

Call for Papers 2027/2

Deadline for paper proposals: 15 October 2026

Revue de Droit Comparé du Travail et de la Sécurité Sociale 2027/2
Comparative Social Case Law

'The judge and collective access to justice: union action and representative action'

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BACKGROUND & RATIONALE

The *Revue de Droit Comparé du Travail et de la Sécurité Sociale* (RDCTSS),¹ whose aim is to contribute to the development of analysis and discussion on comparative labour and social security law throughout the world, devotes each year a special issue (No. 2) to a 'Comparative Social Case Law' chronicle.

RDCTSS No. 2027/2 proposes to bring together studies on: 'The judge and collective access to justice: union action and representative action'.

Collective access for employees to the courts is based, depending on the system, on two mechanisms whose scope and role vary greatly. By 'union action,' we refer to the ability of a trade union to defend employees' rights in court.

'Representative action', a more recent development, is a procedural mechanism for aggregating individual claims, inherited from the American class action model. This mechanism has opened the door to new actors in the field of labour justice. While the trade union was once the exclusive channel for legal action to defend employees' interests, representative action has broken away from this model and can now also be brought by associations, qualified entities, or even attorneys. The conditions for such access (standing, certification, opt-in or opt-out procedures, and the scope of *res judicata*) everywhere depend on how judges interpret the applicable legal texts.

¹ <https://comptrasec.fr/en/the-comparative-labour-and-social-security-law-review/>

In France, over decades, the Social Chamber of the Court of Cassation has shaped an expansive interpretation of the collective interest of the profession (Article L. 2132-3 of the Labour Code) and broadened the scope of substitution actions — i.e., the procedural mechanism allowing a trade union to bring legal claims on behalf of individual employees to enforce their rights (with their consent) —, while also regulating the conditions for their implementation. Representative action in matters of discrimination, introduced in 2016, has confronted judges with new questions: identifying the group, demonstrating systemic discrimination, and coordinating with individual claims. The law of 30 April 2025, known as the DDADUE law, implementing Directive (EU) 2020/1828, opens a new field of litigation. In the United States, where class actions are the main vehicle for employees' collective claims, the Supreme Court has twice limited access: first by tightening certification requirements in *Wal-Mart v. Dukes* (2011), then by upholding, in *Epic Systems v. Lewis* (2018), arbitration clauses that deprive employees of collective recourse. In Brazil, Article 8, III, of the 1988 Federal Constitution provides for extraordinary standing for unions, which are recognized as procedural substitutes for the category they represent. The Supremo Tribunal Federal thus permits unions to act without the prior individual authorization of those concerned, not only to have the relevant collective rights recognized, but also to pursue their quantification and enforcement.

This issue offers a comparative analysis of the social judge's approach to collective action, ranging from guardian of admissibility requirements to architect of broader access.

GUIDING QUESTIONS

Articles, whether they focus on a single legal system or adopt a comparative perspective, must be grounded in case law and address the role of the judge. The following questions may guide contributors:

1. On what basis (constitutional, statutory or case-law) can a trade union bring legal action to defend employees' rights, and in what capacity (as a party to the collective bargaining agreement, defender of the collective interest of the profession, procedural substitution or representation by mandate)?
2. Does a mechanism for representative action or collective redress exist in the social/labour field? If so, who is entitled to bring such proceedings (trade union, association, qualified entity, private lawyer) and under which membership regime (opt-in or opt-out)?
3. How receptive are judges to these collective actions: is their interpretation of the conditions for admissibility, certification, or standing broad or restrictive? Which decisions represent an opening, a reversal, or a restriction of access?

4. Is the judge's role limited to ruling on liability, or does it extend to the quantification of individual damages and compensation for group members?
5. How do the union's own action and the individual action of employees interact in national case law (coexistence, substitution, exclusivity)? Can an employee object to or withdraw from collective action?
6. If your legal system does not recognise representative actions in the social field, what explains this absence and what equivalent role does the union play?
7. Does the judge invoke (or disregard) international and European sources (ILO conventions, the European Convention on Human Rights, the European Social Charter, European Union law) to expand or restrict collective access to justice?

RECOMMENDATIONS FOR AUTHORS

Format of contributions

The expected contributions will be in French, English or Spanish with a maximum length of **25,000 characters**, footnotes and spaces included.

In addition, manuscripts must be accompanied by the following items:

- Title of the article;
- An abstract of approximately 500 characters in French and English, as well as keywords in each language (3-5) to identify the content of the article;
- Name of the author's institution or organisation;
- The author's research fields and bibliographic references (two publications of their choice);
- The author's postal and e-mail addresses.

Schedule

**Deadline for paper proposals (500-words abstract + title + proposed outline):
15 October 2026**

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- **Notification to authors: 31 October 2026**
- **Deadline for completed submission of papers: 1 February 2027**

ASSESSMENT PROCESS

Texts submitted to the Revue are subject to a double-blind peer review process by independent experts. Proposals for articles are first evaluated by the Editorial Board, which assesses the manuscript's admissibility. If accepted, the manuscript is submitted to two external reviewers for assessment. Based on reviewers' feedback, recommendations for minor or major changes can be made to the author.

All requests for major modifications require a second round of peer review. Based on the assessment, the Editorial Board of the Revue determines whether to publish the submitted manuscripts.