

CONTENTS

| | |
|----------------------------|--------|
| Preface | V |
| Authors | XV |
| Abbreviations | XXVII |
| General Introduction | XXXIII |

PART I FUNDAMENTAL PROVISIONS

| | |
|--|---|
| Fundamental Provisions: Introduction | 1 |
|--|---|

CHAPTER I TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

| | |
|----------------------------------|-----|
| Article 8 TFEU | 7 |
| Article 9 TFEU | 13 |
| Article 10 TFEU | 21 |
| Article 19 TFEU | 23 |
| Article 21 TFEU | 26 |
| Article 45 TFEU | 41 |
| Article 46 TFEU | 66 |
| Article 47 TFEU | 68 |
| Article 48 TFEU | 69 |
| Article 56 TFEU | 76 |
| Article 57 TFEU | 76 |
| Article 58 TFEU | 76 |
| Article 59 TFEU | 76 |
| Article 60 TFEU | 77 |
| Article 61 TFEU | 77 |
| Article 62 TFEU | 77 |
| Pre. Articles 101–106 TFEU | 94 |
| Article 101 TFEU | 97 |
| Article 102 TFEU | 107 |
| Article 106 TFEU | 111 |
| Article 107 TFEU | 117 |
| Article 108 TFEU | 125 |
| Article 109 TFEU | 126 |
| Pre. Articles 145–150 TFEU | 133 |
| Article 145 TFEU | 134 |
| Article 146 TFEU | 135 |
| Article 147 TFEU | 136 |
| Article 148 TFEU | 138 |
| Article 149 TFEU | 142 |
| Article 150 TFEU | 142 |
| Article 151 TFEU | 143 |
| Article 152 TFEU | 150 |
| Article 153 TFEU | 155 |
| Article 154 TFEU | 165 |
| Article 155 TFEU | 165 |
| Article 157 TFEU | 176 |
| Article 174 TFEU | 188 |
| Article 175 TFEU | 188 |

CHAPTER II
CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

| | | |
|------------------|---|-----|
| Article 5 CFREU | Prohibition of slavery and forced labour | 195 |
| Article 15 CFREU | Freedom to choose an occupation and right to engage in work | 195 |
| Article 20 CFREU | Equality before the law | 200 |
| Article 21 CFREU | Non-discrimination | 203 |
| Article 23 CFREU | Equality between women and men | 209 |
| Article 27 CFREU | Workers' right to information and consultation within the undertaking | 214 |
| Article 28 CFREU | Right of collective bargaining and action | 218 |
| Article 29 CFREU | Right of access to placement services | 218 |
| Article 30 CFREU | Protection in the event of unjustified dismissal | 219 |
| Article 31 CFREU | Fair and just working conditions | 219 |
| Article 32 CFREU | Prohibition of child labour and protection of young people at work | 219 |
| Article 33 CFREU | Family and professional life | 225 |
| Article 51 CFREU | Field of application | 234 |
| Article 52 CFREU | Scope and interpretation of rights and principles | 239 |
| Article 53 CFREU | Level of protection | 244 |
| Article 54 CFREU | Prohibition of abuse of rights | 248 |

CHAPTER III
(REVISED) EUROPEAN SOCIAL CHARTER

| | | |
|-----------------|---|-----|
| Article 1 RESC | The right to work | 253 |
| Article 2 RESC | The right to just conditions of work | 255 |
| Article 3 RESC | The right to safe and healthy working conditions | 264 |
| Article 4 RESC | The right to a fair remuneration | 272 |
| Article 5 RESC | The right to organise | 277 |
| Article 6 RESC | The right to bargain collectively | 286 |
| Article 7 RESC | The right of children and young persons to protection | 297 |
| Article 8 RESC | The right of employed women to protection of maternity | 304 |
| Article 15 RESC | The right of persons with disabilities to independence, social integration and participation in the life of the community | 307 |
| Article 18 RESC | The right to engage in a gainful occupation in the territory of other Parties .. | 310 |
| Article 19 RESC | The right of migrant workers and their families to protection and assistance | 313 |
| Article 20 RESC | The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex . | 316 |
| Article 21 RESC | The right to information and consultation | 319 |
| Article 22 RESC | The right to take part in the determination and improvement of the working conditions and working environment | 330 |
| Article 24 RESC | The right to protection in cases of termination of employment | 336 |
| Article 25 RESC | The right of workers to the protection of their claims in the event of the insolvency of their employer | 339 |
| Article 26 RESC | The right to dignity at work | 343 |
| Article 27 RESC | The right of workers with family responsibilities to equal opportunities and equal treatment | 346 |
| Article 28 RESC | The right of workers' representatives to protection in the undertaking and facilities to be accorded to them | 348 |
| Article 29 RESC | The right to information and consultation in collective redundancy procedures | 354 |

