

Collective Redundancy

This issue arose in case C-300/19 being a case of UQ -V- MacClean Technologies, SLU and joined parties.

The issue concerns Council Directive 98/59/EC of 20TH July 1998 on the law relating to collective redundancies. An opinion of Advocate General Bobek issued on the 11th June the opinion states that the protection of a worker under the Directive will be triggered including the access to the judicial and/or administrative procedure for the enforcements of the rights guaranteed under the Directive pursuant to Article 6 if the worker was dismissed within a consecutive thirty or ninety day period however calculated in which the number of redundancies reached the required threshold. The opinion states that on the facts of each specific case the reference period could lie fully before, fully after or partly before and partly after the dismissal at issue. The only two conditions are those thirty or ninety days are consecutive and the worker evoking his or her rights under the Directive was dismissed within that period. This is an important opinion in clarifying the law on this point.