Course outline

JUS5870 International and comparative labour law, spring 2016

Summary
The course International and comparative labour law addresses labour law regulation in public international law, originating from inter-state institutions such as the ILO, the UN, and the Council of Europe, and by supra-national institutions, such as the EU, comprising international conventions, EU primary and secondary legislation, case law, and ‘soft law’ measures.

The lectures comprise both theoretical and methodological aspects of the topic. The major part of the course deals, however, with substantive law, mainly focusing on EU labour law, including in the context of EU fundamental freedoms. Following a brief look at private international law (conflict of laws) in labour law the course is rounded off with a ‘mock exam’ in preparation for the actual course exam test.

Lecture hours and lecture venue are published on the course website under ‘Schedule’ (http://www.uio.no/studier/emner/jus/jus/JUS5870/v16/timeplan/index.html). The references below will be supplemented onwards, in particular by case law and legislation references. Literature etc. is expected to be read before each lecture. The ‘Cases and Materials’ collection should be at hand also during lectures. Some further materials are made available in Fronter (folder ‘Materials’).

Useful links
International Labour Organization (ILO)
OECD Guidelines for multinational enterprises (OECD Guidelines)
European Court of Human Rights (ECtHR)
Court of Justice of the European Union (CJEU)
European Committee of Social Rights for the European Council (ECSR)
North American Agreement on Labor Cooperation (NAALC)
Schedule of lectures and reading list

27 January  Introduction to course, Marianne Jenum Hotvedt & Johann Mulder
International aspects of labour law and industrial relations
Institutions and instruments pertaining to fundamental labour rights

Preparatory reading:
- Deakin, Lele & Siems, The evolution of labour law, p. 133–162
- Barnard, International market v. labour market, p. 19–43
- Servais, International labour law, Part II, Ch. 1
- Kilpatrick, On the rule of law and economic emergency, p. 325–353

Supplementary literature:
- Barnard, The financial crisis and the Euro plus pact, p. 98–114

3 February  Methodological outlook, Johann Mulder
Legal labour law families
Comparative labour law method
Effectiveness of international labour law: applicability, implementation and supervision

Preparatory reading:
- Cordero Moss, Lectures on comparative law of contracts, p. 11–58
- Schregle, Comparative industrial relations, p. 15–30

Supplementary literature:
- Bruun, Lörcher & Schömann (eds.), The Lisbon Treaty and social Europe
- Evju (ed.), Regulating transnational labour in Europe
- Deakin, The comparative evolution of the employment relationship
- Kahn-Freund, p. 1–27

10 February  Introduction to EU law, Johann Mulder
Institutional and legal framework
The social partners
Fundamental rights
Effectiveness of EU law

Preparatory reading:
- Davies, EU labour law, p. 3–74, 90–197, 210–264
17 February  Substantive labour rights as human rights, Johann Mulder

Freedom of association
Collective bargaining
Employee involvement
Industrial action
Class debate on case on fundamental rights

Preparatory reading:
- Servais, International labour law, Part II, Ch. 1, Ch. 2, paras. 1 and 2
- Evju, Fundamental social rights vs. fundamental freedoms, p. 312–323
- Ewing & Hendy, The dramatic implications of Demir and Baykara, p. 2–51
- Case Demir & Baykara, paras. 112–170
- Case Laval, paras. 79–143
- Case R.M.T. (ECtHR 8 April 2014; appl.no. 31045/10), paras. 27–41, 75–106

Supplementary literature:
- Bellace, The ILO and the right to strike, p. 29–70
- Dorssemont, Lörcher & Schömann (eds.), The European convention on human rights and the employment relation

2 March  The worker and the employer, Marianne Jenum Hotvedt

European citizenship
Free movement of persons and services
The concept of worker
The concept of employer

Preparatory reading:
- Davies, EU labour law, p. 3–74, 90–197, 210–264

9 March  Working conditions, Marianne Jenum Hotvedt

Equality and non-discrimination
Health and safety
Working time
Class debate on case on discrimination

Preparatory reading:
- Davies, EU labour law, p. 3–74, 90–197, 210–264
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<td>• Barnard, Posting matters, p. 1–28</td>
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<td>6 April</td>
<td>International private labour law: conflict of laws, Johann Mulder</td>
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<td>• Bogdan, Concise introduction to EU private international law, p. 3–6, 31–79, 117–141, 148–150</td>
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<td>20 April</td>
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