



**XVIIIth Meeting of
European Labour Courts Judges
11-12 October 2010, Jerusalem, Israel**

Economic Crisis and the Case Law of Labour Courts



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Outline

Court decisions related to the economic crisis

Case law and EPL

-  interpretation of existing rules

-  to fill in the gaps

Legal reforms

-  currently under discussion

-  proposals for the future agenda





Court Decisions and the Economic Crisis

France

-  Courts more strictly demanding the employer to consider all the options before dismissals
-  Case in July 2010: the employer must indicate number, nature and location of vacancies available in the group abroad
-  Case in July 2010: a booklet with vacancies abroad should be replaced by an individual proposal adapted to each worker

UK: redundancy selection (discrimination on the basis of sex and age)



Court Decisions and the Economic Crisis (cont)

Spain

-  termination of FTCs of subcontracting enterprises at the end of sub-contracting
-  compensation for collective dismissals whose administrative authorisation has been revoked by the judge
-  compensations for unfair dismissal

 **Italy:** redundancy payment from the severance pay fund



Court Decisions and the Economic Crisis (cont)

- **Austria:** cases on socially unjustified dismissals (reduction of over-time work, re-training of employees for other positions in the enterprise)
- **Ireland**
 - socially unjustified dismissals
 - pay cuts in the private sector (in relation to the cuts in the public sector)
- **Slovenia**
 - many cases on termination of employment since 2003



Labour Law Reforms at the time of the Economic Crisis

- **France:** higher requirements for re-deployment led to the adoption of a new Law in May 2010 (within the group, equivalent salaries for employment abroad)
- **Spain:** comprehensive reform in June 2010 to make labour law more flexible
- **Italy:** in 2009, 2 types of collective agreements (for more flexibility)
- **UK:** Equality Act 2010 (some rights for contract workers)
- **Israel :** Tripartite agreement in 2009 (changes on freedom of association)
- **Hungary:** general tendency to escape from labour law



Labour Law Reforms Currently under Discussion



- **Ireland:** on labour market regulation
- **Hungary:** a new draft Labour Code under preparation for more flexibility (sensitive political issue)
- **Sweden:** to change priority rules on redundancy
- **Slovenia:** to shorten the notice period and reduce severance pay; Mini Jobs Act (student work paid 55% of the wages of regular workers)
- **UK:** to widen the right to request flexible working; to abolish the “default” retirement age of 65; to revise rules on balloting procedures for strikes by trade unions



**Thank you for your attention
and active participation!**

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