PANORAMIC

LABOUR & EMPLOYMENT DISPUTES

France



LEXOLOGY

Contributors

France



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PRE-ACTION CONSIDERATIONS

Key Requirements

Are there any pre-action requirements for employment claims? If so, what are the consequences of non-compliance?

No. Generally, there are no pre-action requirements for employment claims.

Exceptionally, certain specific disputes are subject to requirements that must be satisfied before a claim is brought. If these requirements are not met, the claim is inadmissible.

Law stated - 1 October 2026

Third-party funding

Are there any rules or restrictions on third parties funding the costs of litigation or agreeing to pay adverse costs?

As a general rule, legal costs are paid by the parties involved, although it is possible to take out insurance or to have third-party funding.

Nevertheless, a lawyer cannot bear the litigation costs in exchange for an agreement under which the fee is determined solely by the outcome of the case (a *quota litis* pact).

Law stated - 1 October 2026

Contingency fee arrangements

Can lawyers act on a contingency fee basis? What options are available? What issues should be considered before entering into a contingency fee arrangement?

In principle, lawyers are free to determine their fees, with indicative criteria listed by the Bar. There is no official scale of fees.

However, lawyers cannot act exclusively on the basis of contingency fees, and must therefore charge a minimum fixed fee. These minimum fixed fees must not be manifestly derisory.

Similarly, success fees agreed in advance between a lawyer and their client are lawful but must not be manifestly excessive.

Law stated - 1 October 2026

ISSUING A CLAIM

Forum

What is the appropriate forum for complaints concerning individual employment rights?

Pursuant to article L1411-1 of the French Labour Code, the employment tribunal (***conseil de prud'hommes***) is competent to hear individual disputes between private employers and employees arising from any employment contract. Any agreement to the contrary is deemed unwritten.

There is a different jurisdiction for public servants.

Law stated - 1 October 2026

Territorial jurisdiction

Are there any limitations on territorial jurisdiction?

Yes, according to article R1412-1 of the French Labour Code, employers and employees must bring their disputes before the employment tribunal with territorial jurisdiction. This tribunal is either:

- the one whose jurisdiction covers the establishment where the work is performed; or
- if the work is performed at home or outside any company or establishment, the one in whose jurisdiction the employee's home is located.

An employee may also bring a matter before the employment tribunal in the place where the contract was signed, or in the place where the employer is located.

Any clause in a contract that directly or indirectly derogates from the provisions of article R. 1412-1 shall be considered unwritten.

Law stated - 1 October 2026

Standing

Who can bring a claim?

As the parties have the right to defend themselves, they may submit their claims directly to the clerk's office of the employment tribunal.

Representation by a lawyer is not mandatory before the employment tribunal.

Other persons authorised to represent an employee or an employer include:

- employees or employers in the same professional sector;
- trade union representatives; and
- spouses, partners in a civil solidarity pact or cohabiting partners.

Law stated - 1 October 2026

Commencing claims

How are claims commenced?

The only way to file a claim is by means of a petition, which is a request to the judge with the aim of settling the dispute between an employer and an employee (R1452-1 of the French Labour Code). It may be sent by registered mail or submitted directly to the tribunal clerk's office (R1452-2 of the French Labour Code).

Law stated - 1 October 2026

Fees

Are fees payable for the issuing of a claim?

No. There is no charge for filing a claim before the employment tribunal.

Law stated - 1 October 2026

Service

Is any qualifying service required?

No. There are no qualifying services required for the right not to be unfairly dismissed.

Law stated - 1 October 2026

Defendants and legal personality

Against whom can a claim be brought? Can claims be brought against natural persons as well as corporations?

Any claim made against a person who does not have the capacity to act is inadmissible.

Therefore, claims can be brought against individuals as well as companies, provided that they are not deprived of the right to act. In individual employment litigation, claims are often brought against the employer and/or an alleged co-employer, or the employee.

Law stated - 1 October 2026

Types of claims

What types of claims can be brought?

Mainly claims for damages and payment of wages.

It is also possible to request an injunction for the performance of an ongoing employment contract, or the disclosure of documents held by the opposing party.

