

SUMMARY

ECJ 4 June 2026, Case C-0907/24 (Egenergy Srl - v- defendants)

Egenergy Srl - v- defendants, Italian case

Summary

Article 1(1) of Directive 98/59 requires a broad interpretation of the concept of “redundancy”. The dismissal of workers who refuse to comply with an employer’s unilateral decision to permanently relocate their workplace more than 600 kilometres away may constitute a redundancy where the relocation amounts to a substantial change to an essential element of the employment contract. Such dismissals must also be taken into account when calculating whether the thresholds for collective redundancies have been reached.

Questions

1. Must Article 1(1) of Directive 98/59 be interpreted as meaning that the termination of an employment contract following a worker’s refusal to accept the employer’s unilateral decision to transfer the workplace to a distant location constitutes a “redundancy” within the meaning of that directive?
2. Must Article 1(1) of Directive 98/59 be interpreted as allowing such dismissals to be excluded when calculating whether the numerical thresholds for collective redundancies have been reached?

Ruling

1. Article 1(1) of Directive 98/59 must be interpreted as meaning that the termination of an employment contract for reasons unrelated to the individual worker, following the worker’s refusal to comply with the employer’s unilateral decision to transfer the workplace to a location far from the original site, falls within the concept of “redundancy” where the transfer constitutes a substantial change to an essential element of the employment contract.

2. Article 1(1) of Directive 98/59 precludes the exclusion of such dismissals from the calculation of the thresholds for collective redundancies. Dismissals resulting from a worker's refusal to accept a substantial and unilateral relocation of the workplace must be counted when determining whether the collective redundancy procedures under the directive apply.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-06-04

ECLI: ECLI:EU:C:2026:460

Case number: C-907/24

Judges: J. Passer, M.L. Arastey Sahún, and E. Regan

Case Law References: Richtlijn 98/59/EG and WMCO