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Seize the Prud'homme Council (CPH)

Verified 06 février 2020 - Directorate for Legal and Administrative Information (Prime Minister)

The Prud'homme Council (CPH) is responsible for settling individual conflicts between employers and employees related to the private law employment contract (including apprentices). The employee (or, more rarely, the employer) who wishes to seize him must respect various conditions (procedures, prescription).

Referral by employee

When to enter the CPH?

The labor council (CPH) may be called upon to resolve any dispute between the employee and the employer arising during the employment relationship or in connection with the breach of contract.

Conversely, the CPH is not competent to resolve a dispute

- on collective labor relations
- or linked to a contract of employment governed by public law (including contract staff)

Disputes

Use of the HPC is possible in the event of a related conflict, including:

- Dismissal (or any other breach of the employment contract giving rise to a dispute between the employee and the employer)
- To disciplinary sanction
- To pay salary or premiums
- Working hours
- On days of rest or leave
- Health and safety conditions at the workplace
- Upon delivery of the employment center certificate or work certificate
- A situation of harassment (moral or sexual) or discrimination

Time limits for appeal

In order for the action to be admissible, the CPH must be seized within certain time limits. These vary depending on the nature of the dispute. Beyond that, the facts are prescribed..

Dismissal for personal reasons

Action on the performance of the employment contract

If the CPH is seized in connection with a dispute between the employee and the employer during the performance of the employment contract, you may refer the matter to the CPH within **2 years**..

This period shall be calculated from the date of notification of the breach of contract.

Action concerning breach of contract of employment

If the CPH is seized of a dispute between the employee and the employer arising from the breach of the employment contract, you may refer the matter to the CPH within **12 months**..

This period shall be calculated from the date of notification of the breach of contract.

This period shall apply in particular in the event of failure to hand over to the employee documents relating to the breach of the employment contract (certification of the Employment Unit, certificate of employment).

Economic layoff

Action on the performance of the employment contract

If the CPH is seized in connection with a dispute between the employee and the employer during the performance of the employment contract, you may refer the matter to the CPH within **2 years**..

This period shall be calculated from the date of notification of the breach of contract.

This period shall apply in particular in the event of a challenge to:

- ▶ the regularity or validity of a **economic redundancy** (<https://www.service-public.fr/particuliers/vosdroits/N481?lang=en>) if the job safeguard plan (PSE) is neither validated nor approved
- ▶ the termination of the employment contract as a result of **professional security agreement (CSP)** (<https://www.service-public.fr/particuliers/vosdroits/F15800?lang=en>)

Action concerning breach of contract of employment

If the CPH is seized of a dispute between the employee and the employer arising from the breach of the employment contract, you may refer the matter to the CPH within **12 months**..

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- ▶ the regularity or validity of a **economic redundancy** (<https://www.service-public.fr/particuliers/vosdroits/N481?lang=en>) if the job safeguard plan (PSE) is neither validated nor approved
- ▶ the termination of the employment contract as a result of **professional security agreement (CSP)** (<https://www.service-public.fr/particuliers/vosdroits/F15800?lang=en>)

Conventional Break

The time limit set for the applicant to lodge a complaint with the CPH shall be **12 months** for the challenge of a **conventional break** (<https://www.service-public.fr/particuliers/vosdroits/N19611?lang=en>) certified.

Payment of wages

The time limit set for the applicant to lodge a complaint is **3 years** in an action to obtain payment of sums due, in particular in the event of:

- ▶ Unpaid salary
- ▶ Overtime not paid
- ▶ Unpaid premiums

This period shall be calculated from the day on which the applicant became (or should have been) aware of the facts giving rise to his action.

However, the time limit shall be reduced to **6 months** if the applicant disputes an amount mentioned in the **received for balance of any account** (<https://www.service-public.fr/particuliers/vosdroits/F86?lang=en>), signed by the employee. If it is not signed by the employee, the deadline remains 3 years.

Harassment or discrimination

The time limit set for the applicant to lodge a complaint is **5 years** to refer to the board of prud'homme for any action on account of **harassment** (<https://www.service-public.fr/particuliers/vosdroits/F2354?lang=en>) or **sexual harassment** (<https://www.service-public.fr/particuliers/vosdroits/F1043?lang=en>) or **discrimination** (<https://www.service-public.fr/particuliers/vosdroits/F19448?lang=en>).. This period shall be calculated from the day on which the applicant became (or should have been) aware of the facts giving rise to his action.

