



# Fit For Finance

ASTF Information Bulletin



## New law on redeployment

**The law of 23 July 2015 amending the Code of Labour Law and the Social Security Code in respect of the arrangements for internal and external redeployment has been amended in order to facilitate internal redeployment and make the**

*As far as the employer is concerned two things have changed:*

*- there is no longer a quota for redeployed employees. If the employer has more than 25 employees on the date of the referral he must arrange an internal redeployment failing which he will be ordered to pay a fine to the Employment Fund;*

*- if the employer has fewer than 25 employees internal redeployment will only be permitted with his agreement.*

*For the employee there are three major changes:*

*- seniority of 3 years or a statement of aptitude for the post are needed to be entitled to redeployment;*

*- redeployment is no longer permanent but subject to reassessment at least once every two years. The time limit will be determined by the occupational doctor;*

*- the occupational doctor may refer a case directly to the Joint Committee with a view to a redeployment if the candidate is not fit for the present post or if his seniority exceeds 10 years;*

*- in the event of external redeployment the employee is granted the status of a person placed in external redeployment.*

*Note: in the event of loss of a job an internal redeployment is not automatically converted into an external redeployment, but the employee must make a further request to the CMSS within 20 days.*



*- in the event of a prolonged illness, the employee may likewise benefit from redeployment via the CMSS. The doctor in charge of the case will make a simultaneous referral to the Joint Committee and to the occupational doctor responsible. This will enable the procedure to be shortened.*

*A number of observations are called for following these changes:*

*- the redeployed employee who is found on the occasion of the regular examination to be fit and to have fully recovered is granted 6 months to regularise his situation. After 6 months the compensatory allowance ceases. However, the employer is not required to change the employment contract;*

*- the employee who does not occupy a post which is exposed to risk can only benefit from internal redeployment via the CMSS. If this employee has a chronic illness because of which he is never off work but which reduces his working capacity, he will never be invited to attend the CMSS and will not be examined by the occupational doctor either. It is therefore essential for the human resources services to send these employees for a medical*

*examination by the designated occupational doctor to enable him to monitor the state of health of the employee and decide with him on the time at which an application for redeployment must be made.*

*For further information and to consult the text of the law, please go to our website*

*[www.astf.lu](http://www.astf.lu) under the heading "Legislation"*

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