



LE LICENCIEMENT

TOUTES LES INFORMATIONS NÉCESSAIRES

La rupture de contrat par le licenciement est strictement encadrée par la loi.

LA PROCÉDURE DE LICENCIEMENT



LA CONVOCATION DU SALARIÉ
À UN ENTRETIEN PRÉALABLE



L'ENTRETIEN PRÉALABLE



LA NOTIFICATION DU LICENCIEMENT



LE PRÉAVIS



VERSEMENT DES INDEMNITÉS
DE LICENCIEMENT

LES SPÉCIFICITÉS DE LA PROCÉDURE

- POUR LE LICENCIEMENT POUR INAPTITUDE**
Il donne droit à une indemnité spéciale de licenciement.
- POUR LE LICENCIEMENT ÉCONOMIQUE**
L'entreprise doit mettre en œuvre des mesures de prévention, d'accompagnement et de reclassement du salarié.
- POUR LE LICENCIEMENT POUR FAUTE**
Le degré d'importance de la faute impacte sur les indemnités de licenciement.

Indemnité	FAUTE SIMPLE	FAUTE GRAVE	FAUTE LOURDE
Légale de licenciement	✓	✗	✗
Compensatrice de préavis	✓	✗	✗
Compensatrice de congés payés	✓	✓	✗

LE LICENCIEMENT SANS CAUSE RÉELLE ET SÉRIEUSE

CAUSE RÉELLE

- OBJECTIVE
- EXISTANTE
- EXACTE

CAUSE SÉRIEUSE

Avoir un certain degré de gravité rendant impossible le maintien du salarié au sein de l'entreprise.

LE LICENCIEMENT POUR MOTIF PERSONNEL

Il repose sur la personne du salarié ou son comportement, il doit avoir une cause réelle et sérieuse.

LE LICENCIEMENT CONVENTIONNEL OU RUPTURE CONVENTIONNELLE



LE LICENCIEMENT ABUSIF

- Il s'agit du licenciement sans cause réelle et sérieuse, contraire à la loi.
- Il ouvre droit à des réparations en faveur du salarié.



LE LICENCIEMENT POUR ABANDON DE POSTE



L'ABANDON DE POSTE EST UN MANQUEMENT QUI PEUT JUSTIFIER UN LICENCIEMENT POUR FAUTE GRAVE.

COMMENT CALCULER L'INDEMNITÉ DE LICENCIEMENT ?



L'indemnité est calculée à partir de la rémunération brute du salarié, les primes et les gratifications.

 $\leq 1/4$ DE MOIS DE SALAIRE PAR ANNÉE D'ANCIENNETÉ POUR LES 10 PREMIÈRES ANNÉES.

 $\leq 1/3$ DE MOIS DE SALAIRE PAR ANNÉE D'ANCIENNETÉ À PARTIR DE LA 11^e ANNÉE.

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Ensheng Dong



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