

Improving private international law: jurisdiction rules applicable to employment

2013/2023(INI) - 20/09/2013 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs unanimously adopted the own-initiative report by Evelyn REGNER (S&D, AT) on improving private international law: jurisdiction rules applicable to employment.

Members recalled that a number of high-profile European court cases on jurisdiction and applicable law in relation to individual employment contracts and industrial action have led to fears that national provisions on employment law could be undermined by European rules which can lead, in certain cases, to the law of one Member State being applied by the court of another Member State.

It is also a major concern of private international law at European level to prevent forum shopping – particularly when this might occur to the detriment of the weaker party, such as employees in particular – and to ensure the greatest possible level of predictability as to jurisdiction.

It is therefore important that **European law should respect national traditions in this field.**

Whilst congratulating the institutions on the successful review of the [Brussels I Regulation](#), Members considered that employment law issues should be further addressed by the Commission with a view to a possible future revision.

Members noted that one of the main principles of private international law relating to jurisdiction is the protection of the weaker party and that the **objective of employee protection is spelt out in the current jurisdiction rules.**

Employees are generally well protected by jurisdiction rules in employment matters when they are defendants in cases brought by their employers through the exclusive grounds of jurisdiction laid down in the Brussels I Regulation.

The committee urged the Commission to assess whether the **current legal framework under the Brussels I Regulation sufficiently takes into account the specificities of actions in the employment sector.**

The Commission is also called upon to pay particular attention to the following issues:

- whether, concerning the liability of a worker or an employer or of an organisation representing the professional interests of workers or employers for damages caused by industrial action, any steps need to be taken to clarify that Article 7(2) of the recast Brussels I Regulation refers to the **place where the industrial action is to be or has been taken**, and whether alignment with Article 9 of the Rome II Regulation is necessary;
- whether, in cases where an employee sues an employer, the **fall-back clause** which applies where there is no habitual place of work should be reworded so as to **refer to the place of business from which the employee receives or received day-to-day instructions** rather than to the engaging place of business.