

Academic Year: (2023 / 2024)

Review date: 27-04-2023

Department assigned to the subject: Social and Private International Law Department

Coordinating teacher: MERCADER UGUINA, JESUS RAFAEL

Type: Electives ECTS Credits : 3.0

Year : Semester : 2

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

None

OBJECTIVES

Own and understand knowledge that can provide a base or opportunity to be original in the development and/or application of ideas, often in a context of research.

The students must know how to communicate their findings and knowledges, in form clear and unambiguous, in front of public specialised and non-specialist.

Students have to learn skills which allow them to continue studying.

Learn the growing importance that has the law of European Union for legal operators and demonstrate mastery of its techniques about its application

Compare the instrumental value of law to achieve the efficiency of the market and macroeconomic stability.

Skilfully use of new communication technologies and sources of information on the law of the European Union.

Assess personal initiatives to increase the supply and quality of professional services

Ability to integrate the rules and specific procedures of the EU law on advice from customers and the protection of their rights in the internal and Community jurisdiction.

Ability to expose the functioning of the mechanisms of adaptation of the market players to the supranational regulation.

Knowledge and understanding of the techniques of relationship with agents and national and supra-national institutions responsible for the supervision of the EU law.

Knowledge and understanding of the scope of the liability of public authorities for breach of the EU law

This module provides students with a critical understanding of the questions raised by the EU's evolving social dimension. Students will be introduced to the core areas, and regulatory techniques.

- A wider knowledge of the main subjects and practical problems of the European Social Law.
- To be able to identify the applicable law and the right European Court jurisprudence relevant for the specific case.
- To be capable to interpret and explain the applicable law either to the specialized interlocutor or a non-expert one.
- To be able to argue and defend a point of view, a juridical interpretation or a strategy.

DESCRIPTION OF CONTENTS: PROGRAMME

I. Social and Labour Rights in a Global Context. 1.1 The Evolution of EU Social and Labour Law. Labour rights in time of Austerity 1.2. Protection against Discrimination within the Employment Relationship the future of European Labour Law .

II. European Employment Contract Law: 1. Employer's Obligation to inform when concluding a Contract; 2. Employees Rights in the Event of Restructuring or Closures of Companies (Transfer of Undertakings; Mass Dismissals and Insolvency of the Employer); 3. Particular forms of Employment: Part-time Work; Fixed-term contracts and Agency Employment.

III. European Law on the Protection of Employees at Work: 1. Health Protection and Safety at Work; 2. Maternity Protection, Parental Leave, Protection of Young People at Work. V. Collective Labour Law: 1. Collective Bargaining Law and Trade Dispute Law. 2. European Works Councils. 3. Involvement in the Organs of the European Company (Societas Europaea). 4. General Framework for Informing and Consulting Employees.

IV. Free movement of workers and personal service providers.

LEARNING ACTIVITIES AND METHODOLOGY

Short introductions to place and understand the matters in the right context. In order to do so, some manuals and specific bibliography for the matters should be recommended. The pupil will be given the necessary documents and materials prepared by the teacher with time in advance, to allow him/her to follow the classes up. These learning materials will be addressed to introduce the debate and discussion on those matters which deserve more analysis both for the teacher and for the pupils.

The pupil will elaborate a critical analysis on the mentioned documents opening the way to discussions on the most interesting subjects. These activities can be developed through a "seminar" course.

Practical exercises will be done to solve the different cases.

The mentioned activities could be developed either in team or individually.

Theory hours: --.

Practices hours: --.

Working timetable and other activities for the pupil: --

Teaching methodologies :

Although the theoretical lectures are welcome, the preferred methodology will be the case's analysis.

Analysis of different texts suggested either by the teacher or the pupils will be done as well.

ASSESSMENT SYSTEM

Ordinary session.

The 60% of the final mark will consist on the active participation/intervention of the student during the classes. The 40% of the final mark will consist in an individual paper wrote by the student at the end of the presential sessions.

Extra-ordinary session.

The 60% of the final mark will consist on the evaluation of an individual paper wrote by the student. Active participation/intervention during the classes: 40%.

The absence of more than 20% of the front classes causes dismissal from the course.

% end-of-term-examination:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

BASIC BIBLIOGRAPHY

- Barnard, C. EU Employment Law, Oxford, 2012
- Blanpain, R. Comparative Labour Law and Industrial Relations in Industrialized Market Economies, Wolters Kluwer, 2014
- Bronstein, A. Derecho internacional y comparado del trabajo: desafíos actuales, Plaza y Valdés, 2010
- Freedland, M. (Editor) Viking, Laval and Beyond (EU Law in the Member States), Hart Publishing , 2015
- Freedland, M. y Prassl, J. Viking, Laval and Beyond (EU Law in the Member States), Hart Publishing , 2015

- Freedland, M. y Prassl, J. Employees, workers and the Sharing Economy. Changing practices and changing concepts in the United Kingdom , University of Oxford (Papers nº 19/2017), 2017
- Freedland, M. y otros Viking, Laval and Beyond (EU Law in the Member States), Hart Publishing , 2015
- Garcia Murcia, J., (Dir.) Condiciones de empleo y relaciones de trabajo en el Derecho de la Unión Europea un estudio de jurisprudencia del Tribunal de Justicia, Aranzadi , 2018
- Jaspers, T., Pennings, F; Peters, S. European Labour Law, Intersentia, 2019
- L.Carlson Workers, Collectivism and the Law, Grappling with Democracy , Elgar, 2018
- Mercader Uguina, J.R. Nuevas contribuciones a la construcción del concepto de discriminación: La discriminación refleja o transferida, Justicia Laboral nº 37, 2008
- Mercader Uguina, J.R. De la movilidad de los trabajadores a la movilidad de la ciudadanos, Relaciones Laborales, Núm. 13, 2007
- Mercader Uguina, J.R. Niños anclaz y nuevas formulaciones del derecho a la libre circulación: el Caso Chen y su repercusión en España, . en AA.VV. (Coord. Ricardo Escudero Rodríguez), Inmigración y movilidad de los trabajadores, La Ley-Actualidad, 2010
- Nogueira Guastavino, M. Lecciones de Derecho Social de la Unión Europea, Tirant Lo Blanch, Última edición
- Rodríguez Sanz de Galdeano, B. Desplazamiento y traslado de trabajadores al extranjero Régimen Laboral y de Seguridad Social y cuestiones de competencia judicial, Aranzadi , 2018