

### SUBJECT DETAILS

Data on the subject	
Name	EU Labor Law
Degree	Postgraduate in Master in International and European Business Law
Year	2018 - 2019
Nature	Lecture. Spring
ECTS Credits	2
Department	Law
Area	Law
Teaching staff	Dr. Dolores Carrascosa Bermejo (2 sessions) Carlos Gil Iglesias (6 sessions)

Data on the teaching staff	
Teaching staff	Dr. Dolores Carrascosa Bermejo. Carlos Gil Iglesias
e-mail	mdcarrascosa@comillas.edu <a href="mailto:cgil@comillas.edu">cgil@comillas.edu</a>
Tutoring Schedule	Upon request from students

### SPECIFIC DATA ON 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 employment/labor legislation in the day-to-day operations of local and international companies.

## COMPETENCES TO BE IMPROVED

<b>Generic Competences</b>
<b>Instrumental</b>
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 CG 11: Concern for quality GC 12: Ability to apply theoretical knowledge into practice
<b>Specific competences of the subject</b>
<b>Conceptual (knowing)</b>
SC 4 Mastering the main rules of EU law and international law that are relevant to international business development
<b>Procedural (doing)</b>

## THEMATIC AREA AND CONTENT

<b>AREA 1: EU Labor Law</b>
<b>Theme 1: Equality law and no-discrimination</b>
1.1 Introduction to EC law and policies on equality 1.2 No-discrimination based on prohibited grounds (access to employment / course of employment / termination of employment); 1.3 EC regulations on ethnic and racial discrimination / equal opportunities between men and women 1.4 Analysis of recent court decisions and in-class debate
<b>Theme 2: Employees' work conditions and Social Security Rights</b>
2.1 Introduction 2.2 Freedom of movement and Social Security Coordination Regulations 2.3. Posted workers: Labour Law and Social Security perspective 2.4 Temporary agency workers 2.5 Analysis of recent court decisions and in-class debate
<b>Theme 3: Employees' rights on restructuring enterprises</b>
3.1 Introduction 3.2 Protection of employees' rights in case of transfers of undertakings 3.3 Collective redundancies and employees' rights in case of insolvency 3.4 Analysis of recent court decisions and in-class debate

#### Theme 4: Workers' involvement in decision-making processes

- 2.1 Introduction
- 2.2 Information, consultation and participation rights
- 2.3 European works councils and European companies regulations
- 2.4 Analysis of recent court decisions and in-class debate

### BIBLIOGRAPHY AND RESOURCES

#### Basic Bibliography

##### Text books

- BARNARD, Catherine (2012): EC Employment Law, Oxford EC Law Library, Fourth Edition
- WATSON, Philippa (2014): EU social and employment law, Oxford University Press Second edition
- SCHLACHTER, Monika (2015): EU Labour Law: a commentary, Kluwer Law International
- FUCHS and CORNELISSEN (2015): EU Social Security Law. C.H. Beck, Hart and Nomos Ed. P.163-184
- 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 a minimum of 8 recent court decisions on the following topics, which will be subject of in-class debate: a) Equality and no discrimination rights ;b) Employees' work conditions; c) Types of employment contracts; d) Collective redundancies and transfer of undertakings; e) Employees' information, consultation and participation rights. The specific court decisions to be analysed 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 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

### TEACHING METHODOLOGY

General methodological aspects of the subject

Contact hours methodology: Activities

Participative, active class. Students are expected to be fully engaged and involved in the discussion.

Independent study methodology: Activities

Students are expected to come to class prepared.

### SUMMARY OF STUDENT WORK HOURS

Activity	Number of contact hours	Number of independent study hours	Total number of hours
Lecture	8	6	14
Practical class	6	12	18
Debate	6	12	18
In class presentation			
Individual work			
Work in collaboration			
Evaluation: one minute paper			
Evaluation: class test			
Evaluation: exam	2		2
Evaluation: exam review			
Others			
<b>ECTS Credits:</b>	<b>20 (+2)</b>	<b>30</b>	<b>50 (+3)</b>

Grades

**GRADE EVALUATION AND CRITERIA**

Evaluation Activities	Generic Competences	Indicators	Evaluation Weighting
Individual work			
Work in collaboration			
Debate	GC 1: Analysis and synthesis abilities GC 3: Ability to manage information GC 8: Critical appraisal skills GC 10: Ability to develop autonomous learning skills GC 12: Ability to apply theoretical knowledge into practice  SC 4 Mastering the main rules of EU law and international law that are relevant to international business development	Coherent oral expression, correct use of the sources of knowledge to construe an argument, correct answer to questions posed by the professors or fellow students	20 %
Class presentation	GC 1: Analysis and synthesis abilities	Coherent oral expression, correct use of the sources of knowledge to construe a presentation, correct answer to	20 %

Comentado [AD1]: Es un proyecto en grupos? Especifica que es exactamente.

	<p>GC 3: Ability to manage information</p> <p>GC 7: Ability to work in an international context</p> <p>GC 8: Critical appraisal skills</p> <p>GC 10: Ability to develop autonomous learning skills</p> <p>CG 11: Concern for quality</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p> <p>SC 4 Mastering the main rules of EU law and international law that are relevant to international business development</p>	questions posed by the professors or fellow students	
Evaluation: exam (final)	<p>GC 1: Analysis and synthesis abilities</p> <p>GC 3: Ability to manage information</p> <p>GC 7: Ability to work in an international context</p> <p>GC 8: Critical appraisal skills</p> <p>GC 10: Ability to develop autonomous learning skills</p> <p>CG 11: Concern for quality</p> <p>GC 12: Ability to apply theoretical knowledge into practice</p>	Correct answers to the questions formulated by the professors	50%

	SC 4 Mastering the main rules of EU law and international law that are relevant to international business development		
Attendance		Regular attendance to classes – control by signature of a daily sheet	10%