

# PEOPLE: MASS REDUNDANCIES IN KEY EUROPEAN JURISDICTIONS (EUROPE)

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Legal Briefings

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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.

[Download the full guide](#)

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