Advanced Master in Legal Sciences 2015-2016

Course: European and global labor regulations	**Term:** 3
	Number of Credits: 4
	Language: English

Instructor: Dr. Consuelo Chacartegui and Dr. Eusebi Colàs

Office hours: Tuesday, 17.00-18.00 h (please, send email to confirm appointment);
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Course Description

Theoretical approach: The course's goal is to analyse scholarly contributions on the debates of Labour Law as a regulatory instrument of industrial relations in the current global scenario. Within this theoretical framework, we will study the principal current debates on Labour Law: subjects, employees and employers, sources of regulation and social actors such as unions and multinationals under a perspective of social governance of employment relations as part of democratic systems.

Skills: We will ask students to address a set of questions about the historical and current scenario of Labour Law, examining the notion of employees and employer, and the new forms of regulation from a multi-level methodological perspective and familiarising themselves with the new challenges that the academy is facing in the globalised labour market.

Prerequisites

English

Methodology

Lectures, and active participation based on the readings.

Assignments and Evaluation

General rules of the course

Participation = 60 %
It is necessary to attend and participate in 100% of the classes. With adequate justification, one absence is possible.

Final paper = 40 %. The student has to choose the topic to be developed (between 3,000 and 6,000 words)

Mechanism by which the student will be able to be re-evaluated again in the case of having failed the first evaluation: an exam with 5 questions about topics related to the required readings. It's prohibited to have any material or reading to answer the exam.
It's only possible to attend this exam if the student has followed the course according to the previous general rules of participation in the ordinary course. The exam will be in the date fixed by the Department.

Sessions 1 & 2

Constructing a Labour Law theory: elements of analysis.

Dr. Chelo Chacartegui – Tuesday, April 12 and Tuesday, April 19

> Reading (discussion scheduled for session 2) – Hepple (2011): 'Factors Influencing the Making and Transformation of Labour Law in Europe', in Davidov & Langille, *The Idea of Labour Law*, Oxford University Press. *(See basic reading of the course)*

Sessions 3 & 4

Workers and employees: the new frontier of Labour Law

Dr. Eusebi Colàs – Tuesday, April 26 and Tuesday, May 3

> Reading (discussion scheduled for session 4) – Freedland & Countouris (2011): 'The Legal Characterization of Personal Work Relations and the Idea of Labour Law', in Davidov & Langille, *The Idea of Labour Law*, Oxford University Press. *(See basic reading of the course)*

Session 5

The notion of employers: temporary agencies and chains of employers

Dr. Chelo Chacartegui – Friday, May 6

> Reading – Chacartegui (2013): 'Resocialising temporary agency work through a theory of "reinforced' employers' liability', in Countouris & Freedland, *Resocialising Europe in a Time of Crisis,* Cambridge University Press.

Session 6

Corporations and production networks as the venue for labour rights

Dr. Eusebi Colàs – Tuesday, May 10

> Reading – International Labour Office (2006): *Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy*, Geneva.

Session 7

New forms of regulation: from hard to soft labour law

Dr. Chelo Chacartegui – Tuesday, May 17

> Reading – Trubek, D. M. & Trubeck, L. G. (2005): 'Hard and Soft Law in the Construction of Social Europe: the Role of the Open Method of Co-ordination', *European Law Journal*, Vol. 11, No. 3.

Session 8

The role of social dialogue and collective bargaining as sources of regulation.

