



Objectives and Scope of the Database

The objectives of the database

EPLex has been formulated in response to requests from governments, employers, trade unions, labour-law practitioners and academics for comparative information on legislation governing termination of employment. In an environment of heightened global competition, and financial crises in some countries resulting in mass layoffs, this subject is now more topical than ever. In reviewing the legislation of more than 90 jurisdictions, the database highlights the common approaches among the various legal systems, as well as the specificities of the rules governing individual and collective dismissals.

The central objectives of EPLex are twofold. First, it is intended to provide a comparative overview of legislation on termination of employment. The countries have been selected to provide a diversity of systems, in geographic, developmental and legal terms.

Second, it presents the legal information in a standardized format to facilitate its use by economists in their research on EPL. Standardizing legal information in a manner that accurately reflects specificities and diversities of national systems is a key feature of this database which draws on ILO's comparative labour law expertise.

Scope of the database

The database provides information on the legislation on termination of employment for each country and does not, generally, cover case law or collective agreements on the subject. The reasons for this approach are practical: constraints of space and the impossibility of gaining an accurate picture of the case law on termination from the information sources available.. However, where a brief reference to case law is necessary to prevent a misleading picture of the law, and reliable information is available, this has been added. In addition, when a national collective agreement is in force, it has also been referred to in EPLex,

The database deals only with employees in the private sector. In the vast majority of both common law and civil law legal systems, public employees are subject to specific statutory rules, While there seems to be a modern trend to narrow the distinction between public and private sector employees in many countries, the administrative law aspects of the dismissal of public servants are beyond the scope of EPLex, and these employees are therefore not included.

For the purposes of the database, the terms "*termination*" and "*dismissal*" refer to the ending of employment at the initiative of the employer.

Contents of the database

EPLex presents legal information compiled under seven main headings:

- **Source and scope of regulation** – references the legislation in force and lists the categories of workers and enterprises excluded.
- **Contract of employment** – reviews the duration of probationary periods and the conditions and limits on fixed-term contracts. This is included because of the close relationship between employment protection legislation protecting against arbitrary dismissal and legislation placing controls on the termination of, and use of, so-called atypical or contingent forms of employment, such as temporary contracts.

- **Substantive requirements for dismissals** – addresses authorised and prohibited grounds and highlights categories of workers enjoying particular protection.
- **Procedures for individual dismissals** – covers obligation to give reasons, form of notification, length of notice by tenure and pay in lieu of notice.
- **Collective dismissals for economic reasons** – includes definitions and procedural safeguards such as prior consultation, notification and/or approval by workers' representatives and public authorities as well as priority rules for dismissal and re-employment.
- **Severance pay** – outlines calculation by tenure, redundancy payment.
- **Avenues for redress** – reviews compensation for unfair dismissal, reinstatement, competent courts, conciliation, arbitration