Law stated - 1 October 2026

Time limits

What are the time limits for bringing employment claims?

Labour law requirements are as follows:

- for actions concerning the termination of an employment contract, the plaintiff must refer the matter to the employment tribunal within 12 months;
- for actions concerning the performance of an employment contract, the claimant must refer the matter to the employment tribunal within two years;
- for wage claims, the claimant must refer the matter to employment tribunal within three years;
- for claims involving harassment or discrimination, the claimant must refer the matter to the employment tribunal within five years; and
- in the case of physical injury, the employee has 10 years to refer the matter to the employment tribunal.

Law stated - 1 October 2026

Counterclaims

Can any counterclaims be brought by an employer?

Yes, a counterclaim is defined as a claim by which the defendant seeks to obtain an advantage other than the mere rejection of the opposing party's claim.

The employer may file counterclaims or additional claims if they are sufficiently related to the original claims.

Law stated - 1 October 2026

CASE MANAGEMENT

Procedure

What is the typical sequence of procedural steps in an employment dispute?

After receiving copies of the claim, the clerk's office summons the defendant by mail.

There is an initial mandatory conciliation phase (except in certain cases).

In the course of the proceedings, an initial conciliation phase between the employee and the employer takes place before the conciliation board (***bureau de conciliation***), which is composed of one employer and one trade unionist:

- In the event of full conciliation, the dispute ends.
- If conciliation is not possible, the unresolved elements of the case are then the subject of a judgment. Deadlines are set to the parties for communicating their statements of facts. The case is then transferred to the judgment board.

The judgment board of the employment tribunal is composed of two employers and two trade unionists. Sometimes, if they cannot agree on the outcome of a dispute, they will refer the case back to a professional judge.

Decisions of the employment tribunal (***conseil de prud'hommes***) are notified to the parties by post by the employment tribunal's clerk's office at their place of residence.

Law stated - 1 October 2026

Rules
What rules apply to case management?

Case administration is determined by the French Civil Procedure Code and the French Labour Code.

Law stated - 1 October 2026

Amendments to claims
Under what circumstances can amendments to claims be made?

The parties may amend the terms of their claims by way of pleadings or submissions, provided that the new wording is sufficiently related to the original claims. This allows them to add arguments, exhibits or facts before the closing of the pre-trial phase.

Law stated - 1 October 2026

Adding parties to proceedings
Can additional parties be brought into a case after commencement?

Yes. Intervention is the procedural act by which a person who is not a party to a case becomes one. It can be either:

- a voluntary act of the interested third party, who considers that he or she should participate in the proceedings – in which case it is a voluntary intervention; or
- an act by one of the parties, who draws the third party into the proceedings – in which case it is a compulsory intervention.

Law stated - 1 October 2026

Consolidating proceedings
Can proceedings be consolidated?

Proceedings are joined when a judge hearing two or more proceedings joins them to form a single case. Any judge may, at the request of the parties or ***ex officio***, decide to join proceedings.

According to article 367 of the Code of Civil Procedure, it is sufficient for disputes to be "linked in such a way that it is in the interests of good justice to have them heard or judged together", which is a matter for the judge's discretion.

Consolidation of proceedings is rare before an employment tribunal because disputes are individual in nature.

Law stated - 1 October 2026

Class and collective actions – special considerations

Are there any special considerations for class actions, multi-party or group litigation?

A class action is a collective legal procedure that allows individuals who have suffered the same harm, from the actions of the same company or professional, to bring proceedings collectively. In French Labour law, class actions may be brought in relation to discrimination, the protection of personal data and any failure by the employer to comply with the Labour law.

Individual actions may be brought simultaneously before the employment tribunal. It is not uncommon for a series of several hundred cases to be heard simultaneously by an employment tribunal, with as many instances as there are cases.

Law stated - 1 October 2026

Evidence

How is witness, documentary and expert evidence dealt with?

In principle, evidence in French Labour Law may be provided by any means. However, this principle is subject to certain limitations and specific rules, particularly regarding the production of company documents and recordings of telephone conversations, images, text messages and emails.

