

Agreement on the process for collective redundancies

between

[Name of company], represented by [Name of authorized representative] in his/her capacity as CEO/director

and

the Basel-Stadt Cantonal Office for Economy and Labour, represented by its director [Name]

and also – if exists –

[Name] as the representative of the employees of the company [Name of company]

Preamble

Since the establishment of the Basel-Mulhouse airport, companies in the Swiss and in the shared sector of the airport have based their employment relationships with their workforce on Swiss labour law. This guarantees employees a high level of protection with respect to health and safety at work and with respect to dismissal. In the framework agreement signed by France and Switzerland on 22 March 2012 on the applicable labour law rules ("*Accord de méthode relatif au régime applicable aux entreprises du secteur suisse et du secteur commun de l'aéroport de Bâle-Mulhouse*"; referred to below as "*Accord de méthode*"), the two states acknowledged that the existing practice of the companies may be continued. This recognition is given in particular in view of the fact that the companies operating in the Swiss and shared sectors of the airport have a greater proximity to and closer links with Switzerland in all their relationships, and takes into account that the conditions of employment currently provided under the existing practice of the companies in the Swiss and in the shared sector are generally on a par with the provisions of French labour law.

The present agreement governs the process to be used in the event of collective (large-scale) redundancies in accordance with the rules set out in Article 3 of the "*Accord de méthode*".

1. Definition

According to Swiss practice and taking into account the EU directive on collective redundancies (Directive 98/59 EC), collective redundancies are defined as dismissals which an employer announces in a company within a period of 30 days for reasons not related to the individual persons concerned and which affect:

- a) at least 10 employees in establishments that normally employ more than 20 but fewer than 100 people;
- b) at least 10% of the workforce in establishments that normally employ at least 100 but fewer than 300 people;
- c) at least 30 employees in establishments that normally employ at least 300 people.

2. Consultation process

If collective redundancies are being contemplated, as the employer the company must inform the Basel-Stadt Office for Economy and Labour. In accordance with existing practice, the latter will immediately notify the French authorities specified in §7.

The employer will give the employees' representative or, if none, directly the employees themselves at least the opportunity to make suggestions, within an appropriate period (usually two to four weeks), on how to avoid the intended redundancies, limit their number, and mitigate the consequences. In particular, it must be explored whether it is possible to redeploy workers internally within the company itself or within the group to which the company belongs, or externally to other companies operating at Basel-Mulhouse airport.

The employer will supply appropriate explanations and relevant information. In all cases the employee representative, or if none, directly the employees themselves must be informed in writing of:

- the reasons for the collective redundancies;
- the number of people to be made redundant;
- the number of people normally employed in the company;
- the period over which the redundancies are to be effected;
- as well as any measures to be taken to avoid redundancies, minimize the number of redundancies or mitigate the consequences, in particular by internal or external redeployment to another position, with the employees affected being granted an appropriate period of time for consideration.

The employer will send a copy of this notification to the Basel-Stadt Office for Economy and Labour, which will also notify the responsible French authorities.

3. Notification of collective redundancies

If the employer cannot avoid collective redundancies, it must notify the Basel-Stadt Office for Economy and Labour of this in writing. The latter will then forward the notification to the responsible French authorities.

The notification must include at least the outcome of the consultation process as well as all relevant information about the intended collective redundancies (number of employees affected, their qualifications, ages and sex, periods of notice, redeployment options, social plan, etc.).

A copy of this notification must be sent to the employees' representative or, if none, directly to the employees themselves.

4. Order of dismissals

In the event of collective redundancies, dismissals must be effected in a socially responsible way. The employer will take account of the following criteria in particular:

- the maintenance obligations of the employees;
- the duration of employment with the company;
- their personal circumstances such as age, any disabilities, etc.;
- their professional qualifications.

5. Giving notice to employees

Following notification of collective redundancies, the employer may give notice to employees in accordance with the contractually agreed period of notice. Employees will be notified individually about their dismissal. They are entitled to have the reasons for their dismissal explained.

The employment relationship will, however, end at the earliest 30 days after the Basel-Stadt Office for Economy and Labour has been notified.

Any abusive termination of employment contracts is prohibited.

6. Severance payments in the event of collective redundancies

Any severance payment applicable under French law with respect to mandatory compensation in the event of collective redundancies is already covered by the payment of the gross salary plus any compensation from a social plan, and can no longer be claimed.

7. Competent public authorities

The competent public authority in the case of collective redundancies is the Cantonal Office for Economy and Labour Amt für Wirtschaft und Arbeit des Kantons Basel-Stadt, Utengasse 36, 4005 Basel. It will notify the relevant authorities in France about all important steps and will include them in the process as far as possible.

As the competent public authority on the French side, the following office will be notified: Unité territoriale du Haut-Rhin, Service restructuration, modernisation des entreprises, Cité administrative « Tour » 69026 – COLMAR Cedex.

8. Entry into force

The present agreement will enter into force on the date on which it is signed by the parties.

Signatures

On behalf of the company

Place, date: _____
_____ [Name, position]

On behalf of the Office of Economy and Labour of Basel-Stadt

Place, date: _____
_____ [Name], Director

– if exists –

As employees' representative

Place, date: _____
_____ [Name]