

J. Malmberg (Ed.), B. Fitzpatrick,  
M. Gotthardt, S. Laulom, A. Lo Faro,  
T. van Peijpe, A. Swiatkowski

# Effective Enforcement of EC Labour Law

# Effective Enforcement Of Ec Labour Law Studies In Employment And Social Policy Hardcover

**RJ Shavelson**



## **Effective Enforcement Of Ec Labour Law Studies In Employment And Social Policy Hardcover:**

Effective Enforcement of EC Labour Law Jonas Malmberg, Barry Fitzpatrick, 2003-01-01 Effective Enforcement of EC Labour Law deals with the rules designed to enforce EC labour law directives in the workplace Directives normally do not provide any specific rules on procedures and sanctions according to which the substantive rules of the directives are to be enforced Instead domestic rules shall apply However the European Court of Justice has developed some principles of enforcement that limit the autonomy of the Member States The aim of this book is to analyse the meaning of the principle of effective enforcement developed by the Court in three areas of labour law working time in the context of EU health and safety law the restructuring of enterprises through collective redundancies and transfers of undertakings and equality of opportunity between women and men The principle of effective enforcement is analysed in the light of how labour law directives are enforced in France Germany Italy the Netherlands Sweden and the UK The book also includes an analysis of regulations in Poland which illustrates some of the challenges that candidate countries will face in joining the EU Effective Enforcement of EC Labour Law is the result of collaboration between a group of labour law researchers from a number of European countries The work has been co ordinated by Jonas Malmberg Associate Professor at the National Institute for Working Life Stockholm and Uppsala University

**Effective Enforcement of EU Labour Law** Zane Rasnaca, Aristeia Koukiadaki, Niklas Bruun, Klaus Lörcher, 2022-08-11 This book by the ETUI Transnational Trade Union Rights Expert Network analyses enforcement as a key element making EU labour law effective or ineffective Enforcement is the key ingredient that makes rights effective and ensures compliance It can make or break a legal system Despite this enforcement of EU labour law has received little scholarly attention in recent decades and has rarely been examined in a comprehensive way This book aims to fill this gap Intended for academics and practitioners alike the book adopts a threefold approach to examine this issue First of all it explores the idea of effective enforcement and sets out the wider context in which EU labour law enforcement takes place Secondly it analyses how enforcement operates in particular areas including non discrimination health and safety information and consultation rights and the rights of migrating workers Thirdly it critically assesses the role of specific actors in particular collective actors like trade unions as well as whistle blowers and the European Labour Authority and settings public procurement economic and monetary policy regulated by EU law Drawing on the insights produced by these analyses the book concludes by proposing a comprehensive Draft for a Model Directive on Effective Enforcement of EU Labour Law as an inspiration for policy development and scholarly debate in this area

*European Labour Law* Brian Bercusson, 2009-07-09 European Labour Law explores how individual European national legal systems in symbiosis with the European Union produce a transnational labour law system that is distinct and genuinely European in character Professor Brian Bercusson describes the evolution of this system its national transnational and global contexts and its institutional and substantive structures The collective industrial relations dimension of employment is examined and the

labour law of the EU as manifested in for example European works councils is analysed Important subjects which have traditionally received little attention in some European labour law systems are covered for example the fragmentation of the workforce into atypical forms of employment Attention is also given to the enforcement of European labour law through administrative or judicial mechanisms and the European social dialogue at intersectoral and sectoral levels This new edition has been extensively updated as the EU's influence on this area of social policy continues to grow [Index to Legal Periodicals & Books](#) ,2006 *Bowker's Law Books and Serials in Print* ,1984 **The Changing Face of European Labour Law and Social Policy** Alan C. Neal,2004-01-01 In the realm of European employment law tension exists between the concepts of economic policy and social policy During recent years a growing tendency to emphasize the economic at the expense of the social can be discerned What this trend gives us in the views of the leading figures in the field of European labour law and social policy whose considered analyses are presented in this volume is a regime of grand declarations about workers rights but with extremely limited enforcement potential i The Changing Face of European Labour Law and Social Policy presents some of the papers given at a series of colloquia sponsored by the Employment Law Research Unit at the University of Warwick in early 2002 In its assessment of the forces at work in European employment law today these commentaries examine significant initiatives and issues including problems arising in the context of the Nice Charter delivering equality at the workplace under the new EU legal framework the crisis facing workers participation in practice the prospects for trans national collective bargaining employment related aspects of human rights under the ECHR and attempts to establish effective protections in relation to the working environment Invaluable appendices include a report as presented by the late Marco Biagi of a high level group on reform of the European labour market the text of the Social Policy Agenda as approved at the Nice Summit of 2000 and the Commission's scoreboard on the implementation of the Social Agenda as of 2002 With its down to earth analysis of the current status of the floor of rights in the European work environment The Changing Face of European Labour Law and Social Policy will be of inestimable value to all practitioners and scholars seeking to improve the quality of life for Europe's working population and the quality of regulation at the disposal of those charged with confronting the new challenges to social policy resulting from the radical transformation of Europe's economy and society **Social and Labour Rights in a Global Context** Bob Hepple,2002-08-29 The active pursuit of social and labour rights is seen as a crucial response to globalization These essays written by leading scholars from the UK Ireland France Germany Italy Japan and the USA question the effectiveness of the rhetoric of rights such as those to decent work and security equal opportunity adequate food and housing and healthcare The authors examine emerging approaches in several European countries Japan and the USA and in codes of practice of multinational companies Attempts by the International Labour Organization to promote core rights and decent work and techniques of enforcement at regional level by the EU and NAFTA receive special attention **Cross-border EU Employment and its Enforcement** Yves Jorens,2022-12-11 This

