



SUBJECT DETAILS

Data on the subject	
Full Name	EU Labor Law
Code	E000001226
Degree	Postgraduate in Master in International and European Business Law
Year	2025-26
Nature	Spring
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	Dolores Carrascosa Bermejo and Carlos Saldaña Quero

Data on the teaching staff	
Teacher	
Name	Dolores Carrascosa Bermejo
Department/Area	Economic and Social Law
e-mail	mdcarrascosa@comillas.edu
Telephone	
Tutoring Schedule	Upon request from students
Teacher	
Name	Carlos Saldaña Quero
Department/Area	Economic and Social Law
e-mail	csaldana@comillas.edu
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/labour 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 Compétences
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 Compétences
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. Working conditions (Prof Saldaña)

1. Introduction
2. Fixed term & part term contracts.
3. Temporary work agencies.
4. Health & safety
5. Working time
6. Analysis of CJEU case-law and in-class debate.

Theme 2. Employees' rights on restructuring enterprises (Prof. Saldaña)

1. Introduction
2. Protection of employees' rights in case of transfers of undertakings
3. Collective redundancies and employees' rights in case of insolvency
4. Analysis of CJEU case-law and in-class debate

Theme 3. Workers' involvement in decision-making processes (Prof. Saldaña)

1. Introduction
2. Information, consultation and participation rights
3. European works councils and European companies' regulations
4. Analysis of CJEU case-law and in-class debate

Theme 4. EU anti-discrimination Law (Prof Carrascosa)

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

Theme 5. Labour Mobility: Free Movement of Workers and Social Security Coordination. Posting. (Prof Carrascosa)

1. Introduction to intra-EU mobility (situation after Brexit)
2. Free movement of workers and their families and jobseekers.
3. Social Security Coordination Regulations. Posted workers in a Social Security perspective.
4. Posted workers: labour law perspective.
5. International telework and national applicable legislation (employment conditions and social security)
6. 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 in CJUE case-law analysis.

Outside class methodology: Activities

Students are expected to come to class with some analysis 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
Work in class and participation	<p>Coherent written and oral expression, correct use of the sources of knowledge to construct a critical analysis and an argument, correct response to questions posed from professors or peers, active class participation:</p> <ul style="list-style-type: none"> - Individual written analysis of CJEU case-law and brief class explanation (35%). - Class participation (5%) 	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%

Basic Bibliography and Resources

TEXT BOOKS

- BARNARD, Catherine. EC Employment Law, Oxford EC Law Library, Last Edition.
- ELLIS, Evelyn, 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
- CARRASCOSA BERMEJO, D. AND CONTRERAS HERNÁNDEZ, O. "Chapter 7 Short-term intra-EU labour mobility of EU citizens: the case of Spain", in Akgüç M. and Zwysen W. (eds.) Moving under the radar: ongoing challenges for short-term intra-EU mobility, ETUI. 2025.
https://www.etui.org/sites/default/files/2025-03/Moving%20under%20the%20radar-ongoing%20challenges%20for%20short-term%20intra-EU%20mobility_2025%20%281%29.pdf

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>

Other resources

- 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.
<https://doi.org/10.1007/s12027-014-0358-8>
- CARRASCOSA BERMEJO, D. Key Ideas on Mobility and Social Security after Brexit. ERA Forum 22, 387-406 (2021). <https://doi.org/10.1007/s12027-021-00685-3>
- CARRASCOSA BERMEJO, D., Molina Millán, J. The binding nature of posting PDA1 issued under EU social security Coordination Regulations and the possible role of national courts. ERA Forum 24, 69-103 (2023). <https://doi.org/10.1007/s12027-023-00749-6>
- CARRASCOSA BERMEJO, D. & CONTRERAS HERNÁNDEZ O. "Posted workers from and to Spain. Facts and figures" Report with the results of Posting Stat Project
<https://zenodo.org/record/6543137#.Yn0YKS8INB0> (English)
<https://zenodo.org/record/6543222#.Yn0WMC8INB0> (Spanish)
- 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
- 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/>
- De Pauw, B., Verschueren, H. The Framework Agreement on the applicable social security law in case of habitual cross-border telework after the pandemic. ERA Forum 24, 467-480 (2023).
<https://doi.org/10.1007/s12027-023-00766-5>

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 during each session will be circulated to the students (via Moodle) prior to the session.

OTHER MATERIAL

- Directive 96/71 concerning the posting of workers in the framework of the provision of services amended by Directive 2018/957/EU
- Directive 97/81/EC on part-time work.
- Directive 98/59/EC on collective redundancies
- Directive 99/70/EC on fixed-term work
- 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 2001/23/EC on the safeguarding of employees' rights in case of transfers of undertakings
- Directive 2002/14/EC on information and consultation rights in the EC
- Regulation EC/883/2004 and Regulation EC/987/2009 on Social Security EU Coordination
- 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
- 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 2008/104/EC on temporary agency workers
- Directive 2008/94/EC on the protection of employees in case of insolvency
- Directive 2009/38/EC on European Works Councils and employees' information and consultation rights in companies of European dimension
- 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 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 (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union
<http://data.europa.eu/eli/dir/2019/1152/oj>
- Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union. <http://data.europa.eu/eli/dir/2022/2041/oj>
- Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms
<http://data.europa.eu/eli/dir/2023/970/oj>
- Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work (Text with EEA relevance)
<http://data.europa.eu/eli/dir/2024/2831/oj>
- 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. 12th-6-2009 (determination of the applicable legislation). (2010/C 106/02). DOUE 24-4-10. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2010.106.01.0005.01.ENG
- 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. http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2010.106.01.0001.01.ENG
- Administrative Commission for the Coordination of Social Security Systems Decision No H14 of 21 June 2023 concerning the publication of the Guidance note on COVID-19 pandemic, the note on the interpretation of the application of Title II of Regulation (EC) No 883/2004 and Articles 67 and 70 of Regulation (EC) No 987/2009 during the COVID -19 pandemic, the Guidance note on telework applicable for the period between 1 July 2022 and 30 June 2023 and the Guidance note on telework applicable from 1 July 2023 <http://data.europa.eu/eli/C/2024/594/oj>