



MASARYK UNIVERSITY
FACULTY OF LAW

The European Labour Law System and Sources



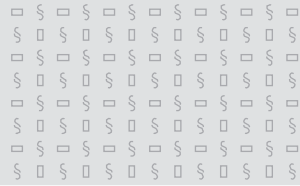
European Organisations

■ Council of Europe

- 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 (revised in 1996)

■ European Union

- 28 member states
- Based on the principle of supranationalism.



History of Integration

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



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)
- **Treaty of Amsterdam** - 1997
- **Treaty of Nice** - 2002
- **Treaty of Lisbon** - 2007



EU Member States

- Original Six Countries - Belgium, Luxemburg, Netherlands, France, Italy, Germany
- 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



The EU Law

- **Primary law:**
 - The Treaty on Functioning of the EU
 - Treaty on EU
 - Treaties on Accession of New Member States

- **Secondary law:**
 - Regulations
 - Directives
 - Decisions
 - Opinions
 - Recommendations
 - Agreements



Labour Law

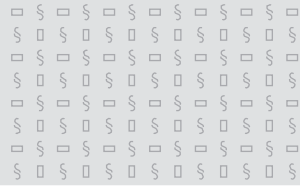
Labour law is a body of rules regulating:

- Relations between employers and employees arising from performance of dependant work.
- Relations connected with performance of dependant work.
 - ➔ Individual Labour Law
- Relations between collective of employees and employer or collective of employers
 - ➔ Collective Labour Law



European Labour Law

- Central part of the political and social dimension of the EU.
- Originally, EU was just an economic project.
- Since 1985 - increasing concern had been expressed at the social consequences of the creation of the Single European Market.
- 1989 - Community Charter of the Fundamental Social Rights of Workers was adopted as a declaration of all Member States (with the exception of UK):
 - established the major principles of European labour law
 - shaped the development of the European Social Policy.



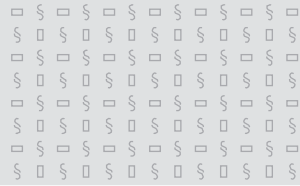
European Labour Law

- EU Social policy:
 - Labour Law
 - Social Security Law
- European Labour Law regulates only selected issues of labour relations.
- The main concern of the Social Security Law lies in the coordination of national systems of the Member States social security, particularly in connection with the right to free movement of workers.



System of the Individual labour law

- Free movement of workers, prohibition of discrimination based on nationality in employment and occupation
- Equal treatment and combating of discrimination in employment and occupation based on other prohibited grounds
- Health and safety of 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
 - insolvency of employer
 - transference of undertakings
- Flexible labour relations:
 - temporary work
 - fixed-term work
 - part-time work



System of the collective labour law

- Workers' rights to:
 - information
 - consultation
 - participation
- Regulation of European social dialogue. European social partners have right to:
 - Be consulted
 - Regulate labour issues with framework agreements.



Sources of the European Labour Law

- Primary law:
 - Treaty on the Functioning of the European Union (art. 151 – 161).
- Secondary law:
 - Regulations
 - Directives
 - Decisions
 - Opinions
 - Recommendations
 - Agreements
- Supplementary law:
 - Case law
 - General principles of law



Sources of the European Labour Law

- European Labour Law is mainly regulated by Directives.
- A large number of directives were issued since 90's.
- Another source of European labour law are European Social Partners Framework Agreements . They might be implemented via:
 - Transformation into directives
 - By practices specific for social partnets (the autonomous way)