



European Federation of Public Service Unions (EPSU)

Public service unions take European Commission to ECJ in appeal to enforce social dialogue

Court Case *EPSU vs EC* on information and consultation rights, Luxembourg, 26 October 2020

Media Briefing - Embargoed until 23rd October

On 26th October, the European Federation of Public Service Unions (EPSU) will appeal the ruling of the General Court in the *EPSU v European Commission* case before the European Court of Justice (ECJ). EPSU took the Commission to Court last October for breaching its own rules on social dialogue (TFEU article 155.2).

Hearing

The public hearing will take place in the European Court of Justice in Luxembourg **on 26 October from 2.30pm**

It is the first time that a European trade union organisation has made a claim against the Commission on any social policy. The importance of the case is underlined by the fact that it has been assigned to the Court's Grand Chamber. EPSU is looking to annul an unprecedented decision by the Commission not to propose the implementation of a social partners agreement to the Council. The judgment of the ECJ will determine EU social partners' rights on matters of labour and social law.

The General Court's judgment held, amongst other things, that the Commission has full discretion to decide whether or not to bring a social partner agreement forward to the Council, based on political, economic and social considerations. This is extremely broad and can lead to arbitrary, untransparent decisions.

The social partners' agreement in question was adopted in December 2015 by TUNED, led by EPSU, and on behalf of the employers, EUPAE, the former French minister for civil service, Ms Lebranchu. It seeks to plug a long-standing gap in EU legislation on information and consultation rights on restructuring that excludes central government workers and civil servants.

The Commission's refusal to transpose the collective agreement into EU legislation completely undermines the European Pillar of Social Rights, which reaffirms the right for all workers to have a say on matters of direct concern to them at work.

The Commission's decision

The decision disregards the EU principle of equal treatment between all workers, and denies EU fundamental rights to 9.8 million public employees and civil servants to have a say on changes including the future of their jobs, digitalisation, health and safety and gender equality.

The decision also bypasses the Council's right to vote on whether to adopt a proposed directive on information and consultation rights in central governments, and weakens the rights of EU social partners to negotiate legally binding EU minimum social standards.

The sentence is expected a few months after the 26th October hearing.

For more information :

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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