



French labour law: new procedure before the Conseil de prud'hommes since a decree of May 20th 2016

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The decree n°2016-660 of May 20th, 2016 introduces important changes in the procedure before the Labour Tribunal (Conseil de prud'hommes).

The writing of a petition (requête) – applicable from August 1st 2016

Indeed, from August 1st 2016, to file a complaint before the Labour Tribunal (“Conseil de Prud’hommes”), the employees will have to write a petition (“requête”) (Labour Code Art. R. 1452-1.).

The petition must contain a brief explanation of the demands and indicates all the amount of the claims. The employee must enclose its supporting documents, which must be listed in a statement (“bordereau de communication de pieces”).

The petition and the list of supporting documents are established in as many copies as they are defendants plus a copy for the “Conseil de prud’hommes” (Labour Code Art. R. 1452-2.)

Such petition indicates according to Article 58 of the Civil Procedure Code the following elements : name, first name, occupation, place of residence, nationality date and place of birth of the plaintiff ; name, first name, place of residence of the defendant ; an explanation of the claim.

The petition is remitted or sent to the “Conseil de prud’hommes”. The latter will convoke the parties according to provisions of Article R. 1452-3 and R. 1452-4 of French Labour Code.

This will be more stringent for the employees; please note that up until July, 31st 2016, it is possible to file a complaint by sending a standard form to the “Conseil de prud’hommes”.

Last but not least, such decree of May 20th, 2016 indicates that the filing of the complaint before the “Conseil de prud’homme”s stops the period during which a legal action must be brought before the right elapses (“prescription”) (Labour Code Art. R. 1452-1.).

In addition, the specific rules on uniqueness of action (« unicité d’instance ») and abatement of the instance (“péremption d’instance”) are removed by the decree.

It would then be possible to bring separate actions before the “Conseil de prud’hommes” for the same employment contract.

Frédéric CHHUM, Avocat à la Cour (Paris et Nantes)

. **Paris** : 4 rue Bayard 75008 Paris - Tel: 01 42 56 03 00 ou 01 42 89 24 48

. **Nantes** : 41, Quai de la Fosse 44000 Nantes - Tel: 02 28 44 26 44

e-mail : chhum@chhum-avocats.com

Blog : www.chhum-avocats.fr

<http://twitter.com/#!/fchhum>