The French Supreme Court, in a judgment of 22 December 2023, recognised that a civil judge may, under certain conditions, take into account evidence obtained in an unfair manner, thus aligning itself with European case law.

Independent experts may be used for expert opinions.

Independent experts may be appointed to undertake observations, consultations or expert assessments. Observations and consultations are the most common measures.

Under the adversarial principle, each party must provide the opposing party, within a reasonable time before the hearing, any document that it intends to submit to the employment tribunal at the hearing.

Law stated - 1 October 2026

Witnesses

Can a witness be compelled to give evidence? Can a witness give evidence from abroad?

No. Witnesses cannot be compelled to testify in labour matters.

Evidence is usually produced via written witnesses' statements before the employment tribunal. Formal requirements apply.

Statements must relate the precise facts of which the author has direct knowledge.

An employee cannot be punished or dismissed for testifying on behalf of another employee. Such a measure would be considered null and void because of the infringement of the fundamental freedom to testify – except in cases of bad faith.

Law stated - 1 October 2026

Witnesses

Is cross examination of a witness permitted?

No. The parties and their lawyers are not allowed to interrupt, question or seek to influence the witnesses, nor may they address them directly. Although the parties and their lawyers are not allowed to cross-examine the witnesses, they may submit questions to the judge.

Law stated - 1 October 2026

Tactical considerations

What steps can a party take during proceedings to achieve tactical advantage in a case?

The following measures can provide a tactical advantage in a case:

- Prior recourse to summary proceedings to obtain exhibits and documents in preparation for a trial on the merits before the employment tribunal, based on article 145 of the French Code of Civil Procedure.
- Striking out the case for lack of diligence on the part of the claimant.
- Establishment of a procedural timetable by the conciliation board and/or the judgment board of the employment tribunal.
- Appointment of an advisor-***rapporteur*** to prepare the case before the hearing before the judgment board of the employment tribunal.
- A request for a preliminary ruling.
- Interruption of the proceedings, allowing the parties to request a ruling on only part of their dispute. The remaining claims that have not been determined by the court may be subject to mediation or judicial conciliation.

Law stated - 1 October 2026

INTERIM RELIEF

Availability

Can interim relief be sought in employment disputes? If so, in what types of claims?

Pursuant to article R. 1454-14 of the Labour Code, the powers granted to the Conciliation Board of the employment tribunal are in fact a specific feature of the employment tribunal procedure, enabling claimants to preserve their rights pending a decision on the merits of the case. These powers include:

- issuance, under penalty of a fine, of work certificates, pay slips, unemployment insurance certificates and any other documents that the employer is legally obliged to issue;
- ordering the payment of certain provisional amounts and compensation where the existence of the obligation is not seriously disputed;
- ordering any investigative measures, even ***ex officio***; and
- ordering any measures necessary to preserve evidence or disputed objects.

In urgent cases, the summary board of the employment tribunal may order measures where the underlying obligation is not seriously disputed or where the measures are justified by the existence of a dispute. In addition, even in the case of a serious dispute, the panel may order protective or remedial measures necessary to prevent imminent harm or to put an end to a manifestly unlawful disturbance. Finally, if the existence of the obligation is not seriously disputed, the summary proceedings panel may award the creditor a provisional payment or order the performance of the obligation, including an obligation to perform an act.

In addition, article 145 of the Civil Procedure Code allows the parties to ask the judge to order investigative measures prior to any trial in order to preserve or establish evidence of facts on which the outcome of a future trial may depend.

Law stated - 1 October 2026

Requirements

Are there any particular requirements relating to applications for interim relief?

Most interim measures ordered by the conciliation board of the employment tribunal are discretionary.

Summary proceedings, as provided for in articles 834 and 835 of the Civil Procedure Code, may only be brought before a court in one of the following cases:

- an emergency;
- the absence of serious dispute; and
- a manifestly unlawful disturbance.

Law stated - 1 October 2026

TRIAL

Hearings – conduct and typical time frames

How is a final hearing conducted for common types of employment disputes? How long does a hearing typically last?

The judgment board (***bureau de jugement***) of the employment tribunal is made up of two employers and two trade unionists.

