COUNCIL DIRECTIVE

of 17 February 1975

on the approximation of the laws of the Member States relating to collective redundancies

(75/129/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof ;

Having regard to the proposal from the Commission ;

Having regard to the Opinion of the European Parliament (1) ;

Having regard to the Opinion of the Economic and Social Committee (2) ;

Whereas it is important that greater protection should be afforded to workers in the event of collective redundancies while taking into account the need for balanced economic and social development within the Community ;

Whereas, despite increasing convergence, differences still remain between the provisions in force in the Member States of the Community concerning the practical arrangements and procedures for such redundancies and the measures designed to alleviate the consequences of redundancy for workers ;

Whereas these differences can have a direct effect on the functioning of the common market ;

Whereas the Council resolution of 21 January 1974 (3) concerning a social action programme makes provision for a Directive on the approximation of Member States' legislation on collective redundancies ;

Whereas this approximation must therefore be promoted while the improvement is being maintained within the meaning of Article 117 of the Treaty,

HAS ADOPTED THIS DIRECTIVE :

SECTION I

Definitions and scope

Article 1

1. For the purposes of this Directive :

(a) 'collective redundancies' means dismissals effected by an employer for one or more reasons not related to the individual workers concerned where, according to the choice of the Member States, the number of redundancies is :

— either, over a period of 30 days :

(1) at least 10 in establishments normally employing more than 20 and less than 100 workers ;

(2) at least 10 % of the number of workers in establishments normally employing at least 100 but less than 300 workers ;

(3) at least 30 in establishments normally employing 300 workers or more ;

— or, over a period of 90 days, at least 20, whatever the number of workers normally employed in the establishments in question ;

(b) 'workers' representatives' means the workers' representatives provided for by the laws or practices of the Member States.

2. This Directive shall not apply to :

(a) collective redundancies affected under contracts of employment concluded for limited periods of time or for specific tasks except where such redundancies take place prior to the date of expiry or the completion of such contracts ;

(b) workers employed by public administrative bodies or by establishments governed by public law (or, in Member States where this concept is unknown, by equivalent bodies) ;

(c) the crews of sea-going vessels ;

(d) workers affected by the termination of an establishment's activities where that is the result of a judicial decision.

SECTION II

Consultation procedure

Article 2

1. Where an employer is contemplating collective redundancies, he shall begin consultations with the workers' representatives with a view to reaching an agreement.

(1) OJ No C 19, 12. 4. 1973, p. 10.
(2) OJ No C 100, 22. 11. 1973, p. 11.
(3) OJ No C 13, 12. 2. 1974, p. 1.