

Call for Papers 2024/2

Deadline for responses to the call for papers: 1 October 2023

Revue de Droit Comparé du Travail et de la Sécurité Sociale 2024-2 Comparative social case law

“The resignation”

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ARGUMENT

The *Revue de Droit Comparé du Travail et de la Sécurité Sociale* (RDCTSS)¹, whose aim is to contribute to the development of analyses and exchanges on comparative labour and social security law throughout the world, devotes a special issue each year (No. 2) to a "Comparative Social Jurisprudence" column.

The aim of RDCTSS No. 2024/2 is to bring together studies highlighting the judicial creativity concerning "The Resignation".

The expected contributions could draw on the following case law in particular:

- France: “*prise d’acte*”/ withdrawal of resignation (case law developed after the rulings of 25 June 2003);
- United Kingdom: constructive dismissal;
- Canada: constructive dismissal;
- United States: constructive discharge;
- Romania: the decision of the Iasi Court of Appeal of 15 May 2018 (case law based on the Civil Code);
- Germany: Federal Labour Court ruling of 7 February 2019;
- Italy: case law based on the Civil Code (Court of Cassation, ruling 4006 of 15 February 2017);
- Nigeria: case law (see in particular judgment no. NICN/LA/353/2012 of 19 June 2014 - case of *Mr. Patrick Obiora Modilim v United Bank for Africa Plc*).

BACKGROUND INFORMATION

The questions likely to be asked by the author are as follows:

1. What is a resignation: does it have to be in writing? In your country, what are the attitudes

¹ <https://comptrasec.fr/revue-de-droit-compare-du-travail-et-de-la-securite-sociale/>

or words that amount to a resignation?

2. Have the courts in your country recognised the existence of situations in which the termination is initiated by the employee but attributable to the employer?

Indeed, if an employer's failure to meet its obligations can force an employee to leave the company, does the principle of fairness dictate that the employer should be considered responsible for this situation and should therefore bear the consequences?

Have the courts in your country reached such a conclusion?

3. Can an employee who has resigned subsequently withdraw his resignation?

In France, for example, judges have recognised that a resignation given in the heat of the moment can be retracted. Through this case law, the French courts are expressing the desire to accept a resignation only if the employee genuinely wishes to leave in a "clear and unequivocal" manner.

4. Is there a presumption of resignation in your country?

5. What are the financial consequences of resigning in your country (in particular through the possible loss of entitlement to unemployment insurance)?

RECOMMENDATIONS TO AUTHORS

Format of expected contributions

Contributions must be written in French, English or Spanish and must not exceed **25,000 characters** including footnotes and spaces.

Manuscripts must be accompanied by the following information:

- The title of the article.
- An abstract of around 500 characters in French and English, with keywords in each language (approximately 5) to identify the content of the article.
- The name of the author's institution or organisation.
- The author's search fields.
- Two bibliographical references by the author (your choice).
- The author's postal and e-mail addresses.

Calendar

Deadline for submitting paper proposals (500 word abstract + title + proposed outline):

1 October 2023

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- **Response to authors: 15 October 2023**

- **Deadline for submissions of articles: 1 February 2024**

ASSESSMENT PROCEDURE

Texts submitted to the Journal are subject to a double-blind evaluation by independent experts. First, proposed articles are evaluated by the Editorial Board, which assesses the admissibility of the manuscript. If accepted, the manuscript is submitted to two external reviewers for assessment. When the assessment is returned, recommendations for minor or major changes may be made to the author. **All requests for major modifications require a second round of peer review.** On the basis of the assessments, the Journal's Editorial Board decides whether or not to publish the manuscripts submitted.