



SUNICOP

European Labour Law

Subject and history of European Labour Law



SUNICOP

Subject of ELL

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- explores how individual European national legal systems, in symbiosis with the EU, produce a transnational labour system (Bercusson)
- the scope of ELL on case by case basis (Blanpain)
- Article 153(1) TFEU lists EU's competence in the field of labour law
- Supranational legal system (Van Gend en Loos C-26/62)

Teaching material

Article 153(1)

- a) improvement in particular of the working environment to protect workers' health and safety;
 - (1) working conditions;
 - (2) social security and social protection of workers;
 - (3) protection of workers where their employment contract is terminated;
 - (4) the information and consultation of workers;
 - (5) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;
 - (6) conditions of employment for third-country nationals legally residing in Union territory;
 - (7) the integration of persons excluded from the labour market, without prejudice to Article 166;
 - (8) equality between men and women with regard to labour market opportunities and treatment at work;
 - (9) the combating of social exclusion;
 - (10) the modernisation of social protection systems without prejudice to point c

History of ELL

Treaty of Rome

- It first declared the necessity to promote improved working conditions and standard of living, 'so as to make possible their harmonisation while the improvement is being maintained
- Ohlin Report
- Spaak report
- Article 117 and 118

History of ELL

1970s' – A change of direction?

- Article 119 (later 141 EC Treaty)
- Equal Treatment
- Collective redundancies

History of ELL

1980s'

- Role of the ECJ
- Single European Act (1986)
- Delors 'Social Europe'
- Community Social Charter (1989)

History of ELL

1990s' - the Treaty on EU

- Young workers, Working time and Parental Leave directives
- Maastricht Treaty
- Amsterdam Treaty (social, political, economic Union?)
- Subsidiarity
- Proportionality

History of ELL

- New Millennium
- Lisbon strategy
- Charter of Fundamental Rights (legal status!?)
- Nice 2000
- New EU Constitution (!?)
- Treaty of Lisbon
- 4 pillars of EU Labour Law (employability, entrepreneurship, adaptability and equal opportunities)

History of ELL

No competences

- Right to strike (but fundamental right, Laval and Viking)
- Pay (but not equal pay for equal work and work of equal value since 1957)

History of ELL

- New Millennium
- Lisbon strategy
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- Nice 2000
- New EU Constitution (!?)
- Treaty of Lisbon
- 4 pillars of EU Labour Law (employability, entrepreneurship, adaptability and equal opportunities)
- Europe 2020

History of ELL

Strong influence of the ECJ

- since Stauder
- ‘ All roads end in Luxembourg’
- law-maker and enforcer