

EN

E-002023/2024

Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(20.12.2024)

The EU promotes social dialogue for improving the employment conditions of workers and recognises the role of social partners, while respecting their autonomy¹. The functioning of national social dialogue, including that of the collective bargaining framework, falls under the primary responsibility of Member States.

The Commission is committed to follow up on enforcement and implementation of EU law by Member States. The Commission's competence to enforce compliance with international conventions is generally limited to the areas where the EU has exclusive competence or where the EU has adopted relevant legislation.

EU labour law does not regulate the conditions on individual dismissals². Directive on collective redundancies contains rules on collective dismissals, obliging employers to inform and consult workers when envisaging collective redundancies, and to notify the competent public authority³. Greece has transposed these rules into national law⁴ and the competent national authorities and national courts are to ensure that an individual employer complies with the relevant national provisions.

The Employment Equality Directive prohibits discrimination in employment, also as regards working conditions, dismissals and pay⁵. The prohibition covers discrimination based on the grounds of religion or belief, disability, age or sexual orientation. The Court of Justice of the European Union (CJEU) clarified that the scope of the Directive may not be extended to discrimination on grounds other than those exhaustively listed⁶. The CJEU also added that the Directive 'does not cover political or trade union belief'⁷. In this light, the situation the Honourable Member describes does not appear to fall within the scope of this Directive.

¹ Article 152 of the Treaty on the Functioning of the European Union (TFEU).

² EU law only prohibits dismissals in very specific cases, such as in connection with pregnancies and parental leave (Council Directive 92/85/EEC, transfer of undertakings (Council Directive 2001/23/EC) and when there is discrimination on a limited number of specific grounds (Council Directive 2000/78/EC).

³ Council Directive 98/59/EC.

⁴ Collective redundancies are regulated by virtue of Law 1387/1983, as amended and currently in force. As regards the mechanism for information and consultation, the legislation provides that works councils may be set up by the employees in companies which employ at least 50 employees, where a trade union already exists in that company or at a company employing at least 20 employees if there is no such trade union.

⁵ Council Directive 2000/78/EC.

⁶ See, for example: judgment of 11 July 2006, *Chacón Navas*, C-13/05, ECLI:EU:C:2006:456.

⁷ Judgment of 13 October 2022, *S.C.R.L. (Vêtement à connotation religieuse)*, C-344/20, ECLI:EU:C:2022:774.