PREREQUISITES

It requires a basic knowledge of Labour Law and European Union Law.
SUBJECT DESCRIPTION

In line with Labour Law I, this course is aimed at providing students with the necessary tools, skills and knowledge on the main foundations, institutions, sources and mechanisms of labour law which are necessary to handle legal issues that arise at today’s global workplace and to tackle common day-to-day problems related to this area of practice. Specific themes and material aspects of European Labour Law will be explored in more detail. These include: Freedom of Movement of Workers, Atypical employment, Protection against Discrimination, Business Reorganisation, Transfer of Undertakings and Employee Involvement in the undertaking, to list but a few. Most of the topics will be covered from an international, European and comparative perspective. Where possible and useful, reference will also be made to the national systems of Labor Law of the EU member states.
OBJECTIVES AND SKILLS
The objective of the course is that students become familiar with the principles and institutions of labour law. More concretely, the student will:

- Acquire the necessary skills to master labour law, and to be able to apply it in connection with other relevant the areas of law (such as administrative, company and criminal law).
- Assess the role of international laws and EU law in governing workplace’s interactions and power relationships
- Be able to study, analyze and discuss common labour law issues on the basis valuable insights into employer strategies and practical options for dealing with such issues.
METHODOLOGY
The Professor will lead the learning process through lectures and presentations, students are expected to show a proactive attitude by participating in class discussion and activities.

Legal materials, cases and news reports will help students to investigate the key issues that labour law deals with and the solutions it provides.

Students will be asked to question what they already know and to think about a number of legal questions critically. They will be given elements to discuss work-related issues from a purely legal / technical perspective.

Active participation in class, presentations and debates are essential elements. Dynamic, informed and independent interaction in class will be positively rewarded in the final evaluation.

Students are encouraged to demonstrate a deep knowledge of the course topics (i) through an independent research activity and (ii) showing interest in employment related news / situations they come across during the course.

Note: All sessions are face to face
<table>
<thead>
<tr>
<th>Teaching methodology</th>
<th>Weighting</th>
<th>Estimated time a student should dedicate to prepare for and participate in</th>
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<tbody>
<tr>
<td>Lectures</td>
<td>30.0 %</td>
<td>45 hours</td>
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<tr>
<td>Discussions</td>
<td>13.33 %</td>
<td>20 hours</td>
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<td>Exercises</td>
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<td>20 hours</td>
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<td>Group work</td>
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<td>Other individual studying</td>
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<td>TOTAL</td>
<td>100.0 %</td>
<td>150 hours</td>
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</table>
PROGRAM

SESSIONS 1 - 2

Introduction. Syllabus presentation and quick recap.
What is going on here? The European Pillar of Social Rights, the ILO initiative on the Future of Work, towards a new social dimension?
R.A.: Flexibilization, Globalization and Privatization: Three Challenges to Labour Rights in Our Time (s-c)
R.A.: The European Pillar of Social Rights: An Assessment of its Meaning and Significance (s-c)

SESSIONS 3 - 4

T.N.: Bosman Case
T.N.: Directive on the right to move and reside freely

SESSIONS 5 - 6

Freedom of establishment. Posted workers directive.
R.A.: Posted workers: single market or protection of national labour law systems (s-c)
R.A.: One Step Forward, Two Steps Back? The Viking and Laval Cases in the ECJ (s-c)
R.A.: The Court of Justice and the Social Market Economy: The Emergence of an Ideal and the Conditions for its Realization (s-c)
Other: Directive on posting of workers
P.C.: Laval Case
T.N.: Viking Case

SESSIONS 7 - 8

R.A.: The Concept of ‘Worker’ in European Labour Law: Fragmentation, Autonomy and Scope (s-c)
R.A.: The concept of ‘worker’ in EU law: status quo and potential for change (s-c)
T.N.: Lawrie-Blum Case
T.N.: ILO Convention Minimum Age
T.N.: ILO Convention Part Time Work
T.N.: ILO Convention Homeworking
T.N.: Directive on Fixed term work
T.N.: Directive on part time work

SESSIONS 9 - 10

Subcontracting and intermediaries in the labour market. Contractors.
R.A.: Casual Work beyond Casual Work in the EU (s-c)
R.A.: Core and Contingent Work: a Theoretical Framework (s-c)
R.A.: Independent contractors and the challenge of vertical disintegration to employment protection laws (s-c)

