



# The professional interview An obligation

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# Preamble

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

## 1. The scope of the obligation



The law of 5 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 formalised for **each employee** (regardless of the nature of their contracts) 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 evaluation interview.

It also includes information relating to the validation of prior experiential learning (VAE), the activation of the personal training account (CPF), and the top-ups to this account that the employer is likely to finance for professional development advice.

Note: in companies **with at least 50 employees**, when in the last 6 years, the employee has not benefited from professional interviews and at least one non-compulsory training course (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/her CPF.** Thus, the latter pays the Caisse des Dépôts et Consignations a corrective contribution **of €3,000**, 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 pays to the Treasury an amount equivalent to the shortfall observed increased by 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/she proves that he/she has suffered prejudice??.

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

## **3. The frequency of the interview**

- **Periodic professional interview**

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

- **Inventory 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 last 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 been absent from the company for a long time. 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 ago. At the employee's request, the interview may take place at a date prior to the employee's return to work.

The periods concerned are:

- Maternity or adoption leave
- Child-raising leave
- Family Support and Caregiver Leave
- Sabbatical leave
- Sick leave
- The trade union mandate
- The period of secure voluntary mobility

The interview must take place **during working hours** (is assimilated to 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 interview, fixed days).

## 4. Organising the interview

- For the interview every 2 years



The interview can be organised as follows:

- **Summon the employee in writing** for the interview, a **reasonable period of time must be allowed** for preparation.
  - Allow them **to detail their professional career and** report on the skills developed.
  - **Take stock of past training actions**, 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 the previous item.
  - 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 summarizes the exchanges.
- For the interview every 6 years

The employer must verify during this interview that the employee:

- **Has followed at least one training course** every 6 years,

- Has acquired **elements of certification** through training or through validation **of prior experiential learning** (VAE),
- Benefits **from a 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 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

**Claire APPELGHEM**

HR Director/Head of Employment Law  
claire.appelghem@groupe-aplitec.com  
01 40 40 38 38



4-14, rue Ferrus 75014 Paris  
contact@groupe-aplitec.com | 01 40 40 38 38  
www.groupe-aplitec.com