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PERFORMANCE REVIEW SKILLS MANAGEMENT

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The 2003 December 5th agreement (ANI or Accord National Interprofessionnel) revamped training laws and established an employee skills management right.

Among the agreement proposals is the Individual Training Rights (DIF or Droit Individuel à la Formation), and the obligation to have every two years a performance review with the employees.

The ANI applies to all companies in the trading, industrial, services and handicrafts businesses.

The performance review: when?

Any employee, after two years of work in a company, is entitled, at least every two years, to a performance review organized by the employer.

The review is at the employee or employer's initiative. He can be assisted by a third party. The aim is for the employee to plan his career based on his internal mobility objectives, his skills, and the company situation.

The performance review: how to?

The review process must be agreed upon by a trade or company agreement to include:

- The implementation,
- The review in itself,
- The information of the personnel representatives,
- The form of the report post meeting,
- The consequences of a disagreement on the conclusions of the meeting,
- The training of the persons in charge of the meetings,

If there is no such agreement, the company manager defines this process.

The performance review: content?

The review must at least cover the following items:

- Access to information on training programs.
- Identification of skills to acquire to improve the employee's competencies or qualifications.
- Identification of training program adapted to the training projects.
- Employee's use of the DIF,
- Training implementation, specifically as personnel time or work time.

The performance review: why?

This review must happen at least every other year. However, nothing prevents from having an annual performance review to evaluate the past year and plan the training for the coming year.

The employer has legal obligation (art L. 930-1 Labour Law) to provide the training required by employees to perform their work, and, in case of economic lay off, to provide the training needed for a new position (art L. 321-1 Labour Law).

If the employer does not schedule this review every other year, the employee could claim a prejudice due to the absence of training, especially if the employee is laid off.

The performance review: planning

Here is an example of the typical content of a review. We strongly advise to have a written record of the review on a standardized form that can be used as a proof of the existence of the reviews if need be.

- Date:
- Date of previous review:
- Name and first name:
- Position:
- Seniority in the position:
- Seniority in the company:
- Description of tasks:

- Employee objectives for the past period:
 - o Objectives for the past period.
 - o Have these objectives been met?
 - o If not, for what reasons (comments from both sides)?
 - o What solution would have corrected this problem?

- Employee objectives for the upcoming period:
 - o Major objectives.
 - o Other objectives



- Identification of training needs:
 - o Training since last review (date, subject, ... : DIF, training plan...).
 - o Training benefits.
 - o Training for the coming period based on position in the company and objectives (training for the position or for in house mobility, training part of the training plan, training part of the DIF)

- Signature of the employee and the employer's representative