It does not review the parties' written submissions or evidence before the hearing.

A hearing usually follows the following steps:

- pleadings in support of the claim;
- pleadings in defence;
- any questions from the court to the lawyers and/or parties present; and
- deliberation – which can take from 15 days to several months.

A hearing may last from one hour to several hours for particularly complex cases involving numerous employees.

Law stated - 1 October 2026

Confidentiality and public access

How is confidentiality treated? Can all evidence be publicly accessed? How are sensitive employment issues dealt with? Is public access granted to the courts?

Proceedings before the judgment board and the summary board (***formation de référé***) of the employment tribunal are open to the public. However, video or audio recording of the proceedings is prohibited.

On the other hand, during conciliation proceedings before the conciliation board (***bureau de conciliation***) of the employment tribunal, the hearing is not public.

The exhibits and conclusions submitted to the court by the parties are not made available to the public or to journalists.

Law stated - 1 October 2026

Media reporting

How is media interest dealt with? Are there any restrictions on media reporting?

With respect to ongoing cases for which they are responsible, lawyers shall refrain from moving the debate outside the courtroom and shall limit their communications to what is justified by the needs of the defence of their clients. When speaking to the media, lawyers shall respect their fundamental obligations of dignity, sensitivity, and loyalty. Lawyers shall

refrain from commenting between the conclusion of the hearing and the announcement of the decision.

Journalists may attend hearings. However, decisions and orders are not normally communicated to journalists.

There are no restrictions on media coverage of labour disputes.

Many decisions are published in anonymised form in legal databases. However, the names of the companies involved are not anonymised.

Law stated - 1 October 2026

Elements of successful claims and burden of proof

How does a court decide if the claims or allegations are proven? What are the elements required to find in favour, and what is the burden of proof?

According to article 9 of the Code of Civil Procedure, the burden of proof lies with the party making the allegation.

In employment tribunal cases, evidence may in principle be provided by any means. .

Cases where the burden of proof lies with the employee:

- requests to reclassify the termination of a contract as a dismissal without cause, or requests for judicial termination of contract due to a serious breach by the employer.

Cases where the burden of proof lies with the employer:

- dismissal for gross misconduct.

Cases where the burden of proof is shared:

- challenging dismissal;
- allegations of harassment, discrimination, disputes over working hours or workload, or gender inequality; and
- claims relating to the employer's failure to comply with an obligation under the Labour Code (safety, information, etc).

Judges have the discretion to assess the probative value and admissibility of evidence presented by the parties.

Law stated - 1 October 2026

ALTERNATIVE DISPUTE RESOLUTION

Available types

What types of alternative dispute resolution (ADR) are available for employment disputes in your jurisdiction?

To resolve a dispute amicably, the employer and employee can use:

- Conventional mediation, which allows a dispute between an employee and his or her employer to be resolved out of court, avoiding the need to go to the employment tribunal (***conseil de prud'hommes***). The assistance of a mediator is mandatory. The mediator must be chosen by mutual agreement between the employer and the employee.

- Judicial mediation, which takes place during legal proceedings. If the judge deems it appropriate, he or she may propose mediation to the parties, thereby suspending the course of the proceedings. The judge then issues an order for mediation. It is also possible for the parties themselves to request mediation.

- Participatory procedure, which is another form of ADR in which each party must be represented by a lawyer. The employer and the employee, with the assistance of their respective lawyers, sign a written agreement to participate in the procedure, setting out the period of time during which the parties undertake to find an amicable solution to all or part of the terms of the dispute.

- Settlement agreement. The employee and the employer can reach a settlement,which is an agreement that puts an end to the dispute without a court decision. The settlement takes the form of a contract (***protocole transactionnel***) drawn up and signed by both parties. The assistance of a lawyer during the negotiations is optional, but highly recommended to guarantee the confidentiality of the negotiations, especially in the event of an unsuccessful outcome.

- Arbitration, which is a private, fee-based form of justice, responsible for resolving disputes submitted to it by the parties in accordance with the principles of law. Arbitration is available only under certain conditions. The arbitrator issues an award that has the force of ***res judicata*** between the parties. In the field of labour law, the National Labour Arbitration Centre aims to promote arbitration and offers an alternative means of resolving labour disputes.