book provides insights into the complex labour and social security framework of EU employment and its enforcement. Starting from an analysis of the various EU instruments and case law it outlines the complicated legal framework, the practical problems involved and ways to overcome them. In turn, the book puts the evolution of the framework into perspective, reviews the numerous modifications made over the years and describes interpretation-related difficulties. Since the formation of the European Community 65 years ago, migration and the European labour market have evolved considerably through special patterns of temporary mobility such as postings, simultaneous work in several Member States and high mobility, thus leading to major questions about the applicable legal framework. The interplay between the free movement of persons and services has produced a complex system of rules. Which law applies when a person crosses a border, that of the host State and to what extent should this State take into account the legal rules from the home State or that of the home State? Does the person crossing the border have any choice in the matter? The book subsequently analyses the penetration of EU market law into national systems of labour and social security law. The divergent solutions and views within labour and social security law are considered and discussed from a critical point of view. As the positive elements of the European story are at risk of being overshadowed by the negative consequences of the European construction, social dumping being the prime example, special attention is paid to the cooperation between inspection services and other stakeholders in order to guarantee efficient enforcement. The latter is more than just sanctioning but also includes prevention and monitoring issues. The unique strength of this book is that it brings together all legal technical aspects of cross-border employment and its enforcement in both labour law and social security law in a single volume. Readers will find a wealth of detailed and specialised information helping them to understand the topic in depth. Accordingly, the book will be of interest to academics, practitioners, enforcement bodies, judiciary, policymakers, advanced law students and researchers seeking to understand the law in context.

EU Labour Law Anne C. L. Davies, 2012-01-01. I feel confident that this book will be judged to have made a very significant contribution to the study of European labour law. It fills a particular niche within the rich existing literature by providing a lucid, accessible and succinct thematic overview of the subject in much the same way as the author has so successfully done for the study of British labour law in her work on perspectives on labour law. Mark Freedland, Oxford University, UK. EU law shaped both judicially and at the legislative level, disrupts national labour law perhaps for good reasons, perhaps for bad reasons, sometimes for reasons which are elusive. Challenges of an intellectual and practical nature confront those trying to pick a path through material accumulated over several decades and intrigue those thinking about the future of the European Social Model. This book offers an insightful, thoughtful and inspiring account of the nature and purposes of EU labour law and is a hugely welcome addition to the literature. Stephen Weatherill, Somerville College, Oxford, UK. EU Labour Law is a concise, readable and thought-provoking introduction to the labour and employment law of the European Union. The book explores the subject's major policy themes, examines the various procedures by which EU labour

law is made and analyses key topics such as worker migration equality working time and procedures for workers participation in employers decision making It sets the legal materials in their policy context and identifies the important issues which have shaped the development of EU labour law and are likely to determine its future including the economic crisis and the debate about fundamental rights in the EU This accessible yet rigorous book will appeal to undergraduate and postgraduate law students academics and practitioners working on domestic and EU labour and employment law as well as those with an interest in this increasingly important subject from the perspective of business and management economics sociology or politics

