



**Data on the subject**

Full Name	EU Labor Law
Code	E000001226
Degree	Postgraduate in Master in International and European Business Law
Year	2022-23
Nature	Spring
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	Carlos Saldaña

**Data on the teaching staff**

<b>Teacher</b>	
Name	Carlos Saldaña Quero
Department / Area	Economic and Social Law
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Telephone	
Tutoring Schedule	Upon request from students

**SPECIFIC DATA ON THE SUBJECT**

**Framework of the subject**

**Pre-requisites**

Basic legal background and basic understanding of general concepts of employment/labor law.

**Contribution of the degree to the professional profile**

Raising awareness about the practical implications of the EU employment/labour legislation in the day-to-day operations of local and international companies.

## Competences – Goals

### Competences to be developed

#### Generic Competences

- GC 1: Analysis and synthesis abilities
- GC 3: Ability to manage information
- GC 7: Ability to work in an international context
- GC 8: Critical appraisal skills
- GC 10: Ability to develop autonomous learning skills
- GC 11: Concern for quality
- GC 12: Ability to apply theoretical knowledge into practice

#### Specific Competences

- SC 4 Mastering the main rules of EU law and international law that are relevant to international business development

## COURSE SYLLABUS AND CONTENT

### Content

#### Area 1. EU Labor Law

##### Theme 1. EU anti-discrimination Law

- 1.1 Introduction to EU anti-discrimination Law and equal treatment: main legal sources
- 1.2 The protected grounds in the scope of EU anti-discrimination provisions regarding labour and social security Law. Exceptions..
- 1.3 Key concepts of EU anti-discrimination law: direct discrimination, indirect discrimination, discrimination by association, positive action, harassment and victimisation
- 1.4 Enforcement of rights according to EU non-discrimination Directives: remedies and sanctions and the burden of proof
- 1.5 Analysis of recent CJEU case-law and in-class debate

##### Theme 2. Labour Mobility: Free Movement of Workers and Social Security Coordination. Posting

- 2.1 Introduction
- 2.2 Free movement of Workers
- 2.3 Social Security Coordination Regulations. Posted workers in a Social Security perspective
- 2.4. Posted workers: labour law perspective
- 2.5 Analysis of t CJEU case-law and in-class debate

### Theme 3. Working conditions

- 3.1. Introduction
- 3.2. Fixed term & part term contracts.
- 3.3. Temporary work agencies.
- 3.4. Heath & safety
- 3.5. Working time
- 3.6. Analysis or CJEU case-law and in-class debate.

### Theme 4. Employees' rights on restructuring enterprises

- 4.1 Introduction
- 4.2 Protection of employees' rights in case of transfers of undertakings
- 4.3 Collective redundancies and employees' rights in case of insolvency
- 4.4 Analysis of CJEU case-law and in-class debate

### Theme 5. Workers' involvement in decision-making processes

- 5.1 Introduction
- 5.2 Information, consultation and participation rights
- 5.3 European works councils and European companies regulations
- 5.4 Analysis of CJEU case-law and in-class debate

## TEACHING METHODOLOGY

## General methodology of the subject

### Contact hours methodology: Activities

Participative, active class. Students are expected to be fully engaged and involved in the discussion and CJUE case-law analysis.

### Outside class methodology: Activities

Students are expected to come to class with some presentations of CJUE prepared.

## SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS			
Lecture	Practical Class	Debate	Evaluation : exam
8	5	5	2
NUMBER OF INDEPENDENT WORK HOURS			
Lecture	Practical Class	Exam	Evaluation : exam
6	12	12	
ECTS CREDITS: 2 (50,00 hours)			

## GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting
Class Presentation and participation	Coherent oral expression, correct use of the sources of knowledge to construe a presentation and an argument, correct answer to questions posed by the professors or fellow students, active class participation: <ul style="list-style-type: none"><li>- Class presentation (30%).</li><li>- Class participation (10%)</li></ul>	40 %
Evaluation: exam (final)	Correct answers to the questions formulated by the professors	50%
Attendance	Regular attendance to classes – control by signature of a daily sheet	10%

