

Meeting prior to dismissal and videoconference

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Meeting at the workplace

The meeting prior to dismissal shall in theory be held at the workplace or at the registered office of the company and may not be held in another place without a legitimate reason.

Meeting by videoconference?

Resorting to videoconference for the meeting prior to dismissal was considered as legal by a Court of Appeals, provided that the employee expressly accepted such process (Rennes Court of Appeals, May 11, 2016, no. 14/08483)

On June 4, 2020, the Versailles Court of Appeals acknowledged the validity of a preliminary meeting that was held by videoconference due to the geographical distance between the parties.

Validity is subject to two conditions:

- Respect of the employee's rights (in particular, the right to be assisted by any person of his/her choice); and
- The employee must be able to defend himself/herself.

However, other Courts of Appeals did not accept such possibility for employers since resorting to videoconference is not expressly provided for by law (Bourges Court of Appeals, November 15, 2019, no. 18/00201; Grenoble Court of Appeals, January 7, 2020, no. 17/10274).

To date, the Court of Cassation has not made a decision in this regard.

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