CHAPTER IV
INTERNATIONAL LABOUR ORGANIZATION

| | |
|--|-----|
| The Declaration of Philadelphia (DoP) | 361 |
| ILO Convention 88 Employment Service Convention, 1948 (No. 88) | 375 |
| ILO Convention 122 Employment Policy Convention, 1964 (No. 122) | 383 |
| ILO Convention 142 Human Resources Development Convention, 1975 (No. 142) | 387 |
| ILO Convention 144 Tripartite Consultations, 1976 (No. 144) | 391 |
| ILO Convention 150 Labour Administration Convention, 1978 (No.150) | 403 |
| ILO Convention 168 Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) | 427 |

**PART 2
EQUALITY LAW**

| | |
|------------------------------|-----|
| Equality: Introduction | 431 |
|------------------------------|-----|

**CHAPTER I
GENERAL**

| | |
|--|-----|
| International Covenant on Civil and Political Rights: Article 26 (ICCPR) | 433 |
| International Covenant on Economic, Social and Cultural Rights: Articles 2 and 7 (ICESCR) | 438 |
| International Convention on the Elimination of All Forms of Racial Discrimination: Articles 1, 2 and 5 (ICERD) | 444 |
| Convention on the Elimination of All Forms of Discrimination against Women: Articles 1, 2, 3, 4 and 11 (CEDAW) | 449 |
| United Nations Convention on the Rights of Persons with Disabilities (CRPD) | 455 |
| Article 14 ECHR Prohibition of discrimination | 461 |

**CHAPTER II
EU LAW**

| | |
|--|-----|
| Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security | 466 |
| Directive 86/378/EEC on equal treatment in occupational social security and pension schemes .. | 481 |
| Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin | 495 |
| Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation | 520 |
| Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) | 547 |
| Directive 2010/41/EU on the application of the principle of equal treatment between men and women | 586 |

**CHAPTER III
NON EU LAW**

| | |
|---|-----|
| ILO Convention 100 Equal Remuneration Convention, 1951 (No. 100) | 602 |
| ILO Convention 111 Discrimination (Employment and Occupation) Convention, 1958 (No. 111) | 612 |
| ILO Convention 118 Equality of Treatment (Social Security) Convention, 1962 (No. 118) | 630 |
| ILO Convention 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159) | 635 |

**PART 3
WORKERS' MOBILITY**

| | |
|--------------------|-----|
| Introduction | 641 |
|--------------------|-----|

**CHAPTER I
GENERAL**

| | |
|---|-----|
| Directive 96/71/EC concerning the posting of workers in the framework of the provision of services | 643 |
| Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I) – Articles 8 and 9 | 664 |
| Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II) .. | 674 |
| Directive 2014/67/EU on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services | 677 |

**CHAPTER II
EU LAW FOR EU NATIONALS**

| | | |
|--------------------------|--|-----|
| Directive 2004/38/EC | on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States | 692 |
| Directive 2005/36/EC | on the recognition of professional qualifications | 713 |
| Regulation (EU) 492/2011 | on freedom of movement for workers within the Union | 785 |
| Directive 2014/54/EU | on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers | 800 |

**CHAPTER III
EU LAW FOR NON EU NATIONALS**

| | | |
|---|--|-----|
| Introduction: Labour Rights of Third-Country National Workers in the European Union | | 806 |
| Directive 2003/109/EC Article 11 | | 809 |
| Directive 2005/71/EC Article 12 | | 814 |
| Directive 2009/50/EC Article 14 | | 816 |
| Directive 2011/98/EU Article 12 | | 819 |
| Directive 2014/36/EU | | 823 |
| Directive 2014/66/EU Article 18 | | 827 |
| Directive 2016/801/EU Article 22 | | 829 |
| Directive 2009/52/EC | | 832 |

**CHAPTER IV
NON EU LAW**

| | | |
|----------------------------|--|-----|
| ILO Convention 94 | Labour Clauses (Public Contracts) Convention, 1949 (No. 94) | 840 |
| ILO Conventions 97 and 143 | Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) | 848 |

**PART 4
NON-STANDARD WORK**

| | | |
|---------------------------------|--|-----|
| Non-Standard Work: Introduction | | 868 |
|---------------------------------|--|-----|

**CHAPTER I
EU LAW**

| | | |
|-----------------------|---|-----|
| Directive 97/81/EC | concerning the Framework Agreement on part-time work | 872 |
| Directive 1999/70/EC | concerning the Framework Agreement on fixed-term work | 882 |
| Directive 2008/104/EC | on temporary agency work | 894 |

**CHAPTER II
NON EU LAW**

| | | |
|--------------------|--|-----|
| ILO Convention 175 | Part-Time Work Convention, 1994 (No. 175) | 906 |
| ILO Convention 177 | Home Work Convention, 1996 (No. 177) | 909 |
| ILO Convention 181 | Private Employment Agencies Convention, 1997 (No. 181) | 911 |
| ILO Convention 189 | Domestic Workers Convention, 2011 (No. 189) | 916 |