## BIBLIOGRAPHY AND RESOURCES

## Basic Bibliography and Resources

### TEXT BOOKS

- BARNARD, Catherine EC Employment Law, Oxford EC Law Library, Last Edition.
- ELLIS, Evelyn Ellis, WATSON, Philippa. EU Anti-Discrimination Law. Oxford EU Law Library. Last Edition.
- WATSON, Philippa: EU social and employment law, Oxford University Press Last edition
- SCHLACHTER, Monika: EU Labour Law: a commentary, Kluwer Law International. Last edition.
- FUCHS and CORNELISSEN: EU Social Security Law. C.H. Beck, Hart and Nomos Last edition.
- FREDERIC DE WISPELAERE, F. & PACOLET, J. "Posting of workers: the impact of social security coordination and income taxation law on welfare States"  
[https://hiva.kuleuven.be/nl/backupoud/docs/working-papers/HIVA\\_WP2015\\_01.pdf](https://hiva.kuleuven.be/nl/backupoud/docs/working-papers/HIVA_WP2015_01.pdf)
- MASLAUSKAITE, K. "Posted workers in the EU: state of play and regulatory evolution"  
<http://www.institutdelors.eu/wp-content/uploads/2018/01/postedworkers-maslauskaite-ne-jdi-mar14.pdf?pdf=ok>
- TRZECIAKOWSKI, R. "Restrictions on the Posting of Workers: Protectionism against the Poorer Member States" <http://4liberty.eu/restrictions-on-the-posting-of-workers-protectionism-against-the-poorer-member-states/>
- CARRASCOSA BERMEJO, D. "Cross-border healthcare in the EU: Interaction between Directive 2011/24/EU and EU Regulations on social security coordination. ERA Forum (2014)15. 359-380 p. DOI 10.1007/s12027-014-0358-8

### WEBSITES

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en>

Network of legal experts (MoveS: Free Movement of Workers and Social Security Coordination).  
<http://ec.europa.eu/social/main.jsp?langId=en&catId=1098>

### NOTES

The course will include the analysis of recent CJEU case-law on the following topics, which will be subject of in-class debate:

- a) Equality and no discrimination rights
- b) Free movement of workers
- c) Social Security coordination
- d) Intra EU Posting
- e) Employees' work conditions
- f) Types of employment contracts
- g) Collective redundancies and transfer of undertakings
- h) Employees' information, consultation and participation rights.

The specific CJEU Judgements to be analysed and presented during each session will be circulated to the students prior to the session.

### OTHER MATERIAL

- Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation
- Directive 2000/43/EC on the principle of equal treatment irrespective of ethnic or racial origin
- Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation Directive 2010/18/UE parental leave directive
- Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States
- Regulation EU/492/2011 on freedom of movement for workers within the Union
- Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers
- Directive 96/71 on posted workers within the framework of a rendering of services
- Directive 2014/67/EU (on the enforcement of Directive 96/71/EC) concerning the posting of workers in the framework of the provision of services
- Directive 2018/957/EU amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services
- Directive 2008/104/EC on temporary agency workers
- Directive 99/70/EC fixed-term work directive
- Directive 97/81/EC part-time work directive
- Directive 2001/23/EC on the safeguarding of employees' rights in case of transfers of undertakings
- Directive 2008/94/EC on the protection of employees in case of insolvency
- Directive 98/59/EC on collective redundancies
- Directive 2009/38/EC on European Works Councils and employees' information and consultation rights in companies of European dimension
- Directive 2002/14/EC on information and consultation rights in the EC
- Regulation EC/883/2004 and Regulation EC/987/2009 Social Security EU Coordination
- Administrative Commission for the Coordination of Social Security Systems Decision N° A2 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004. Legislation applicable to posted workers and self-employed workers temporarily working outside the competent State. 12<sup>th</sup>-6-2009 (determination of the applicable legislation). (2010/C 106/02). DOUE 24-4-10
- Administrative Commission for the Coordination of Social Security Systems. Recommendation N° A1. concerning the issuance of the attestation. (2018/C 183/06). DOUE 29-5-18