

Conventions collectives – Définition

29

Pour connaître les **règles applicables en droit du travail** en général, et au contrat de travail en particulier, il faut se reporter au **code du travail** mais également à la **convention** ou à l'**accord collectif** dont l'entreprise relève.

Pour savoir si telle convention ou tel accord s'applique, il faut vérifier :

- ✓ Son champ d'application et se reporter, éventuellement, au code APE de l'entreprise,
- ✓ L'existence d'une obligation pour l'entreprise d'appliquer les dispositions conventionnelles.

A savoir : Un contrat de travail peut contenir des dispositions plus favorables pour le salarié que l'accord ou la convention applicable à l'entreprise. Dans ce cas, le contrat de travail prime.

Convention ou accord collectif : quelles différences ?

- ✓ **La convention collective** traite de l'ensemble du droit du travail (contrat de travail, hygiène, congés, salaires, classification, licenciement...) adaptant ainsi le code du travail à un secteur donné. Elle comporte généralement un texte de base, souvent complété par des avenants, des accords, des annexes.
- ✓ **L'accord** ne porte quant à lui que sur certains thèmes : formation professionnelle, salaires, égalité professionnelle...

Guide L Gifrance Augment Conventions Collectives

H Kauffman



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