

## THREE NEW GRAND-DUCAL REGULATIONS IN LABOUR LAW REGARDING THE CORONAVIRUS SITUATION

**On 1 April 2020, several Grand-Ducal Regulations have been published, modifying the existing employment law regulations in light of the existing situation.**

A first Grand-Ducal Regulation<sup>1</sup> now allows the suspension of the applicable deadlines for the negotiation of a social plan in the context of a collective dismissal, as well as, if need be, the related conciliation procedure. These suspended deadlines are those foreseen in paragraphs 5 to 8 of Article L.166-2 of the Labour Code.

Another provision of the Labour Code has also been suspended, namely point 5 of Article L.585-6 regarding the early retirement benefits. Indeed, the new Grand-Ducal Regulation<sup>2</sup> provides for the temporary suspension of one of the reasons for withdrawing early retirement benefits, namely the resumption of an activity paying an income which, over a calendar year, exceeds half of the minimum social wage per month applicable to the employee concerned.

As a result, the salary paid in this context is neutralized in relation to the calculation of the annual ancillary income of the employee in early retirement. This Grand-Ducal Regulation applies only to company pursuing one of the activities listed in Article 3, paragraph 2, or Article 5, paragraph 1, of the Grand-Ducal Regulation of 18 March 2020<sup>3</sup> introducing a series of measures to combat Covid-19, *i.e.* activities that are essential for the maintenance of the vital interests of the population and the country.

Finally, the probation period for employees of a company that had to stop or slow down its activities in such a way that this company is obliged to put its staff on "*force majeure Covid-19*" short-time working, following the state of crisis, is suspended by means of another Regulation<sup>4</sup>.

This new measure concerns companies directly affected by the Government's closure decisions and those admitted to "*force majeure*" short-time working. This suspension applies to all probation periods, *i.e.* those provided for in an apprenticeship contract, a permanent contract, a fixed-term contract or an interim work contract.

<sup>1</sup>[http://www.legilux.lu/eli/etat/leg/rqd/2020/04/01/a226/fo?\\_cldee=YWxiZXJ0Lm1vcn9AY2xpZmZvcnRjaGFuY2UuY29t&recipientid=contact-2ce8e35f0e02e911a966000d3a3a8543-b29924449dc94e1f91d3052a3d97b1ba&esid=e6a58689-c774-ea11-a811-000d3aa87bd2](http://www.legilux.lu/eli/etat/leg/rqd/2020/04/01/a226/fo?_cldee=YWxiZXJ0Lm1vcn9AY2xpZmZvcnRjaGFuY2UuY29t&recipientid=contact-2ce8e35f0e02e911a966000d3a3a8543-b29924449dc94e1f91d3052a3d97b1ba&esid=e6a58689-c774-ea11-a811-000d3aa87bd2)

<sup>2</sup>[http://www.legilux.lu/eli/etat/leg/rqd/2020/04/01/a225/fo?\\_cldee=YWxiZXJ0Lm1vcn9AY2xpZmZvcnRjaGFuY2UuY29t&recipientid=contact-2ce8e35f0e02e911a966000d3a3a8543-b29924449dc94e1f91d3052a3d97b1ba&esid=e6a58689-c774-ea11-a811-000d3aa87bd2](http://www.legilux.lu/eli/etat/leg/rqd/2020/04/01/a225/fo?_cldee=YWxiZXJ0Lm1vcn9AY2xpZmZvcnRjaGFuY2UuY29t&recipientid=contact-2ce8e35f0e02e911a966000d3a3a8543-b29924449dc94e1f91d3052a3d97b1ba&esid=e6a58689-c774-ea11-a811-000d3aa87bd2)

<sup>3</sup><http://www.legilux.lu/eli/etat/leg/rqd/2020/03/18/a165/fo>

This Grand-Ducal Regulation has been modified by the Grand-Ducal Regulation of 20 March 2020 (<http://www.legilux.lu/eli/etat/leg/rqd/2020/03/20/a174/fo>), the Grand-Ducal Regulation of 1 April 2020 (<http://www.legilux.lu/eli/etat/leg/rqd/2020/04/01/a220/fo>) and the Grand-Ducal Regulation of 3 April 2020 (<http://www.legilux.lu/eli/etat/leg/rqd/2020/04/03/a235/fo>)

<sup>4</sup><http://www.legilux.lu/eli/etat/leg/rqd/2020/04/01/a223/fo>

The probation period will resume for the remaining duration of the probation period the day after the end of the state of crisis.

All these new measures contained in these three Grand-Ducal Regulations are applicable from 1 April 2020 and for the duration of the health crisis.

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