

1 CHOOSE CAREFULLY THE PERSON THAT YOU WANT TO NEGOTIATE WITH

The choice of the person that you choose to negotiate your exit with is essential.

Your interviewer must have at least three characteristics:

- Have a relatively high place in the hierarchy (this means to make decisions which go beyond what is traditionally expected in negotiating an exit);
- Have the reputation of being a person who keeps his or her word;
- Have your sympathy.

As a general rule, negotiation with managers from the HR department have two characteristics:

- They are facilitated by the fact that the managers are used to this kind of situation and, in principle know all the levers and all the parameters that can be negotiated;
- However, their experience in this field makes them more difficult and/or tougher in the negotiation.

2 CHOOSE THE RIGHT ENTITY TO OPEN NEGOTIATIONS

If you are part of a subsidiary, it is obviously best to succeed in negotiating with the parent company. It is always more useful and effective to speak to God rather than his Saints.

3 ADOPT THE BEST STRATEGY

An alternative gives you the attitude to adopt.

- You can be **proactive** by taking the initiative. This strategy:
 - presents an advantage in negotiating with whoever takes the first step and pitch the tent, take the hand and can more easily manage the situation;
 - but also has a disadvantage. You can be perceived as very demanding and hard-pressed.
- Or **reactive** by waiting on whatever comes at you. This strategy is a lot more comfortable than the previous one because:
 - You are not demanding. You are then in a strong position to negotiate;
 - You have time. In a negotiation, time always plays in favour of someone who is not hard-pressed/demanding, except in situations where severance pay is offered by the employer and have timetables/deadlines to accept them.

4 ADOPT THE RIGHT ATTITUDE

If someone asks you to resign, your objective is probably to do it under the best conditions and raise the bids.

The attitude to have is very simple and consists of repeating over and over (like a broken record) to the company that wants to part ways with you:

- "I like my job" ;
- "I like my colleagues" ;
- "I like my subordinates" ;
- "I like my boss" ;
- "I like my products" ;
- "I like the company" ;
- "I like the clients" ;
- ".../..." .
- *And that corresponds exactly with what I have always wanted to do and this is the place where I thrive the most!"*

During all the separation interviews, what will be the most difficult for you will be for you to keep quiet? To do this:

- take a lot of notes to keep yourself occupied and to keep you from talking;
- count silently in your head, "1 crocodile, 2 crocodiles, 3 crocodiles..." and so on;
- limit yourself to repeating what your interviewer tells you and write down (taking care to say: "You tell me..." and not "I must/I should/I have to...");
- repeat that the market is extremely difficult in your field and/or for your job/specialization. Don't hesitate:
 - To cite articles or statistics that you will have recently read very recently in the press;
 - And/or tell 1 or 2 stories of people looking for a job that you have met.

5 MAKE TIME YOUR ALLY

When a company decides to lay off one of its personnel, it wants to do it rather quickly.

If you take your time, this will probably go against its plans. If things are drawn out, then the financial incentive that they give you could be more significant.

The only contraindication is when there is a proposal for a severance bonus, which corresponds with an acceptance deadline. This is particularly frequent with collective lay-offs.

6 NEGOTIATE ALL KINDS OF BENEFITS

As in every negotiation, nothing is set in stone and many aspects are negotiable. Here are a few:

- the months of seniority anticipated by the labour agreement. This is a base amount and it is worth trying to obtain double or at least 50% more);
- the date of departure;
- lack of advance notice period;
- the severance bonus;
- the buyback of trimesters/points/sums lacking to give you a full pension;
- out-placement payment (company which can guide you in the search for a new job). This benefit can:
 - come from full service which runs from the layoff to hiring and confirmation in the new job;
 - or partial service of a few sessions spread out over three months;
- exchanging the expected amount for the payment of an outplacement company in a financial incentive (the same amount or 50-80% of this amount);
- outsourcing mandate contract for X years in the future (see below).

7 CONFIRM YOUR AGREEMENTS IN WRITING

It is important that all these promises are recorded in a document often called a "protocol." If this is not company policy and if it poses a problem (creating a precedent), you should organize a negotiation session during which all these components are addressed at the same time with an immediate result.

8 NEGOTIATE WHENEVER APPROPRIATE A MANDATE CONTRACT FOR X YEARS IN THE FUTURE

If your departure creates difficulties within the company (which will no longer be able to resolve certain specific problems that you addressed), you can negotiate it with an outsourcing contract provision (over 2 years, for example) in which you commit to resolving it as an external contractor.

The most useful formula in this case consists of:

- getting support from an "umbrella company" which signs a service contract with your employer (for 2 years, for example) for a sum of SFR/€/\$/£ paid monthly, by the hour or for X hours or days. This umbrella company pays you a salary for a period and deducts a commission of about 5-10%;
- creating a company in which you are the only employee, who as in the previous case, signs a service contract (for 2 years) and in which the conditions must be clearly indicated (number of days, number of hours, response time, weekly frequency, monthly frequency, covered fields...).

9 USE A LAWYER

- First, consult (for free) legal advisers for public or quasi-public organizations or workers' rights associations and other syndicates. This will enable you to clear the situation and to know the practices that are most frequently used.
- Secondly, if you think it is necessary, use the services of a lawyer. Make sure to choose someone who:
 - knows perfectly labour law and has led this type of assignment;
 - Has your sympathy (you "feel good" about him or her)
 - Is solid and firm and is not sentimental;
 - is an excellent negotiator.

Some lawyers will propose a labour court procedure. In such a procedure, the employer almost always is interested in going to court. However, the same is not true for the employee.

In a winning trial, reparation for moral damage and financial compensation are reassuring and important aspects. Nevertheless, a labour court procedure (especially and even if it benefits you) still poses a problem to the employee, because:

- It demobilizes you while you search for a new job (this situation can easily take two years);
- It weighs you down and will undoubtedly create suspicion from your new employer (even if your previous employer was the worst kind and your case is "blameless" and "perfect.");
- In some "restricted/confidential" places, you will be forever excluded from the sector (because you will be considered a "pariah" by the employers).

Faced with this kind of perilous situation, it is often advised to begin labour court procedure and then ask your lawyer to interrupt it and negotiate along the way.

Even if the financial sum obtained is less than what you could have obtained at the court, no collateral obstacle will hinder or encumber your future job search.

10 STAY STRONG DURING THE PROCESS

The most important thing in this reparation process consists of:

- keeping morale and composure during the process. For this, give yourself stimulating activities and alternatives which will keep you occupied;
- staying calm and quiet during each one of the interviews that you will have (mobbing sometimes), in particular with arrogant, dishonest, and troublesome people;
- if you want to speak, limit yourself to saying, *"You like the company and the job market is particularly difficult at this time."*