individual are counted. Expiry of fixed term contracts is not counted.

What is the consultation requirement?

You must inform and consult with trade union representatives or, if none, with employee representatives. These could be an existing employee consultative body or representatives elected specifically for this purpose. Consultation must be undertaken with a view to reaching agreement on ways and means of avoiding the dismissals, reducing the number of dismissals and mitigating their consequences. The individual potentially redundant must also be consulted, and any information and consultation agreement in place must be followed.

How long will it take?

You must begin consultation at least 30 days before the first dismissal takes effect (i.e., the employee leaves), or 45 days before if 100 or more dismissals are proposed at the same establishment. You can give notice during this period once the consultation has ended. The process can take several weeks or months (particularly if representatives have to be elected).

Can unions/works councils/other representatives veto redundancy proposals?

No.

What is the potential penalty for breach of the consultation requirements?

The penalty for breach is up to 90 days' actual pay per affected employee. The maximum award is made unless there are good reasons to reduce it. Courts will not grant an injunction to prevent redundancies going ahead. Breach of the consultation requirements could also potentially make the dismissals unfair.

What external approvals or notification are required?

You must notify the Department for Business, Energy and Industrial Strategy by letter or using an HR1 form before giving notice and at least 30 days before the first dismissal takes effect, or 45 days before if 100 or more dismissals are proposed. Breach can lead to a criminal conviction and a fine (of no upper limit), although this is rare.

How do I make the individual redundancies?

Employees with at least two years' service can claim unfair dismissal unless there is a fair reason for dismissal and a fair procedure has been followed.

Redundancy is a fair reason for dismissal. The tribunal will not question the economic justification for the decision to make redundancies (although this may be examined as part of the collective consultation). You must adopt a fair basis for selection, consult with the individual and give them an opportunity to apply for suitable alternative jobs in the group. There are no proscribed selection criteria; those chosen by the company should be as objective as possible and avoid unlawful discrimination. Employees selected for redundancy who are on maternity, adoption or shared parental leave have priority over any suitable vacancies (and the Government is proposing to extend this to pregnant employees and for 6 months after returning from leave, although no timetable for this reform has been set).

Employees with insufficient service to claim ordinary unfair dismissal may still be able to claim automatic unfair dismissal or discrimination if selected for an unlawful reason (e.g., pregnancy).

What severance payments will employees be entitled to?

In addition to notice, employees with at least two years' service are entitled to statutory redundancy pay. This is 0.5 week's pay for each complete year worked while younger than 22, plus one week's pay for each complete year worked between ages 22 and 41, plus 1.5 weeks' pay for each complete year worked while over 41. A maximum of 20 years' service and

maximum weekly pay of £525 for April 2019-2020 and £538 for April 2020-2021 is taken into account, giving a maximum presently of £15,750 per person increasing to £16.140 from April 2020.

Some employers offer enhanced redundancy pay (but must avoid the terms being discriminatory e.g. on age grounds). Usually such arrangements are intended to be discretionary but can become contractual through custom and practice.

If a dismissal is held to be unfair, the employee could be awarded a compensatory payment of up to £86,444 for April 2018-2019, increasing to £88.519 for April 2020-2021.

What will the impact of Brexit be?

The Withdrawal Agreement approved by the UK and EU Parliaments provides that, although the UK has now ceased to be an EU Member State, EU law will continue to apply until the end of the transition period on 31 December 2020. Employment law rights derived from EU law will be maintained for this period as a minimum.

The Political Declaration setting out the Framework for the Future Relationship between the EU and UK accompanying the Withdrawal Agreement includes a commitment to work together to safeguard "high standards of ... workers' rights" and a statement that the future relationship must "ensure open and fair competition, encompassing robust commitments to ensure a level playing field" commensurate with the scope and depth of the future relationship. However, the UK Government's negotiating position is that, while it is committed to maintaining high standards of workers' rights, it will not agree to level playing field measures in relation to labour which go beyond those typically included in a comprehensive free trade agreement. The UK Government's policy paper of 27 February 2020 states that the free trade agreement should include "reciprocal commitments not to weaken or reduce the level of protection afforded by labour laws and standards in order to encourage trade or investment" and "should recognise the right of each party to set its labour priorities, and adopt or modify its labour laws". The position following the end of 2020 will depend on the outcome of negotiations.

COMPARATIVE TABLE

	FRANCE	GERMANY		SPAIN		UK
Threshold:						
Minimum number of proposed dismissals	2 -9 consultation required 10 or more - more complex consultation, plus social plan if employer has at least 50 employees	Workforce size:	Dismissals	Workforce size:	Dismissals	20 Longer minimum period between start of consultation and first dismissal if 100 or more
		21-59:	6	<100:	10	
		60-499:	10% or 26	100-300:	10%	
		≥ 500:	30 and 5%	>300:	30	
Within period of	30 days	n/a		90 days		90 days
Consultation with	CSE (social plan negotiated with trade union representatives)	Works council		Works council or, if none, employee reps or, if none, employees		Trade unions, or, if none, employee reps (existing body or one–off elections)
Consultation required	Consultation about proposal and measures to avoid redundancies, the selection criteria and, if relevant, the social plan (covering compensation) Separate consultation required over proposed closure of site if the group has 1,000 or more employees and 150+ in 2 or more EU Member States	Consultation about proposal and negotiation of social plan (covering compensation)		Consultation about proposal and (if over 50 employees) outplacement plan		Consultation about proposal
Can CSE/union veto proposals?	No, redundancies cannot proceed until the social plan is homologated/validated by the French Authorities	Cannot veto proposal; conciliation board can impose social plan if not agreed		No		No
Minimum time period for collective I&C before dismissals	Approximately a minimum of 46 - 75 days from first consultation meeting (depending on number of dismissals, whether a social plan is put in place and whether expert appointed)	No minimum consultation period. Must give employees 1 month's notice of dismissal (occasionally extended to 2 months')		Up to 30 days (or 15 if under 50 employees). Must be 30 days between notification of authority that consultation ended and date of dismissal.		Can give notice once consultation complete, but must not take effect until 30 days after consultation started if 20-99 dismissals, 45 days if ≥ 100 dismissals
Government involvement	Supervises and controls the consultation process	Notification		Notification and supervision		Notification

	FRANCE	GERMANY	SPAIN	UK
What are the remedies for I&C breach?	Injunction; fine of €37,500 for employer; €7,500 fine for company's legal representative ; damages to the employees in the event of no valid economic grounds, inadequate redeployment measures or an invalid social plan	Injunction; fine of up to €10,000; damages of 12-18 months' pay per employee	Fine up to €6,250	Up to 90 days' pay per affected employee; unlimited fine for failure to notify government

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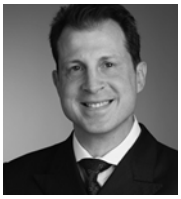

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