

SUMMARY

# **ECJ 5 October 2023, case C-496/22 (Brink's Cash Solutions), Collective Redundancies**

## ***El – v – SC Brink's Cash Solutions SRL, Romanian case***

### **Summary**

National legislation which does not require an employer to consult individually the workers affected by projected collective redundancies, where those workers have not appointed workers' representatives, and which does not require those workers to appoint such representatives, is not precluded, provided that that legislation makes it possible, in circumstances beyond the control of those workers, to guarantee the full effect of Directive 98/59/EC.

### **Question**

Must Article 1(1)(b), Article 2(3) and Article 6 of Directive 98/59/EC be interpreted as precluding national legislation which does not require an employer to consult individually the workers affected by projected collective redundancies, where those workers have not appointed workers' representatives, and which does not require those workers to appoint such representatives?

### **Ruling**

Article 1(1)(b), Article 2(3) and Article 6 of Directive 98/59/EC must be interpreted as not precluding national legislation which does not require an employer to consult individually the workers affected by projected collective redundancies, where those workers have not appointed workers' representatives, and which does not require those workers to appoint such representatives, provided that that legislation makes it possible, in circumstances beyond the control of those workers, to guarantee the full effect of those provisions of Directive 98/59/EC,

as amended.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2023-10-05

**Case number:** C-496/22