

## Terminating a contract

If you want to terminate the employment contract, what are the rules ?

**LEGAL FRAMEWORK:** [\(CTT Chapitre V\)](#) :

- Art. 22: During the probationary period (art. 335b CO)  
During the probationary period, either of the parties can terminate the employment contract at any time with a notice period of seven days; the first month of employment is considered to be the probationary period.
- Art. 23: After the probationary period (art. 335c CO)  
After the probationary period, the contract can be terminated at the end of the month, subject to a notice period of one month during the first year of employment, two months from the second to the ninth year of employment, and three months in subsequent years.

Notice must be served in writing. If it is nevertheless valid if the author demonstrates that the recipient was affectively made aware.

**DUTY OF THE EMPLOYER:** The employer may terminate the employment contract subject to the notice periods provided for in the legal framework.  
However, after the probationary period, the employer may not terminate the contract in the following cases, where it is said that a protection period exists:

- In the event of a total or partial incapacity to work as a result of an illness or an accident.
- In the event of pregnancy and for sixteen weeks after giving birth.

**EMPLOYEES' RIGHTS:** The employee may terminate the employment contract subject to the notice periods provided for in the legal framework.

**The employer and/or the employee must inform Chèque service, at the earliest opportunity, of the termination of the employment contract by email or by letter. Please use the [contract termination form](#).**

Source : [Chèque service](#)