

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

The language of the course is 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.

Schedule and Work Plan

Topic 1:

Constructing a Labour Law theory: elements of analysis.

Topic 2:

Workers and employees: the new frontiers of Labour Law.

Topic 3:

The notion of employers: temporary agencies and chains of employers.

Topic 4:

Corporations and production networks as the venue for labour rights.

Topic 5:

New forms of regulation: from hard to soft labour law.

Topic 6:

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

Topic 7:

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

Topic 8:

Conflict and labour laws: the role of strikes and action in the reconstruction of Labour Law

Topic 9:

United Nations and the ILO approach to Labour Law.

Topic 10:

Labour Law and redistribution of social risk: the welfare state benefits.

Activities

Reading and commenting on the recommended bibliography.

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