

Improving private international law: jurisdiction rules applicable to employment

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The European Parliament adopted a resolution on improving private international law: jurisdiction rules applicable to employment.

Parliament recalled that it is 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 also 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. In view of the major importance of employment law for the constitutional and political identities of the Member States, it is important that European law should **respect national traditions** in this field.

It is also in the interest of the proper administration of justice to align the rules on jurisdiction with the rules on applicable law to the extent possible.

In this regard, it seemed appropriate to evaluate whether there is a need for changes to be made to the rules on jurisdiction in the field of employment law. Parliament congratulated the institutions on the successful review of the [Brussels I Regulation](#) and considered that employment law issues should be further addressed by the Commission with a view to a possible future revision.

Parliament 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.

Parliament 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.