Restatement of Labour Law in Europe Volume III: Dismissal Protection

Waas

2023 ISBN 978-3-406-78897-0 C.H.BECK

Restatement of Labour Law in Europe

Volume III: Dismissal Protection

edited by



2023



Published by

Verlag C.H.Beck oHG, Wilhelmstraße 9, 80801 München, Germany, email: bestellung@beck.de

Co-published by

Hart Publishing, Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, United Kingdom, online at: www.hartpub.co.uk

and

Nomos Verlagsgesellschaft mbH & Co. KG, Waldseestraße 3–5, 76530 Baden-Baden, Germany, email: nomos@nomos.de

Published in North America by Hart Publishing An Imprint of Bloomsbury Publishing 1385 Broadway, New York, NY 10018, USA email: mail@hartpub.co.uk

Suggested citation:

Author, in: Waas, Restatement of Labour Law - Vol. III: Dismissal Protection,



ISBN 978 3 406 78897 0 (C.H.BECK) ISBN 978 1 5099 6835 0 (HART) ISBN 978 3 7560 0330 3 (NOMOS)

© 2023 Verlag C.H.Beck oHG Wilhelmstr. 9, 80801 München Printed in Germany by Westermann Druck Zwickau GmbH Crimmitschauer Straße 43, 08058 Zwickau Typeset by Reemers Publishing Services GmbH, Krefeld Cover: Druckerei C.H.Beck Nördlingen



All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission of Verlag C.H.Beck, or as expressly permitted by law under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to C.H.Beck at the address above.

Acknowledgements

Volume III of the *Restatement of Labour Law in Europe* focuses on the core area of individual labour law: protection against dismissal. It's impossible to overemphasise the importance of the relevant provisions. One is almost tempted to say: protection against dismissal is not everything, but everything is nothing without it. The volume illuminates all facets of protection against dismissal in the legal systems involved, including the elements of collective law.

I want to thank Elena Gramano, Effrosyni Bakirtzi and Nadine Rettenmaier. I also want to thank Niki Rodousakis who again polished up the English.

Thanks are also due to the project partners: the European Trade Union Confederation (ETUC), the Confederation of German Employers' Associations (BDA), the European Association of Labour Court Judges (EALCJ), the European Labour Lawyers Association (EELA) and the European Foundation for the Improvement of Living and Working Conditions (Eurofound).

Without the European Commission, Volume III of the Restatement would not have been possible any more than the previous parts. Again, I must thank them for their support, understanding and patience. Finally, I would also like to thank the team at Beck Verlag, led by Thomas Klich, for taking on this complicated project.



Table of Contents

Acknowledgements	V
List of Contributors	IX
Restatement Text	XVII
PART 1	
COMPARATIVE OVERVIEW ON DISMISSAL PROTECTION IN EUROPE	
A. Introduction and Basic Taxonomy	2
B. General Information	3
C. Scope of Dismissal Protection	13
D. Possible Reasons for Dismissal	15
E. Formal and Procedural Requirements	32
F. Notice Periods	36
G. Involvement of Specific Bodies	40
H. Special Dismissal Protection	46
J. Legal Consequences of Dismissal	51
K. Courts and Other Proceedings	60
PART 2	
DISMISSAL PROTECTION	
\$ 1. Austria	63
§ 1. Austria	94
§ 2. Belgium § 3. Bulgaria	136
§ 4. Croatia	174
§ 5. Cyprus	205
§ 6. Czech Republic	243
8.7 Denmark H.	275
§ 7. Denmark Stonia Estonia	348
§ 9. Finland	370
§ 10. France	391
§ 11. Germany	429
§ 12. Greece	465
§ 13. Hungary	492
§ 14. Iceland	523
§ 15. Ireland	539
§ 16. Italy	565
§ 17. Latvia	622
§ 18. Lithuania	653
§ 19. Luxembourg	697
§ 20. Malta	739
§ 21. Montenegro	757
§ 22. Netherlands	780
§ 23. North Macedonia	819
§ 24. Norway	858
§ 25. Poland	896
§ 26. Portugal	940
§ 27. Romania	974
§ 28. Russia	1014
§ 29. Serbia	1070
§ 30. Slovakia	1115
§ 31. Slovenia	

Table of Contents

Ş	32. Spain	1185
\$	33. Sweden	1216
\$	34. Switzerland	1257
8	35. Turkey	1310
	36. United Kingdom	

