

# PROFESSIONAL INTERVIEW

## An obligation

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# Preamble

The professional interview is a time for discussion between the employee and the employer to study the employee' s **professional development prospects**, particularly in terms of qualifications, change of position, promotion and to **identify his or her training needs**.

## 1. The Scope of the Obligation

The law of 5<sup>th</sup> of March 2014 makes **it compulsory** to organise a professional interview every **2 years**. Thus, the employer must inform the employee, as soon as he or she is hired, of the terms and conditions of this interview.

This interview must be formalized for each employee (regardless of the nature of their contract) and all employers (regardless of the size of the company).

Failure to comply with this obligation will have financial consequences for the employer and will be problematic when a redundancy procedure is envisaged.

## 2. The content of the interview

The professional interview is devoted to the prospects **for professional development**, particularly in terms of qualifications and employment.

Please note: the professional interview **does not concern the evaluation of the employee's** work, which is carried out as part of the annual appraisal interview.

It also includes information relating to the validation of prior experiential learning (VAE), the activation of the personal training account (CPF), and the contributions to this account that the employer is likely to finance via the professional development council.

Note: In companies **with at least 50 employees**, when during the last 6 years, the employee does not benefit from professional interviews and at least one non-compulsory training (any training action that conditions the exercise of an activity or a function in application of an international convention or legal or regulatory provisions is said to be mandatory), the **employer must top up his CPF**. Thus, the latter pays "the Caisse des dépôts et consignations" a corrective contribution **of 3,000 euros**, which is credited

to the employee's account. If the company has not made the payment or has made an insufficient payment, it is given formal notice to make the payment in accordance with the adversarial procedure. Failing this, the company shall pay to the Treasury an amount equivalent to the shortfall found plus 100%.

In companies **with fewer than 50 employees**, an employee who has not benefited from the mandatory professional interviews can obtain damages from the employer if he or she proves that he or she has suffered a loss.

In addition, the content of the interview may also be provided for in a collective agreement.

## 3. Frequency of the interview

- **Periodic professional interview**

**Every 2 years**, the employer must organise a professional interview with the employee and identify with him the possible areas of development in terms of skills and training.

- **Summary assessment interview**

**Every 6 years**, the employer must make a summary assessment of the employee's professional career. The employer ensures that the employee has benefited from periodic professional interviews over the past 6 years and takes stock of what is required by law: training, certification or VAE and salary or professional progression.

This 6-year period is assessed by reference to the employee's seniority and cannot be modified by collective agreement.

- **The professional interview after an absence**

The professional interview is **systematically offered** to employees who have had a long period of absence from the company. The interview must be offered to the employee as soon as he or she resumes his or her activity, even if he or she has already benefited from a professional interview 2 years before. At the employee's request, the interview may take place at a date prior to the resumption of the position.

The periods concerned are:

- Maternity or adoption leave
- Childcare leave
- Family Support and Caregiver Leave
- Sabbatical leave

- Long-term sick leave
- Union Mandate
- Secure Voluntary Mobility Period

The interview must take place **during working hours** (which is considered to be actual working time) and on **the company's** premises.

The interview must be carried out at a time separate from the other interviews provided for by law (annual appraisal interview or follow-up one-day interview).

## **4. The organization of the interview**

- **For the interview every 2 years**

The interview can be organized as follows:

- **Summon the employee in writing** for the interview, allow **a reasonable amount of time** to prepare.
- Allow them **to recount their professional career** and report on the skills they have developed.
- **Take stock of past training activities**, their contribution and additional needs.
- Compare the employee's development wishes with the needs of the company.
- **Identify future training needs** and their consistency with previous training.
- Discuss the possible use of the skills assessment and the VAE.
- Validate the content of the interview in **writing**, a copy of which is given to the employee, and sign the document. This document certifies that the meeting was held and summarises the exchanges.

- **For the interview every 6 years**

During this interview, the employer must verify that the employee:

- **Has attended at least one training course** every 6 years,
- Has acquired **elements of certification** through training or through a **validation of prior experiential learning** (VAE),
- Has benefitted from **salary progression (individual or collective)** or professional progression (**hierarchical progression, taking on responsibilities or change of profession**).

The employer then formalises the interview in **writing**. The document is signed by both the employer and the employee. It will also be necessary to summarize in writing the list of the employee's professional interviews.

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*This note contains summarized information. Please contact us for advice tailored to your situation. We cannot be held responsible for any misinterpretation.*

## Contact

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