Body damage

In the event of personal injury occurring during work, the time limit set for the applicant to refer the matter to the HPC shall be **10 years**.. This period shall be calculated from the date of damage consolidation..

Procedure

The employee shall address himself to the council of prud'homme:

- ▶ the place where the establishment in which the employee carries out his work is situated, the place where the employment contract was concluded or the registered office of the undertaking employing him
- ▶ or, if the employee works at home or outside any establishment, from the place of his residence

Filing of application

The application is sent to the registry of the council of prud'hommes by mail (recommended or not).

It is addressed **only by query**, i.e. a claim made to the judge for the purpose of settling a dispute with the employer.

Who shall I contact

Specify your city or postcode The choice of a municipality in the suggestion list will automatically trigger an update of the content

- ▶ **Prud'homme Council** <http://www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-conseils-de-prudhommes-21779.html>

The application must contain the following elements:

- Contact details of the applicant (name, first name, address...)
- Contact information defendant (against whom the application is made)
- Subject of the application
- Summary statement of the reasons for the application, which includes all of the applicant's claims (amounts claimed)

To make his application, the employee must fill out the application form for the purpose of referral to the labor council.



Application for referral to the Prud'homme Council (CPH) by an employee

Cerfa n° 15586*07 - Ministry of Justice

Go to
form(pdf - 129.8 KB) ↗

(https://www.formulaires.service-public.fr/gf/cerfa_15586.do)

Consult the online manual

- [Notice of aid for referral to the labor board \(CPH\) by an employee](https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52117&cerfaFormulaire=15586) ↗ (<https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52117&cerfaFormulaire=15586>)

A copy of the application shall be sent to the counsel of prud'hommes, to which shall be added an equivalent number of copies as defendants.

Cost

Referrals to the council of prud'hommes are free of charge.

Referral by employer

When to enter the CPH?

The labor council (CPH) may be called upon to resolve any dispute between the employee and the employer arising during the employment relationship or in connection with the breach of contract.

Conversely, the CPH is not competent to resolve a dispute

- on collective labor relations
- or linked to a contract of employment governed by public law (including contract staff)

Time limits for appeal

In order for the action to be admissible, the CPH must be seized within certain time limits. These vary depending on the nature of the dispute. Beyond that, the facts are prescribed..

Dismissal for personal reasons

Action on the performance of the employment contract

If the CPH is seized of a dispute between the employee and the employer during the performance of the employment contract, the period fixed for the applicant to refer the matter to the CPH shall be **2 years**..

This period shall be calculated from the date of notification of the breach of contract.

Action concerning breach of contract of employment

If the CPH is seized of a dispute between the employee and the employer arising from the breach of the employment contract, the time limit set for the applicant to refer the matter to the CPH shall be **12 months**..

This period shall be calculated from the date of notification of the breach of contract.

Economic layoff

The time limit set for the applicant to lodge a complaint with the CPH shall be **12 months** to challenge:

- the regularity or validity of a [economic redundancy](https://www.service-public.fr/particuliers/vosdroits/N481?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/N481?lang=en>) if the job backup plan is neither validated nor approved,

- the termination of the employment contract as a result of [professional security agreement \(CSP\) \(https://www.service-public.fr/particuliers/vosdroits/F15800?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F15800?lang=en).

Conventional Break

The time limit set for the applicant to lodge a complaint with the CPH shall be **12 months** to challenge a [conventional break \(https://www.service-public.fr/particuliers/vosdroits/N19611?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/N19611?lang=en) certified.

Payment of wages

The time limit set for the applicant to lodge a complaint is **3 years** in an action to obtain payment of sums due.

This period shall be calculated from the day on which the applicant became (or should have been) aware of the facts giving rise to his action.

However, the time limit shall be reduced to **6 months** if the applicant disputes an amount mentioned in the [received for balance of any account \(https://www.service-public.fr/particuliers/vosdroits/F86?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F86?lang=en), signed by the employee. If it is not signed by the employee, the deadline remains 3 years.