*Social Responsibility in Labour Relations* Frans Pennings, 2008-01-01 Since 1945 socially moderated market economies have formed the cornerstone of the European socioeconomic model Now however due to powerful global economic political and demographic tendencies tensions between social and economic interests and values are increasing These developments create an urgent need for answers actions and measures on the European level This wide ranging but focused collection of essays approaches this important trend from multiple perspectives Compiled in honour of the major European labour law scholar Teun Jaspers it encompasses a broad spectrum of analyses and insights by forty one distinguished contributors from seven countries Four major tensions are identified between the European and national level between fundamental rights and economic freedoms between workers and employers and between soft and hard law instruments Throughout a comparative approach is emphasized not only within the EU but also between the EU and China and South Africa Among the many topics covered are the following relocation of labour to low wage countries both within and outside the EU conditions for tempering the excesses of the free labour market the legal weight of voluntary standards such as codes of conduct extending the scope of application of corporate social responsibility norms to transnational enterprises pressure on national social law due to flexibilization deregulation and individualization contract termination protection employability and training of employees fixed term work in the wake of the Mangold ruling adjustment of working conditions for ill and disabled workers right to strike and restructuring of enterprises In light of the Lisbon strategy the authors address how the various tensions should be reconciled especially in the context of the flexicurity approach The book will be of great interest to academics and practitioners for its clear categorization of the issues which must be overcome when regulating employment and social policy in the context of todayand s EU multilevel legal order It pays detailed attention to the legal questions raised by emerging European labour and employment policies in respect of their specific materialization the opportunities they offer their feasibility and the threats they pose to traditional workerand s protection and more generally to traditional concepts of labour law

*European Labour Law and Social Policy: Cases and Materials* Alan Neal, 1999-09-22 This text is a collection of primary source materials in the labour law and social policy of the European Community in one volume It includes documents and decisions up to May 1st 1999 when the Treaty of Amsterdam came into force along with key legislative instruments in EC labour law and social policy significant associated policy documents

produced by the Commission and important decisions of the European Court of Justice      **European Labour Law and Social Policy** Alan C. Neal, 2002-01-01 This is the most comprehensive collection of primary source materials in the labour law and social policy of the European Community ever brought together With documents and decisions reflecting the state of play in June 2002 it includes key legislative instruments in EC labour law and social policy significant associated policy documents produced by the Commission and important relevant decisions of the European Court of Justice Since the first edition of this work in 1999 the pace of social policy change and innovation at the level of the European Community has increased dramatically Indeed developments during the past three years are little short of remarkable with particularly important advances in relation to the promotion of information consultation and participation for workers along with growing concern for several much broader social policy issues Recognition of the changes in emphasis and scale for European social policy and the presence of substantially more material to be included have caused this edition of the work to be divided into two volumes Volume I covers social dialogue industrial relations and labour law while Volume II is concerned with a wide range of material touching dignity at work in the European Community The arrangement of the material in two self contained volumes also reflects a division of convenience Thus those whose main focus is upon the labour law aspects of European social policy may choose to utilise primarily the material contained in the first volume while those who wish to concentrate more particularly upon fundamental social rights equal opportunities anti discrimination and dignity at work might wish to take advantage of the framework presented in the second volume Advocates judges policy makers scholars and students will all appreciate this essential sourcebook in EC labour law and social policy      *Labour Law and Social Protection in a Globalized World* Jan Pichrt, Kristina Koldinská, 2018-09-07 The protection of jobs and labour law standards achieved by employees in the past has been under pressure from neoliberalization forces for many years The focused perspectives evident in this original collection of essays go a long way toward clearly defining where labour law and social security law must set their sights in order to preserve fair and productive employer employee relations in the new world of work Distinguished researchers study the changing realities confronting the labour market in public policy as well as in industrial relations Issues and topics include the following integration of immigrants into industrial relations the social situation of migrant workers new phenomena brought by the digital age temporary agency work harmonizing family and working lives sport and labour law the role of European Works Councils and social and labour reforms Throughout this book the contributors emphasize the changing role of the state and reform agendas Although the central focus is on Europe there is an abundance of comparative detail allowing for global application As a matchless up to date overview and analysis of how new and emerging forms of employment and industrial relations impact employee security this book will be warmly welcomed by practitioners academics and policymakers concerned with ensuring the persistence of fair and viable standards in labour and social security law      **Labour Law and Social Europe** Brian Bercusson, 2009      **Effective enforcement of EC labour**

