

## Rupture conventionnelle

Par **Lexxy**, le **22/09/2020** à **20:57**

Hello I am in an awkward situation I am an English working in france but in 2016 I had an accident on my scooter coming home from work accident travail trajet as they say last year I was off sick for 4 months with this and had a bit of trouble getting money from the cpam because the company I worked for did not fill out the correct forms in which after waiting so long cpam told me to take them to a tribunal in which I did but I only done this to débloque my money from cpam .... this year again I was off sick for two months with the same problem in my shoulder in which the same problem occurred with cpam and agin they advised me to tell inspection travail and prud'homme ... I also sent my boss messages explaining to him what needed to be done regards the cpam ... but on my first day back at work my boss asked me into his office and sat me down asked me about the letter that I wrote which I tried to explain that it had to be done ... he then said to me that this is the second time I have contacted the prud'homme and that I was making him out to be a bandit ( which is not the case ) he then said to me that he thinks it would be better for both of us if I was to seek employment elsewhere and he said to me that he would give me a rupture conventionnelle .. I do not understand why he has offered me this as I have never had a warning written or verbal I have never been late for work as I am always 30-40 minutes in advance of the time I start ... I want to know what rights I have if I accept his offer of a rupture conventionnelle as now I feel as though if I do not accept it that he will make it hard for me to work there which may lead to me quitting my job as I think he will find excuses to either force me out or to fire me ... can you please advise me on this situation in how much I should accept (if I accept his proposal) I have been with the employer for two years 7 months on a cdi but befor that I worked for them as a cdd saisonnier for two seasons

Par **Atny\_Lu**, le **09/10/2020** à **02:21**

Hello,

First of all, I am deeply sorry to read this and for your difficult position into this case.

On the one hand, what is called "rupture conventionnelle" cannot be done without the Agreement of both the company and the employee. You can legally refuse this "rupture conventionnelle" without fearing any sanctions or else.

On the other hand, your manager cannot fire you without any reason or on the grounds that you refused the "rupture conventionnelle", this would be illegal.

However, in practice, it happens that companies makes life hard to people refusing this "rupture conventionnelle" until they quit by themselves.

In any case, never quit by yourself, you would lose monetary compensation from "Pôle Emploi".

Indeed, even if you are an English citizen, you can benefit from the monthly monetary compensation granted by "Pôle Emploi", called "ARE" (Aide au Retour à l'Emploi). The conditions to get this compensation are to have worked in France for at least 6 months within the past 24 months (which is the case from what you wrote) and to live in France.

To me, two options are offered to you:

- First, you can accept the "rupture conventionnelle", register at "Pôle Emploi", get the monthly monetary compensation (which is a certain percentage based on your previous wages) during a certain period (in your case it should be for two years) and try to find another job.

- Second, you do not accept the "rupture conventionnelle" and you see where it leads you, but you may take a risk. In other words, if the company makes it difficult for you and that someday you wish to quit, they might not accept to sign a "rupture conventionnelle" anymore and just tell you to quit if you want to. As above-mentioned, quitting your job would lead to the loss of the "Pôle Emploi" compensation rights. However, if you keep staying and they fire you without any reason, you will benefit from "Pôle Emploi" compensation, and can even seek for additional compensation if you assign the company to the Prudhomme Court, but it might be complicated and time-consuming.

As a conclusion, I would say it is a personal decision for you to take, but I would accept the "rupture conventionnelle". It happens really often that companies which do not want an employee anymore just make it hard until he/she quits.

You may contact "Pôle Emploi" if you want to have more information about possible specific requirements for English citizens due to Brexit. Normally, it should not be the case but it might be good to ask.

I hope it was clear enough and helpful.

Do not hesitate if you have any further questions.

Kind Regards