Harassment or discrimination

The time limit set for the applicant to lodge a complaint is **5 years** to refer to the board of prud'homme for any action on account of [harassment \(https://www.service-public.fr/particuliers/vosdroits/F2354?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2354?lang=en), a [sexual harassment \(https://www.service-public.fr/particuliers/vosdroits/F1043?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1043?lang=en) or [discrimination \(https://www.service-public.fr/particuliers/vosdroits/F19448?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F19448?lang=en).

This period shall be calculated from the day on which the applicant became (or should have been) aware of the facts giving rise to his action.

Body damage

In the event of personal injury occurring during work, the time limit set for the applicant to refer the matter to the HPC shall be **10 years**. This period shall be calculated from the date of damage consolidation..

Procedure

The employer shall address the counsel of prud'homme:

- the place where the establishment in which the employee carries out his work is situated
- or, if the employee works at home or outside any establishment, from the place of his residence

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The application must contain the following elements:

- Contact details of the applicant (name, first name, address...)
- Contact information defendant (against whom the application is made)
- Subject of the application
- Summary statement of the reasons for the application, which includes all of the applicant's claims (amounts claimed)

In order to make its application, the employer must fill out the application form for referral to the labor board.



Application for referral to the HPC by an employer

Cerfa n° 15587*06 - Ministry of Justice

Go to
form(pdf - 116.2 KB) 
(https://www.formulaires.service-public.fr/gf/cerfa_15587.do)

☰ Consult the online manual

- [Notice of aid for referral to the Prud'homme Council \(CPH\) by an employer](https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52118&cerfaFormulaire=15587) [↗](https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52118&cerfaFormulaire=15587) (https://www.formulaires.service-public.fr/gf/getNotice.do?cerfaNotice=52118&cerfaFormulaire=15587)

A copy of the application shall be sent to the counsel of prud'hommes, to which shall be added an equivalent number of copies as defendants.

Cost

Referrals to the council of prud'hommes are free of charge.

Statute and miscellaneous references

- Labor Code: Articles L1411-1 to L1411-6 [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006177891&cidTexte=LEGITEXT000006072050) (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006177891&cidTexte=LEGITEXT000006072050)
Powers of the Supervisory Board
- Labor Code: Article L1471-1 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000027550102&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000027550102&cidTexte=LEGITEXT000006072050)
Performance or termination of employment contract, harassment, discrimination
- Labor Code: Article L1233-67 [↗](http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000024422260&cidTexte=LEGITEXT000006072050) (http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000024422260&cidTexte=LEGITEXT000006072050)
Membership in a professional security agreement (CSP)
- Labor Code: Article L1235-7 [↗](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000036261926) (https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000036261926)
Regularity or validity of economic redundancy
- Labor Code: Articles L1237-11 to L1237-16 [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000019071189&cidTexte=LEGITEXT000006072050) (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000019071189&cidTexte=LEGITEXT000006072050)
Conventional Break (Article L1237-14)
- Civil Code: rule 2226 [↗](http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000019017259&cidTexte=LEGITEXT000006070721) (http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000019017259&cidTexte=LEGITEXT000006070721)
Body damage
- Labor Code: Article L3245-1 [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006178030&cidTexte=LEGITEXT000006072050) (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006178030&cidTexte=LEGITEXT000006072050)
Payment of wages
- Labor Code: Article L1234-20 [↗](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006195629&cidTexte=LEGITEXT000006072050) (http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006195629&cidTexte=LEGITEXT000006072050)
Receipt for balance of any account
- Labor Code: Articles R1452-1 to R1452-6 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000032580134&cidTexte=LEGITEXT000006072050) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000032580134&cidTexte=LEGITEXT000006072050)
Filing of application, summoning of applicant and respondent
- Circular of 27 May 2016 on the prud'homale procedure and judicial treatment of labor disputes (PDF - 413.8 KB) [↗](http://circulaires.legifrance.gouv.fr/pdf/2016/06/cir_41065.pdf) (http://circulaires.legifrance.gouv.fr/pdf/2016/06/cir_41065.pdf)

Online services and forms

- Application for referral to the Prud'homme Council (CPH) by an employee (https://www.service-public.fr/particuliers/vosdroits/R45128?lang=en) Form
- Application for referral to the HPC by an employer (https://www.service-public.fr/particuliers/vosdroits/R45130?lang=en) Form