



European Commission
Employment, Social Affairs
and Equal Opportunities

Community Labour Law

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Main Legal Basis

Article 137

- The EC supports and complements the activities of the Member States in several fields, including:
 - Health and safety
 - Working conditions
 - Information and consultation of workers
 - Equality between men and women
- Adoption of directives - Co-decision procedure





Legal Basis

continued

- Article 137 does not apply to:
 - pay
 - right of association
 - right to strike
 - right to impose lock-outs





Community Labour law: General Features

- Two-phase consultation with the European social partners before Commission's proposals
- Adoption of Directives, no Regulations
- Establishing minimum requirements, no harmonization
- Member States can maintain or introduce more stringent protective measures for workers
- Role of social partners: Implementation of directives through collective agreements (Art. 137 (3)); consultation of SP and possibility for them to conclude agreements (Art. 138, 139)
- Balance between flexibility and security





Community Labour law: General tips for implementation

KEY ELEMENTS

- Put the detailed rules in place by laws, regulations, administrative provisions or by collective agreements concluded by social partners without lowering the existing level of protection
- Make sure that there is provision for effective and dissuasive sanctions
- Make sure that there is adequate administrative capacity, including necessary resources to labour inspectorates
- Consider the need for information campaigns, education, training etc.





Community Labour Law: Three Main Regulatory Subjects

- Working time (4 Directives)
- Other working conditions (7 Directives)
- Information and consultation (6 Directives)





I. Working time

General directive

- Directive 2003/88/EC

Sectoral directives

- Directive 2000/34/EC
- Directive 2000/79/EC
- Directive 2005/47/EC





II. Working conditions

- Directive 94/33/EC (young people)
- Directive 91/533/EEC (written statement)
- Directive 1999/70/EC (fixed-term work)
- Directive 97/81/EC (part-time work)
- Directive 91/383/EEC (health and safety in fixed term and temporary employment)
- Directive 96/71/EC (posting of workers)
- Directive 2002/74/EC (employer insolvency)





III. Information and Consultation

- **Collective redundancies (98/59/EC)**
- **Transfer of undertakings (2001/23/EC)**
- **European Works Council (94/45/EC)**
- **Framework for informing and consulting employees (2002/14/EC)**
- **Employees' involvement in the European Company (2001/86/EC)**
- **Employees' involvement in the European Co-operative Society (2003/72/EC)**

