

SUMMARY

ECJ 22 February 2024, case C-589/22 (Resorts Mallorca Hotels International), Collective redundancies

J.L.O.G, J.J.O.P – v – Resorts Mallorca Hotels International SL, Spanish case

Summary

The consultation obligation laid down in Article 2(1) of Directive 98/59/EC relating to collective redundancies arises at the time where the worker, in the context of a restructuring plan, contemplates or plans a reduction of employers positions, the number of which may exceed those fixed in Article 1(1)(a) of that directive.

Question

Must Article 2(1) of Directive 98/59/EC be interpreted as meaning that the consultation obligation that it lays down arises at the time when the employer, in the context of a restructuring plan, contemplates or plans a reduction of employment positions, the number of which may exceed those fixed as giving rise to the concept of ‘collective redundancies’, within the meaning of Article 1(1)(a) of that directive, or only at the time when, after having adopted measures involving the reduction of that number, the employer became certain that it would in fact have to dismiss a number of workers greater than those fixed by the latter provision?

Ruling

Article 2(1) of Directive 98/59/EC must be interpreted as meaning that the consultation obligation that it lays down arises at the time when the employer, in the context of a restructuring plan, contemplates or plans a reduction of employment positions, the number of which may exceed those fixed in Article 1(1)(a) of that directive, and not when, after having adopted measures involving the reduction of that number, the employer became certain that it

would in fact have to dismiss a number of workers greater than those fixed by the latter provision.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-02-22

Case number: C-589/22