



EUROPEAN COMMISSION

PRESS RELEASE

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Collective redundancies: Commission refers Italy to Court of Justice for exclusion of managers from information and consultation rules

The European Commission has referred Italy to the Court of Justice of the EU for not taking measures to properly implement EU law on collective redundancies.

[Directive 98/59/EC](#) requires any employer contemplating collective redundancies to hold consultations with workers' representatives with a view to reaching an agreement. These consultations have to include ways and means of avoiding collective redundancies or reducing the number of workers affected, and of mitigating the consequences by recourse to accompanying social measures aimed at redeploying or retraining those workers made redundant.

Italian legislation, and the relevant Italian case law, currently excludes managers ('*dirigenti*') from the procedural guarantees related to information and consultation of workers' representatives at the workplace.

The exclusion of '*dirigenti*' constitutes not only unjustified discrimination against '*dirigenti*' themselves but may also, in certain cases, lead to an unjustified weakening of the protection of other categories of workers at the workplace. In particular, it may make it more difficult to reach the redundancies threshold required by law for triggering the information and consultation procedure.

To ensure proper implementation of the Directive, the definition of "workers" cannot be left to the discretion of Member States. On the contrary, 'workers' must be defined a uniform manner across the EU, in line with the objectives of the Directive, the principle of equality and the EU Charter of Fundamental Rights.

Background

Italy implemented the Directive on collective redundancies by way of Law No 223/1991. The competent Italian authorities, including courts, interpret this law as excluding '*dirigenti*' from the calculation of the number of redundancies which the employer intends to effect and from the procedural guarantees related to information and consultation of workers at the workplace.

The category of '*dirigenti*' includes, according to Italian case-law, not only senior managers who exercise significant decision-making powers - including the management of staff - but also middle and junior managers who have a high level of professional knowledge but do not perform the role of the employer and have no real power to manage the means of production within the company.

The Commission became aware of the infringement at issue through a petition submitted to the European Parliament. The Commission requested Italy to take measures to end the exclusion of '*dirigenti*' from the scope of the Directive in June 2012 (see [IP/12/665](#)) but no such measures have been notified to the Commission.

Further information

For more information on infringement procedures:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm

On the October infringement package decisions: [MEMO/12/794](#)

On the general infringement procedure: [MEMO/12/12](#)

Homepage of László Andor, EU Commissioner for Employment, Social Affairs and Inclusion:

http://ec.europa.eu/commission_2010-2014/andor/index_en.htm

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