**law**, 2004 *Labour Law and Working Conditions* European Commission. Directorate-General for Employment, Social Affairs and Inclusion, 2014 The Social Europe guide is a bi annual publication aimed at providing an interested but not necessarily specialised audience with a concise overview of specific areas of EU policy in the field of employment social affairs and inclusion It illustrates the key issues and challenges explains policy actions and instruments at EU level and provides examples of best practices from EU Member States It also presents views on the subject from the Council Presidency and the European Parliament Volume 6 looks at the origin and purpose of labour market rules across the EU It highlights the importance of ensuring good and healthy working conditions and a level playing field in the Single Market It explains the respective roles the EU institutions and Member States play in shaping the legislation on employment and working conditions in general EU rules help to set minimum standards and requirements to underpin national laws aiming to ensure the realization of the values set out in the EU s founding Treaties The guide also explains how EU labour law has been influenced by international standards and the role the EU plays in promoting decent work across the world **The European Employment Strategy** Diamond Ashiagbor, 2005 Labour law and social policy have long provided an arena within which key debates over the depth and pace of European integration have taken place Increasingly as the European Union s employment policy has matured employment and economic policy discourses have come to displace discourses around social policy and social law a displacement which has occurred in tandem with a shift from legislative harmonisation to the use of soft law and governance by means of guidelines This book charts the evolution of the European Employment Strategy and the new forms of governance to which it has given rise in particular the open method of coordination It offers an interdisciplinary exploration of European social law and employment policy scrutinizing the law and economics of labour market regulation in the European context and responding to the economic critique of traditional notions of social protection Through a detailed examination of the legal and economic underpinnings of the European Employment Strategy the author outlines the implications of this strategy for labour law social protection and industrial relations within the EU Using the open method of coordination in the European Employment Strategy as a case study the book also provides a timely contribution to the growing literature on new governance in the EU This innovative form of governance has the potential to forge a middle course through the regulatory choices facing the EU the choice over the appropriate level of regulation in the EU whether national or supranational that over the legitimate role for the state in regulating or deregulating the labour market and ultimately the choice between centralised harmonization and regulatory competition European Labour Law and Social Policy Cases and Materials Volume 1 Social Dialogue Industrial Relations and Labour Law A.C. Neal, 2002-08-01 This is the most comprehensive collection of primary source materials in the labour law and social policy of the European Community ever brought together With documents and decisions reflecting the state of play at 1st June 2002 it includes key legislative instruments in EC labour law and social policy significant associated policy documents produced by the



Commission and important relevant decisions of the European Court of Justice Since the first edition of this work in 1999 the pace of social policy change and innovation at the level of the European Community has increased dramatically Indeed developments during the past three years are little short of remarkable with particularly important advances in relation to the promotion of information consultation and participation for workers along with growing concern for several much broader social policy issues Recognition of the changes in emphasis and scale for European social policy and the presence of substantially more material to be included have caused this edition of the work to be divided into two volumes Volume I covers social dialogue industrial relations and labour law while Volume II is concerned with a wide range of material touching dignity at work in the European Community The arrangement of the material in two self contained volumes also reflects a division of convenience Thus those whose main focus is upon the labour law aspects of European social policy may choose to utilise primarily the material contained in the first volume while those who wish to concentrate more particularly upon fundamental social rights equal opportunities anti discrimination and dignity at work might wish to take advantage of the framework presented in the second volume Advocates judges policy makers scholars and students will all appreciate this essential sourcebook in EC labour law and social policy

**European Labour Law and Social Policy** A. T. J. M.

Jacobs, Hans Zeijen, 1993 In the 1950 s when the EC Treaties were drafted social policy was treated in a somewhat cursory way Nonetheless there are few lofty statements of social ambitions in the Treaties This publication deals with the actual causes according to specific social issues from the 1950 s up till now All social pressure in Europe is still on the national level National politicians are in continuous debate with national employers representatives and trade unionists on desired changes in national labour law Thanks to a modification of the EEC Treaty in 1987 there is now a framed text which says In order to promote its overall harmonious development the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion It is therefore inevitable that the national structures of labor law will be surmounted by a set of substantial labor laws on the European level

*Labour Law in the Mirror* Adalberto Perulli, Tiziano Treu, 2025-01-22 Labour Law in the Mirror Categories Values Interlocutors Edited by Adalberto Perulli decentralisation of industrial relations systems states function as regulators of social processes attribution to private operators of missions previously ensured by the state corporate sustainability due diligence relationship between antitrust law and labour law priority of the moral commands of reason over selfish interests education and vocational training to facilitate the transition to green high tech jobs and protection of human and environmental rights in global value chains For its analytic clarification of the conceptual pairs inherent in labour law individual and collective public and private autonomy and subordination local and global national and European and its close attention to the consequences of values and philosophical approaches for labour law policies this book will be welcomed by corporate lawyers judges human rights experts trade unionists academic researchers business persons and all others interested in protecting the role of labour law as a fundamental arbiter of social

justice in a globalised world

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