Dr. Eusebi Colàs – Friday, May 20

> Reading – Sciarra (2011): 'Collective Exit Strategies: New Ideas in Transnational Labour Law', in Davidov & Langille, *The Idea of Labour Law*, Oxford University Press. *(See basic reading of the course)*

Session 9

International unions and other channels of worker representation: new forms of action

Dr. Eusebi Colàs – Tuesday, May 24

> Reading – Stone & Cummings (2011): 'Labor Activism in Local Politics: From CBAs to "CBAs" and Beyond', in Davidov & Langille, *The Idea of Labour Law*,

Oxford University Press. *(See basic reading of the course)*

Session 10
Conflict and labour laws: the role of strikes and action in the reconstruction of Labour Law
Dr. Chelo Chacartegui – Tuesday, May 31
    Reading – López, Chacartegui & G. Cantón (2011): 'From Conflict to Regulation: The Transformative Function of Labour Law', in Davidov & Langille, *The Idea of Labour Law*, Oxford University Press. *(See basic reading of the course)*

Session 11
United Nations and the ILO approach to Labour Law
Dr. Chelo Chacartegui – Tuesday, June 7
    Reading – ILO (2009): *Recovering from the Crisis: A Global Jobs Pact*, Geneva

Session 12
Labour Law and redistribution of social risk: the welfare state benefits
Dr. Eusebi Colàs – Tuesday, June 14
    Reading – European Commission (2012): *White Paper – An Agenda for Adequate, Safe and Sustainable Pensions*. COM (2012) 55 final

Activities
Reading and commenting on the recommended bibliography.

Bibliography/List of readings and materials

Basic/Required Readings and Materials

• Guy Davidov & Brian Langille (edit): *The Idea of Labor Law*. Oxford University Press, 2011.

Guy Davidov and Brian Langille: Understanding Labour Law: A Timeless Idea, a Timed-Out Idea, or an Idea Whose Time has Now Come?

The Idea of Labour Law in Historical Context
1: Harry Arthurs: Labour Law After Labour
2: Bob Hepple: Factors Influencing the Making and Transformation of Labour Law in Europe
3: Manfred Weiss: Re-Inventing Labour Law?
4: Ruth Dukes: Hugo Sinzheimer and the Constitutional Function of Labour Law
5: Adrián Goldin: Global Conceptualizations and Local Constructions on the Idea of Labour Law
6: Alan Hyde: The Idea of the Idea of Labour Law: A Parable

Normative Foundations of the Idea of Labour Law
7: Brian Langille: Labour Law's Theory of Justice
8: Judy Fudge: Labour as a 'Fictive Commodity': Radically Reconceptualizing Labour Law
9: Hugh Collins: Theories of Rights as Justifications for Labour Law
10: Simon Deakin: The Contribution of Labour Law to Economic and Human Development

Normative Foundations and Legal Ideas: Rethinking Existing Structures
11: Guy Davidov: Re-Matching Labour Laws with Their Purpose
12: Mark Freedland and Nicola Kountouris: The Legal Characterization of Personal Work Relations and the Idea of Labour Law
13: Paul Benjamin: Ideas of Labour Law - Views From the South
14: Kamala Sankaran: Informal Employment and the Challenges for Labour Law
15: Noah Zatz: The Impossibility of Work Law
16: Catherine Barnard: Procurement Law to Enforce Labour Standards
17: Katherine V.W. Stone and Scott L. Cummings: Labor Activism in Local Politics: From CBAs to 'CBAs' and Beyond

New Labour Law Ideas: Rethinking Existing Boundaries
18: John Howe: The Broad Idea of Labour Law: Industrial Policy, Labour Market Regulation, and Decent Work
19: Guy Mundlak: The Third Function of Labor Law: Distributing Labor Market Opportunities Among Workers
20: Gillian Lester: Beyond Collective Bargaining: Modern Unions as Agents of Social Solidarity
21: Julia López, Consuelo Chacartegui, and César G Cantón: From Conflict to Regulation: The Transformative Function of Labour Law

New Ideas of Labour Law from an International Perspective
22: Leah Vosko: Out of the Shadows? The Non-Binding Multilateral Framework on Migration (2006) and Prospects for Using International Labour Regulation to Forge Global Labour Market Membership
23: Michael Piore: Flexible Bureaucracies in Labor Market Regulation
24: Silvana Sciarra: Collective Exit Strategies: New Ideas in Transnational Labour Law
25: Adelle Blackett: Emancipation in the Idea of Labour Law: Commoditization, Resistance and Distributive Justice beyond borders