Law stated - 1 October 2026

Requirements and expectations

Are the parties required or expected to engage in ADR at the pre-action stage or later in the case? What are the consequences of failing to engage in ADR?

No, except in special cases, parties are not required to participate in ADR.

If the parties agree, it is possible to suspend current proceedings to resolve a dispute amicably.

Law stated - 1 October 2026

Enforcement

How are ADR decisions and awards enforced for employment disputes in your jurisdiction?

After mediation, conciliation or an out-of-court settlement, the employee and the employer may have reached an agreement that puts an end to the dispute. For this settlement agreement to be enforceable, they can submit it to the employment tribunal for approval, which can accept or reject it. However, the judge cannot change the content of the settlement agreement.

In particular, the employment tribunal may refuse to approve the settlement agreement on the grounds that it is detrimental to one of the parties. Such refusal does not invalidate the agreement, but the agreement will not be enforceable.

Approval of the settlement agreement gives it the same enforceability as a court decision.

The enforceability of a settlement agreement is also based on the principle of the binding nature of contracts. It is not possible to appeal for the same purpose.

Law stated - 1 October 2026

COLLECTIVE EMPLOYMENT AND LABOUR RIGHTS

Enforcement of collective rights
How are collective employment rights enforced?

Some disputes concerning collective labour relations are dealt with by the judicial court (*tribunal judiciaire*), which is composed of three professional magistrates:

- election disputes;
- disputes involving experts appointed by the work council;
- collective bargaining disputes; and
- collective disputes (strikes, etc).

Law stated - 1 October 2026

Standing
Who can bring a claim in relation to collective employment rights?

Depending on the issue at stake, a complaint concerning collective labour rights may be filed by the employer, trade unions, the work council, the labour inspector or, more rarely, by the workers themselves.

Law stated - 1 October 2026

REMEDIES AND ENFORCEMENT

Available remedies

What remedies are available?

The following remedies are available:

- appeal against the decision;
- third-party appeal: an extraordinary remedy that allows a person who was not a party to the proceedings, but whose interests were affected by the decision, to request a retrial of the case;
- opposition: an ordinary remedy that allows the same court to rehear a case that was decided in the absence of one of the parties;
- revision: an extraordinary remedy against a miscarriage of justice; and
- the appeal in cassation.

Law stated - 1 October 2026

Assessing compensation

How is any compensation assessed?

There are three types of damages:

- physical injury;
- moral prejudice; and
- material loss.

All these losses can be compensated by the payment of damages.

The victim must prove that:

- the damage is real;
- the damage is direct; and
- the loss is certain.

Loss of chance is characterised as the loss of a reasonable probability or the non-occurence of a negative event would not occur. It allows for partial compensation for the loss suffered, calculated according to the probability that the lost opportunity would have materialised.

Law stated - 1 October 2026

Enforcement mechanisms

How can any judgment be enforced?

The new article 514 of the French Civil Procedure Code provides that: "Judgments of the first instance are enforceable provisionally by operation of law, unless the law or the judgment itself provides otherwise."

However, article R1454-28 of the French Labour Code provides that, unless otherwise provided by law or regulation, the decisions of the employment tribunal are not automatically

enforceable on a provisional basis, with three exceptions. However, under article 515 of the French Civil Procedure Code, provisional enforcement may be ordered by the judge.

Enforcement of a judgment or a court order may be voluntary.

In the absence of voluntary enforcement, it is possible to proceed with compulsory enforcement of the decision, by seizing property and/or bank accounts. To enforce the decision, it is necessary to:

- have a certified copy of the decision with the enforcement clause attached;
- notify the other party of the decision; and
- appoint a judicial officer.

Law stated - 1 October 2026

APPEALS

Appeal procedure and time frames

How and when can judgments be appealed? How many stages of appeal are there and how long do appeals tend to last?

Any party to the proceedings, employee or employer, who has not waived the right to appeal. The appellant must have a legitimate and personal interest in the appeal.

