

EU and International Employment Law

1 Name of the course offered: _

EU and international employment law

2 Name of the lecturer (title, name and first name): _

Professor Catherine Barnard

3 Short outline of the course (20 hours):

The course will cover the following issues

1. What is EU social law? Why does the EU have social law?
 - a. This will look at the evolution of EU social law, the range of the coverage and the limitations on that coverage.
 - b. It will examine the rationale for the intervention at EU and international level
 - c. It will also consider the values underpinning EU social law eg solidarity, equality
2. Regulating EU social policy v international regulation of social policy
 - a. Different approaches to regulation: hard law and soft law; directives v OMC
 - b. Role of subsidiarity
 - c. The collective approach to regulation
 - d. The Pillar on Social Rights
 - i. The range and scope of the 'rights'; legal techniques to deliver on its objectives
 - e. The ILO approach
 - f. The approach found in trade agreements: the case of the TCA
3. Social Law and the Charter of Fundamental Rights
 - a. This will look at the rights in the Solidarity Title of the Charter and the effect of Protocol 30
 - b. It will focus on three interesting, controversial cases: *Alemo-Herron*, *AMS* and *Bauer*
4. The cases of *Viking* and *Laval* where national social law is seen to clash with the law of the internal market
 - a. The Viking Litigation and the Monti II proposal
 - b. The *Laval* litigation and Posted Workers Directive and its amendments
5. Personal scope of employment law
 - a. Who should be covered and why?
 - i. Worker/employee distinction
 - ii. The self employed
 - b. The approach adopted in the Platform Work Directive and the Digital Services Act
 - c. Who is an employer

6. Equality Law
 - a. The range and scope of equality rights
 - b. The key principles of equality law and the cases of *CHEZ, Maruko, P v S*
 - c. Issues with those principles: the direct and indirect discrimination divide; associative discrimination; positive discrimination
7. Equality law and religious discrimination
 - a. The headscarf cases at EU and national level
 - b. Intersectional discrimination
 - c. The case of the gig economy
8. Methods of enforcement of labour law
 - a. Local enforcement via tribunals
 - b. Role of the European Commission
 - c. Labour inspectorates
 - d. role of trade unions

4 Short Bio:

Catherine Barnard is Professor of EU law and Employment Law and senior tutor and fellow of Trinity College. She is part of the Commission funded European Labour Law Network (ELLN). She is currently a Senior Fellow in the UK in a Changing Europe (<http://ukandeu.ac.uk/>) project. This is an authoritative, non-partisan think tank which does research and provides information about all aspects of Brexit. Part of its remit is to make that information accessible to the general public. So she does a lot of public engagement, especially with the media. She has appeared extensively on the main channels - BBC, ITV and Sky - as well as some of the more specialist programmes such as Law in Action, Woman's Hour and the Briefing Room. She has also written for the Guardian and the Telegraph. She has given evidence to numerous select committees on the legal issues connected with Brexit, immigration and the European Union (Withdrawal) Act. She has her own podcast, 2903cb, and she blogs on Brexit, mainly for the <http://ukandeu.ac.uk/>.

5 Current areas of research and five key publications:

Catherine Barnard researches in the field of EU law and Employment law, especially at the interface between the two. She is particularly interested in the question of the enforcement of employment rights by EU migrants.

She is the author of *EU Employment Law* (Oxford, OUP, 2012, 5th ed.), *The Substantive Law of the EU: The Four Freedoms*, (Oxford, OUP, 2022, 7th ed), and (with Peers ed), *European Union Law* (Oxford, OUP, 2023, 4th ed). More recently she has published with Ludlow, 'The Enforcement of Rights by EU-8 migrants before Employment Tribunals' (2016) 45 *ILJ* 1-28 and also with Fraser Butlin, 'Beyond Employment Tribunals: Enforcement of Employment Rights by EU-8 Migrant Workers', (2018) 47 *Industrial Law Journal*, 226–262

