



14 September 2017

ECJ ruling is ‘defeat for Ryanair and victory for workers’ rights’

The ITF (International Transport Workers’ Federation) and ETF (European Transport Workers’ Federation) have welcomed a ruling today by the European Court of Justice (ECJ) as a major defeat for Ryanair on workers’ rights. The Court established that disputes over a cabin crew member’s contract of employment fall within the jurisdiction of the courts of the country from which they carry out their duties – not those of a country such as Ireland which the airline might choose to suit its own interests.

The ruling in the joined cases of Nogueira et al vs Crewlink (Ryanair’s recruitment agency) and Osacar vs Ryanair, establishes the rights of mobile aviation workers to have their grievances heard under the laws of the country from which they work. It determines that an employee can sue his or her employer at a court which he or she regards as closest to him or her. This is a vital step for those who need to seek redress in matters relating to individual contracts of employment.

The ruling brought together multiple cases of cabin crew members from Belgium, Spain and Portugal, all of whom had had employment problems (such as wrongful dismissal cases) with Ryanair/Crewlink, which had attempted to have them heard in Ireland, irrespective of where the crew members lived and worked.

ITF general secretary Steve Cotton explained: “This ruling is a defeat for Ryanair and a victory for workers’ rights. It upholds the fundamental principle of protecting mobile workers in aviation by ensuring that they can hold their employer to account in the country from which they genuinely discharge their duties – not in a nation which they may never have visited and whose courts are foreign and based hundreds of miles from home and place of work.”

Eduardo Chagas, general secretary of the ETF commented: “I am confident that this ruling will empower the workers in all airlines that want to circumvent national law and pick the jurisdiction that best serves their interests. The home base from which you work is the obvious criterion when defending the legitimate labour rights of mobile staff inside the EU.



“I would like to pay respect to the workers and their unions who stood up and fought for their rights. This this ruling is an important victory in the fight against social dumping in aviation.

“I would also like to thank the ITF/ETF-affiliated CNE union from Belgium for supporting this ground-breaking court case”

The ruling followed a question asked by the Labour Court of Mons (Belgium) and has today found that under Regulation (EC) 44/2001 a crew member can sue their employer in front of the appropriate labour court. This is a major setback for Ryanair, which has been claiming for years that only Irish courts can hear cases from anyone of any nationality and any home base who works for it, since, among other things, its aircraft are registered in Ireland.

ENDS

For more information please contact

ITF. Sam Dawson, press and editorial manager. Email: dawson_sam@itf.org.uk. Tel: +44 (0)20 7940 9260.

ETF. François Ballestero, political secretary for civil aviation. Email: f.ballestero@etf-europe.org.
Tel : +32 2 285 46 65

About the ITF and ETF

The **ITF** is an international federation of over 700 transport workers' trade unions representing 16.5 million transport workers from some 150 countries.

The **ETF** represents more than 230 transport unions in 41 European countries, representing over 3.5 million transport workers. In aviation, it is a recognised social partner and the only representative of aviation workers across all the industry's sub-sectors: air traffic management, aircrew, ground handling, maintenance, etc.