17th January 2020
SECTIONS 11 - 12

The hiring process.
Working conditions. Minimum standards: wages and hours of work.
T.N.: ILO Convention on protection of wages
T.N.: ILO Convention on minimum wage fixing
T.N.: ILO Convention on 40 hour week
T.N.: ILO Convention on holidays with pay
T.N.: Directive on protection of wages in case of insolvency
T.N.: Directive on organization of working time
T.N.: Directive on transparent working conditions
T.N.: Jaeger Case
T.N.: Matkaz Case

SECTIONS 13 - 14

Health and safety.
Other typical clauses in employment contracts. Trial periods. Exclusivity and post contractual non-compete clauses. Permanence agreements.
R.A.: OSH and the Future of Work: benefits and risks of artificial intelligence tools in workplaces (s-c)
Other: ILO Convention on health and safety at work
T.N.: Directive on health and safety at work
T.N.: Directive on minimum requirement for health and safety

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SESSION 15

Mid-term Exam.

SESSIONS 16 - 17

Revision of mid-term exam.

SESSIONS 18 - 19

Maternity/paternity/family related rights.
Equality. Equal pay, equal treatment and types of discrimination.
R.A.: Solidarity and Conflict: European Social Law (s-c)
R.A.: Solidarity and Conflict: European Social Law, Cambridge University Press (s-c)
R.A.: The EU Charter of rights and the right to equality (s-c)
T.N.: Directive on parental leave
T.N.: Directive on health and safety for mothers
T.N.: Directive on equal treatment
SESSIONS 20 - 21
R.A.: Artificial Intelligence is Watching You at Work, Digital surveillance, employee monitoring and regulatory issues in the EU context (s-c)
Other: Regulation on data protection
Other: Working document on surveillance

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SESSIONS 22 - 23
Transfer of undertakings.
T.N.: Directive on TOU
T.N.: Albron Case
T.N.: Amatori Case
T.N.: Watson TOU
T.N.: Weil The fissured workplace (s-c)

SESSIONS 24 - 25
Termination of employment. Termination by the employee. Termination by the employer. Post termination obligations.
Termination of employment. Objective dismissals, collective redundancies.
T.N.: Directive on collective redundancies
B.C.: A case study of dismissal (s-c)
T.N.: European Labour Law (s-c)
International and European Protection of Collective Rights.
Employee Involvement and collective bargaining in the EU.
R.A.: Non-Standard workers and freedom of association: a critical analysis of restrictions to collective rights from a human rights perspective (s-c)
T.N.: Workers without workplaces and unions without unity. Non-standard forms of employment and collective rights, Bulletin of Comparative Labour Relations (s-c)
T.N.: The Right to Strike in the EU after Accession to the ECHR: A Practical Assessment (s-c)
T.N.: Albay Case
T.N.: FNV Kunsten Case

SESSIONS 28 - 29
Practice. Wrap up.

SESSION 30
EVALUATION CRITERIA

GENERAL OBSERVATIONS
Each student has four attempts over two consecutive academic years to pass this course.
Students must attend at least 70% of the sessions. Students who do not comply with the 70% attendance rule will lose their 1st and 2nd chance, and go directly to the 3rd one (they will need to enroll again in this course next academic year).
Students who are in third or fourth call should contact the professor during the first two weeks of the course.

RETAKE POLICY
In July’s retake the maximum final score would be of 8 out of 10. Grading for retakes will be subject to the following rules:
Students failing the course in the first regular period will have to do a retake in July (except those not complying with the attendance rules, which are banned from this possibility).
Dates and location of the July retakes will be posted in advance and will not be changed.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Percentage</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Class Participation</td>
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<tr>
<td>Group Presentation</td>
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<tr>
<td>Mid-Term Exam</td>
<td>30 %</td>
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<tr>
<td>Final Exam</td>
<td>30 %</td>
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PROFESSOR BIO
MARIA EUGENIA DE LA CERA GUERRERO is an advisor to the Spanish Prime Minister’s Cabinet, specialised in Labour and Social Security matters.

Previously she was full time lawyer for 12 years at different law firms, including Pérez Llorca, Olswang, Bird and Bird and Uriá Menéndez. Her main areas of expertise include execution and termination of agreements with ordinary employees and senior executives, design and analysis of remuneration schemes and implementation of internal flexibility measures, transfers of employees and international assignments. She also has major experience in collective dismissals, industrial conflicts, negotiating collective bargaining agreements and employment litigation.

She graduated in Law and Political Science and Administration at the Universidad Autónoma de Madrid, where she received a grant to collaborate with the Labor and Social Security department during the last year. She then coursed the Advanced Programme on Employment Relations at the Instituto de Empresa.

She regularly conducts international seminars and webinars on Spanish labor law.

To book an individual tutorial with Maria Eugenia, you can contact her on: mede@faculty.ie.edu

OTHER INFORMATION