

Proof of provision of a copy of the termination by mutual agreement is essential!

OCTOBER 29, 2020

Court of Cassation, Labor Division, September 23, 2020, no. 18-25.770

The employer must provide the employee with a copy of the termination agreement signed by both parties.

That formality enables the parties to apply for approval of the agreement and to exercise their 15-day right of withdrawal, in full knowledge of the facts.

If a copy is not provided to the employee, the termination agreement will be null and void.

This is also the case if the employer does not mention the provision of a copy to the employee in the CERFA form used to apply for approval, and if it does not prove such provision by any other means.

Operating advice: it is essential to keep proof of such provision by requiring the employee's signature when you provide him/her with a copy of the termination agreement.

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