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Advance notice compensation

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An employee who is dismissed or who resigns must give notice, except in special cases. An employee who does not comply with his notice is entitled in certain cases to compensation for notice. The amount of the allowance shall be calculated taking into account the length of the notice not given.

Who is involved?

The employee may or may not receive the notice compensation allowance in the following cases: ..

Payment of Advance Notice Compensation

Situation	Advance notice compensation
Exemption from notice at the initiative of the employer	Yes, the employee is entitled to the allowance.
Waiver of notice requested by the employee	No, the employer is not required to pay compensation.
Resignation (https://www.service-public.fr/particuliers/vosdroits/F2883?lang=en) employee	Yes if the employer waives the employee's notice.
Termination for gross or gross misconduct (https://www.service-public.fr/particuliers/vosdroits/F1137?lang=en)	No, there is no notice to be given and therefore no compensation (unless the employer has wrongly terminated for gross misconduct).
Legal termination of employment contract (https://www.service-public.fr/particuliers/vosdroits/F24410?lang=en)	Yes, the employee may be entitled to a compensation of notice if the judicial termination is pronounced.
Professional Security Agreement (CSP) (https://www.service-public.fr/particuliers/vosdroits/F13819?lang=en)	No, the employee who joins a CSP does not receive compensation for notice since the contract is terminated at the end of the 21-day reflection period. There are 2 exceptions: - If the employee has more than 1 year of service in the undertaking, the employer shall pay to Pole Emploi the equivalent of the compensation that the employee would have received for the financing of the CSP. However, if this amount is greater than 3 months' salary, the part of the allowance greater than these 3 months shall be paid to the employee. - If the employee has less than 1 year of service, he shall receive the sum corresponding to the compensation of the notice he would have received in the event of dismissal.
Dismissal for professional incompetence	Yes, the dismissed employee, declared unfit following a industrial accident (https://www.service-public.fr/particuliers/vosdroits/F15341?lang=en) or occupational disease (https://www.service-public.fr/particuliers/vosdroits/F32161?lang=en) shall be compensated in an amount equal to the amount of the notice compensation.
Dismissal for unprofessional incapacity	No, the dismissed employee, whose unsuitability for any job in the undertaking is established by the occupational doctor (https://www.service-public.fr/particuliers/vosdroits/F2211?lang=en) does not give notice and does not receive compensation.
Conventional Break (https://www.service-public.fr/particuliers/vosdroits/F19030?lang=en)	No, the employee and the employer shall decide by mutual agreement on the date of termination of the employment contract. There is no advance notice and therefore no compensation (unless the employee and the employer decide).
Notice of termination of employment contract (https://www.service-public.fr/particuliers/vosdroits/F24409?lang=en)	Yes, if the facts invoked by the employee justify taking action, it may produce the effects of a zero termination (https://www.service-public.fr/particuliers/vosdroits/F1848?lang=en) ..
Other case	No, the employee cannot claim compensation if he is unable to give notice. This is the case, for example, in the event of loss of the driving license necessary for the performance of the job, imprisonment or parental leave on the dates on which the employee should have given notice.

Amount

The amount of the notice compensation is the full compensation that the employee would have received had he worked during the notice period.

Failure to comply with the notice does not result in any reduction in wages or benefits that the employee would have received had he performed his work until the notice expired.

The allowance shall be added together with the other severance payments, if he fulfills his rights (severance pay (<https://www.service-public.fr/particuliers/vosdroits/F987?lang=en>), compensatory leave with pay (<https://www.service-public.fr/particuliers/vosdroits/F24661?lang=en>), etc.).

Tax and social system

The notice compensation shall be subject to income tax (<https://www.service-public.fr/particuliers/vosdroits/F1225?lang=en>) and social contributions (<https://www.service-public.fr/particuliers/vosdroits/F2302?lang=en>) under the same conditions as salary. It is also seizable and transferable (<https://www.service-public.fr/particuliers/vosdroits/F115?lang=en>) within the same limits as salary.

Statute and miscellaneous references

- Labor Code: Article L1234-1 to L1234-8
- (<https://www.legifrance.gouv.fr/codes/id/LEGIARTI000006901118/>)