**PART 5
WORKING CONDITIONS**

| | |
|--|-----|
| Introduction: Working Conditions | 934 |
|--|-----|

**CHAPTER I
EU LAW**

| | | |
|--------------------------|---|------|
| Article 8 CFREU | Protection of personal data | 937 |
| Article 30 CFREU | Protection in the event of unjustified dismissal | 942 |
| Directive 91/533/EEC | on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship | 948 |
| Regulation (EU) 2016/679 | on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation – GDPR) | 958 |
| Directive 98/59/EC | on the approximation of the laws of the Member States relating to collective redundancies | 981 |
| Directive 2001/23/EC | on the approximation of the laws of the Member States relating to the safeguarding of employees' rights | 996 |
| Directive 2008/94/EC | on the protection of employees in the event of the insolvency of their employer | 1012 |
| Directive 2010/18/EU | implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC | 1026 |

**CHAPTER II
NON EU LAW**

| | | |
|--|--|------|
| ILO Convention 29 | Forced Labour Convention, 1930 (No. 29) | 1049 |
| ILO Convention 81 | Labour Inspection Convention, 1949 (No. 81) | 1073 |
| ILO Convention 95 | The Protection of Wages Convention, 1949 (No. 95) | 1093 |
| ILO Convention 129 | The Labour Inspection Convention (Agriculture), 1969 (No. 129) ... | 1106 |
| ILO Convention 131 | The Minimum Wage Fixing Convention, 1970 (No. 131) | 1120 |
| ILO Convention 138 | Minimum Age Convention, 1973 (No. 138) | 1124 |
| ILO Convention 140 | Paid Educational Leave Convention, 1974 (No. 140) | 1136 |
| ILO Convention 156 | Workers with Family Responsibilities Convention, 1981 (No. 156) .. | 1142 |
| ILO Convention 158 | Termination of Employment Convention, 1982 (No. 158) | 1149 |
| ILO Convention 182 | Worst Forms of Child Labour Convention, 1999 (No. 182) | 1165 |
| Maritime Labour Convention, 2006 (MLC, 2006) | | 1179 |
| Article 4 ECHR | Prohibition of slavery and forced labour | 1200 |

**PART 6
HEALTH AND SAFETY LAW**

| | |
|--|------|
| Introduction: Occupational Health and Safety | 1203 |
|--|------|

**CHAPTER I
EU LAW**

| | | |
|----------------------|---|------|
| Article 31 CFREU | Fair and just working conditions | 1207 |
| Directive 89/391/EEC | on the introduction of measures to encourage improvements in the safety and health of workers at work | 1210 |
| Directive 91/383/EEC | supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship | 1242 |
| Directive 92/85/EEC | on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding | 1252 |
| Directive 94/33/EC | on the protection of young people at work | 1268 |
| Directive 2003/88/EC | concerning certain aspects of the organisation of working time | 1285 |

CHAPTER II
NON EU WORK

| | | |
|-----------------------------------|---|------|
| ILO Convention 1 | Hours of Work (Industry) Convention, 1919 (No. 1) | 1321 |
| ILO Convention 47 | Forty-Hour Week Convention, 1935 (No. 47) | 1332 |
| ILO Convention 79 | Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79) | 1336 |
| ILO Convention 89 | Night Work (Women) Convention (Revised) and P 89 – Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 | 1343 |
| ILO Convention 90 | Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) (and ILO Convention 6 – Night Work of Young Persons (Industry) Convention, 1919 (No. 6)) | 1355 |
| ILO Conventions 3, 103 and 183 | on Maternity Protection | 1365 |
| ILO Convention 132 | Holidays with Pay Convention (Revised), 1970 (No. 132) | 1370 |
| ILO Convention 153 | Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) | 1381 |
| ILO Convention 155 | Occupational Safety and Health Convention, 1981 (No. 155) | 1392 |
| ILO Convention 161 | Occupational Health Services Convention, 1985 (No. 161) | 1413 |
| ILO Convention 171 | Night Work Convention, 1990 (No. 171) | 1428 |
| ILO Convention 187 | Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) | 1437 |

**PART 7
COLLECTIVE ORGANIZATION AND ACTION**

| | |
|--|------|
| Introduction: Collective Organisation and Action | 1454 |
|--|------|

CHAPTER I
EU LAW

| | |
|--|------|
| Article 28 CFREU Right of collective bargaining and action | 1457 |
|--|------|

CHAPTER II
NON EU LAW

| | |
|--|------|
| ILO Convention 87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Convention 98 – Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and Convention 154 – Collective Bargaining Convention, 1981 (No. 154) | 1492 |
| Article 11 ECHR Freedom of assembly and association | 1513 |

**PART 8
WORKERS' INVOLVEMENT**

| | |
|--|------|
| Introduction: Workers' Involvement | 1534 |
| Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees | 1535 |
| Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community | 1551 |
| Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees | 1567 |
| Directive 2005/56/EC on cross-border mergers of limited liability companies, Art 16 – Employee participation | 1592 |
| Directive 2009/38/EC on the establishment of a European Works Council | 1601 |

PART 9
DISPUTE RESOLUTION

| | |
|--|------|
| Introduction: Dispute Resolution | 1636 |
| Article 6 ECHR Right to a fair trial (extract) | 1637 |
| Regulation (EC) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I Recast) ... | 1643 |
| Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters . | 1650 |
| | |
| Index | 1665 |