

## Public service unions take European Commission to court for the first time seeking to enforce social dialogue



### ***Press Release 22 May 2019 - Embargoed until Thursday 23 May 2019 8am***

On 23 May the European Federation of Public Service Unions (EPSU) will be before the General Court of the European Union bringing a claim against the European Commission for breaching rules on social dialogue (TFEU article 155.2).

The action is the first time that a European trade union organisation has made a claim against the Commission on any social policy.

EPSU is looking to annul an unprecedented decision by the Commission to refuse to make a proposal to Council for implementation of the central government social partners' agreement on information and consultation rights.

The judgment, expected before the end of the year, will determine the ongoing rights of EU social partners on matters of labour and social law.

The social partners' agreement was adopted in December 2015 by EPSU, TUNED and former French minister for civil service, Ms Lebranchu, on behalf of EUPAE. It was intended to plug a long-standing gap in EU legislation on information and consultation rights, not the least on restructuring, that exclude central government workers and civil servants.

At the time, the agreement was welcomed by the Commission as a "contribution to a modern and high quality public service across Europe"[\[1\]](#). Yet, a little over two years later on 5 March 2018, the Commission rejected[\[2\]](#) the social partners' request to transpose the collective agreement into EU legislation.

The unprecedented decision by the College of Commissioners, completely undermines the November 2017 European Pillar of Social Rights, which reaffirmed the right for all workers to have a say on matters of direct concern to them at work.

The decision:

- Completely disregards the principle of equal treatment between all workers
- Continues the denial of fundamental rights to 9.8 million public employees and civil servants leaving them with no say on significant change including the future of their jobs, digitalisation, health and safety and gender equality
- Bypasses the Council right to adopt (or not) by qualified majority voting a proposed directive on information and consultation rights in central governments
- Reduces the rights of EU social partners to negotiate legally binding agreements and violates their autonomy, which is a key principle enshrined in the EU treaties.

**Jan Willem Goudriaan**, General Secretary of EPSU and a co-Applicant in the proceedings said: *"The negotiations between EPSU/TUNED and EUPAE, which led to the social partners' agreement, followed the Commission's initiation of the procedure for legislative amendment. All parties were aware from the start that EPSU/TUNED were negotiating with a view to securing a social partner agreement, which would then be transposed into a Directive. "*

*"The social partners' agreement is intended to address the discrimination against 9.8 million public employees and civil servants as they face deep changes with no say over their futures. The Commission's refusal to make a proposal is an*

*unacceptable block on that, and directly contradicts the November 2017 Pillar of Social Rights.”*

## **ENDS**

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## **NOTES TO EDITORS**

### **Hearing**

The public hearing will take place in the European court of Justice in Luxembourg on 23 May 2019 from 09:30 to 13:00.

The hearing will be in the Green courtroom, General Court, 9th Chamber, Plateau de Kirchberg. Visitors' entrance is on rue Charles Léon Hammes. See [here](#) for directions.

For more information on this unprecedented court case with long-lasting implications for the future of social dialogue at EU level, see [here](#).

Assembly and press contacts from 08:00 onwards.

### **Press contacts**

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Representatives of Belgian, French, Italian, Luxembourg, Swedish and Finnish trade unions, as well as ETUC legal experts, will also be available for press interviews.

***EPSU is the European Federation of Public Service Unions. It is the largest federation of the ETUC and comprises 8 million public service workers from over 260 trade unions; EPSU organises workers in the energy, water and waste sectors, health and social services and local, regional and central government, in all European countries including the EU's Eastern Neighborhood. EPSU is the recognized regional organization of Public Services International (PSI). For more information please go to: [www.epsu.org](http://www.epsu.org)***

[1] [https://ec.europa.eu/commission/commissioners/2014-2019/thyssen/announcements/new-social-partner-agreement-central-government-administrations\\_en](https://ec.europa.eu/commission/commissioners/2014-2019/thyssen/announcements/new-social-partner-agreement-central-government-administrations_en)

[2]

[https://www.epsu.org/sites/default/files/article/files/EC%20refusal%20letter%205%20March%](https://www.epsu.org/sites/default/files/article/files/EC%20refusal%20letter%205%20March%202019.pdf)

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