In principle, all decisions handed down by the employment tribunal (***conseil de prud'hommes***) can be contested before the court of appeal (***cour d'appel***) which is composed of three professional judges. Certain decisions are exceptionally excluded from the appeal procedure:

- default decisions;
- preliminary rulings; and
- in civil matters, judgments rendered in disputes involving amounts or obligations of up to €5,000.

The time limit for lodging an appeal is one month.

It is 15 days if the appeal follows a summary decision.

In the case of failure to notify, the time limit is two years from the date of the decision.

The decision of the employment tribunal may be appealed before the court of appeal . The decision of the court of appeal may be appealed before the French Supreme Court. This is the last possible recourse in a court case.

From the moment the appeal is lodged, the average duration of the procedure is two to three years. The duration depends on the court of appeal and the complexity of the case.

Law stated - 1 October 2026

Other means of challenge

Can a judgment be challenged other than through the appeal process?

In principle, a judgment may be challenged by way of appeal.

A decision ordered by default – where the defendant has failed to appear, the proceedings have not been served personally on the defendant and the judgment is final – may be challenged through the opposition procedure.

In addition to these two ordinary remedies, there are three extraordinary remedies:

- Third-party opposition, where a decision is challenged by a third party whose rights are prejudiced by the decision.
- An appeal to the French Supreme Court (***cour de cassation***), which can only be lodged after an appeal or against a final decision.
- A petition for review, which seeks to set aside a judgment based on fraudulent or erroneous evidence. Article 595 of the Civil Procedure Code contains an exhaustive list of cases in which a petition for judicial review may be filed. This procedure is extremely rare.

Law stated - 1 October 2026

UPDATE AND TRENDS

Recent cases and developments
What are the key cases, decisions, judgments and policy and legislative developments of the past year?

In accordance with Directive (EU) 2020/1828 of 25 November 2020, the law of 30 April 2025, which contains various provisions adapting French law to European Union law in the areas of economics, finance, the environment, energy, transport, health and the movement of persons, unified the class action mechanism, which was previously provided for in various texts.

In labour law, class actions may be brought by trade unions representing workers at national, sectoral, company or establishment level in certain exhaustively listed areas. These include discrimination, the protection of personal data and in claims seeking to end an employer's breach or to obtain compensation for damages caused by this breach to several persons under the employer's authority.

It should be noted that any class action based on a breach of the Labour Code requires the claimant to first request the employer to put an end to the breach, using a means that establishes a definite date for the request. The employer must then inform the CSE and the trade unions within one month of receiving this request and, if they so request, enter into discussions with them on measures to put an end to the alleged breach.

Class actions brought to defend the interests of several candidates for a job, internship or training period, or of several employees, may be brought six months after the request to remedy the breach or the rejection of this request by the employer.

Law stated - 1 October 2026

Technology developments

What impact is technology having on employment litigation in your jurisdiction?

Electronic communication with the courts has developed considerably in recent years, including the electronic filing of pleadings, correspondence with the clerk's office and the provision of a digital copy of the decision on the day it is handed down. In practice, it is still common to provide the judge a paper copy of the last set of statements of facts and exhibits on the day of the hearing.

Electronic communication between lawyers is now common.

Finally, open access to anonymised court decisions has developed considerably, providing access to hundreds of thousands of court decisions and facilitating the identification of relevant case law.

French tribunals and courts do not use AI as of today.

Law stated - 1 October 2026

Other issues

Are there any other special considerations to be taken into account when defending an employment claim in your jurisdiction?

The French Labour Code now imposes a binding scale of damages on employment tribunals based on the employee's length of service within a company. For example, two years of service will entitle the employee to damages between three and three and a half months' salary (in companies with at least 11 employees). Ten years of service will entitle the employee to damages of between three and 10 months; salary (again, in companies with at least 11 employees). Twenty-nine years of service will entitle the employee to damages of between three and 20 months' salary (again, in companies with at least 11 employees). This grading scale does not apply in cases in which the dismissal is ruled null and void. Nor does it cover other specific harm or apply to claims relating to the performance of the employment contract.

Law stated - 1 October 2026