



MASARYK UNIVERSITY
FACULTY OF LAW

Notion and System of European Labour Law

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Zápatí prezentace



Literature

- Blanpain, Roger, European Labour Law, Alphen aan den Rijn : Wolters Kluwer (2014),
- Nielsen, Ruth, EU Labour Law, Copenhagen : DJOF Publishing, (2013)
- Bercusson, Brian, European Labour Law, Cambridge : Cambridge University Press (2009)
- Web pages.
 - <https://europa.eu>
 - <http://eur-lex.europa.eu>
 - <http://curia.europa.eu>



European Organisations

1. Council of Europe – an international organisation established in 1949 for the purpose of protection of human rights

- European Convention on Protection of Human Rights and Fundamental Freedoms (1950)
- European Social Charter (1961) list of social rights, in 1996 revised

2. European Union (European Community)

27 member states

based on the principle of supranationalism



History of Integration

- **European Coal and Steel Community** - Treaty of Paris signed in 1951, entered into force 1952, six countries (Belgium, Luxemburg, Netherlands, France, Italy and Germany)
- **European Economic Community**
Treaty Establishing European Economic Community signed in Rome in 1957, entered into force 1958
- **European Atomic Energy Community**
Treaty Establishing European Atomic Energy Community (EUROATOM) signed in Rome in 1957, entered into force 1958



Revisions of Treaties

- **Single European Act** 1986 first significant revision of the Treaty Establishing the European Community
- **Treaty Establishing the European Union** 1992 (Treaty of Maastricht), entry into force 1993
- **Treaty of Amsterdam** – 1997, entry into force 1999
- **Treaty of Nice** – 2002, entry into force 2003
- **Treaty of Lisbon** - 2007, entry into force 1st December 2009



Enlargement of the EU

- 1973 - Great Britain, Ireland and Denmark
- 1981 - Greece
- 1986 - Spain and Portugal
- 1995 - Austria, Finland and Sweden
- 2004 - Czech Republic, Slovakia, Poland, Hungary, Cyprus, Malta, Estonia, Latvia, Lithuania, Slovenia
- 2007 Bulgaria, Romania
- 2013 – Croatia
- 2020 – Great Britain left the EU



Labour Law in EU

Labour law - a body of rules regulating:

- relations between employers and employees arising from performance of dependant work
- relations connected with performance of dependant work
- relations between collective of employees and employer or collective of employees and collective of employers

In EU only selected areas of labour law are regulated



Sources of European Labour Law

1. Primary Law

Establishing treaties - Treaty on the EU, Treaty on the Functioning of the EU (The Charter of Fundamental Rights of the EU)

Treaties on accession of new Member States

2. Secondary Law

Directives – addressed to Member States

Regulations – addressed to EU Member States and to individuals, directly applicable within the territory of all EU Member States

Decisions – mostly binding for individuals to whom they are addressed

Opinions, recommendations - are not legally binding

3. Other Sources of Law

Agreements of European social partners

Principles of EU law

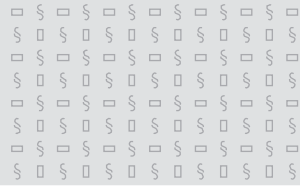
Case-law



System of EU Labour Law

Treaty on the Functioning of the EU:

1. Fight against discrimination (art. 19)
2. Free Movement of Workers (art 45 - 48)
3. Employment Policy (art. 145 – 150)
4. Social Policy (art. 151 – 161)



Fight against Discrimination

- Measures to combat discrimination in employment and occupation on the grounds of.
 - Sex,
 - Race or ethnic origin,
 - Religion or belief,
 - Age,
 - Disability,
 - Sexual Orientation



Free Movement of Workers

■ Internal market of the EU is based on four freedoms:

1. Freedom of movement of goods,
2. **Freedom of movement of workers,**
3. Freedom of movement of services,
- 4- Freedom of movement of capital

The right to be employed in the territory of another Member State without any discrimination based on nationality

Coordination of national systems of social security for persons using free movement



Employment policy

- Coordination of national employment policies,
- Cooperation between Member States to achieve high level employment within the Union

Social Policy

- Health and safety at work
- Protection of young people at work, protection of childcare
- Working time and rest periods
- Social protection of employees in the case of:
 - collective dismissal
 - employer's insolvency
 - transfer of undertakings
- Precarious forms of employment
 - temporary work
 - fixed-term work
 - part-time work
 - telework



System of collective Labour Law in EU

- Part of the EU social policy, It includes:
 - Right of employees to information
 - Right of employees to consultation
 - Right of employees to participation
 - European social dialogue
 - Agreements of European social partners
 - Implemented by directives or
 - As autonomous agreements