

# Regulating Social Europe

**Reality & Myth of  
Collective Bargaining  
in the EC Legal Order**

Antonio Lo Faro

# Regulating Social Europe Reality And Myth Of Collective Bargaining In The Ec Legal Order

**Michael Dougan**



## **Regulating Social Europe Reality And Myth Of Collective Bargaining In The Ec Legal Order:**

**Regulating Social Europe** Antonio Lo Faro,2000 Taking an interdisciplinary approach this analysis of European collective bargaining places it within the broader institutional context of the phenomenon usually referred to as EC regulatory deficit It concludes that European collective bargaining should be viewed as a construction of EC law

Regulating Social Europe Antonio Lo Faro,2000-04-01 A large part of the legal debate about European social integration has been focussed on social dialogue and in particular on the role of European collective agreements as formerly regulated by the Maastricht Agreement on Social Policy but now incorporated into the Amsterdam Treaty In this volume an attempt is made to conceptualise the function of European collective bargaining based on an analysis of the Treaty provisions specifically dealing collective bargaining but going beyond the Treaty in several respects Taking an inter disciplinary approach the book seeks to broaden the analysis of European collective bargaining placing it within the broader institutional context of the phenomenon usually referred to as EC regulatory deficit Against this background the author gives proper recognition to the different factors legal theoretical institutional political and industrial relations oriented which converge in the field of European collective bargaining The author concludes that in the overall context of a general redefinition of Community regulatory strategies European collective bargaining should be viewed not as evidence of an incomplete supranational legal pluralism but rather as a construction of Community law

**The European Social Dialogue Under Articles 138 and 139 of the EC Treaty** Christian Welz,2008-01-01 Describes analyses and assesses the European social dialogue from a combined theoretical and normative perspective and applies theoretical strands stemming from industrial relations EC law and political theory to an understanding and assessment of the genesis actors processes and outcomes of the European social dialogue through 2007

*European Labour Law* Brian Bercusson,2009-07-09 *European Labour Law* explores how individual European national legal systems in symbiosis with the European Union produce a transnational labour law system that is distinct and genuinely European in character Professor Brian Bercusson describes the evolution of this system its national transnational and global contexts and its institutional and substantive structures The collective industrial relations dimension of employment is examined and the labour law of the EU as manifested in for example European works councils is analysed Important subjects which have traditionally received little attention in some European labour law systems are covered for example the fragmentation of the workforce into atypical forms of employment Attention is also given to the enforcement of European labour law through administrative or judicial mechanisms and the European social dialogue at intersectoral and sectoral levels This new edition has been extensively updated as the EU s influence on this area of social policy continues to grow

*Social and Labour Rights in a Global Context* Bob Hepple,2002-08-29 The active pursuit of social and labour rights is seen as a crucial response to globalization These essays written by leading scholars from the UK Ireland France Germany Italy Japan and the USA question the effectiveness of the rhetoric of rights

such as those to decent work and security equal opportunity adequate food and housing and healthcare The authors examine emerging approaches in several European countries Japan and the USA and in codes of practice of multinational companies Attempts by the International Labour Organization to promote core rights and decent work and techniques of enforcement at regional level by the EU and NAFTA receive special attention Social Rights and Market Freedom in the European Constitution Stefano Giubboni, 2006-01-12 This is an account of the development of European labour and social security law as it interrelates with the evolution of market integration in the European Union Giubboni presents from a labour law perspective a case study of the changes the European Community European Union has undergone from its origins to the present day and of the ways these changes have affected the regulation of European Welfare States at national level Drawing on the idea of embedded liberalism Giubboni analyses the infiltration of EC competition and market law into national systems of labour and social security law and provides a normative framework for conceptualising the transformation of regulatory techniques implemented at the EU level This important interdisciplinary contribution to research in EU social law illustrates how the vision of social protection and solidarity is changing *Law, Solidarity and the Limits of Social Europe* Hartzén, Ann-Christine, Iossa, Andrea, Karageorgiou, Eleni, 2022-02-11 This is an open access title available under the terms of a CC BY NC ND 4.0 License It is free to read download and share on Elgaronline.com This thought provoking book examines the socio legal mechanisms that drive EU constitutional tensions as well as the role of principles and values in re directing EU law and policy towards a democratic Social Europe It addresses the current limits of Social Europe in relation to different areas of EU law offering a critical assessment of the present status of EU integration EC Employment Law Catherine Barnard, 2006 EC Employment Law provides a thorough and authoritative guide to EC law on employment within a social and economic context Extensive coverage is given of complex equality caselaw and legislation and many issues not covered elsewhere are examined The Evolution of EU Law Paul Craig, Gráinne de Búrca, 2011-02-17 Previous edition 1st published in 1999

EU Employment Law Catherine Barnard, 2012-08-09 The new edition of this major work is a must buy for all students studying EU employment law It offers comprehensive coverage of an increasingly complex subject tackling both case law and legislation and provides detailed analysis of the EU's Directives and their impact on employment law **EU Employment Law** Jeff Kenner, 2002-12-23 This book traces the evolution of European Union employment law and social policy from its essentially economic origins in the Treaty of Rome through to the emerging themes post Amsterdam co ordination of national employment policies modernisation of social laws and combating discrimination Each stage of development of Community employment law and social policy is analysed in depth to give a sense of perspective to this fast changing field As the European Union seeks to meet the challenges of globalisation the need to develop social policy as a productive factor has come to the fore The author explains how the social economic and employment imperatives of European integration have always been intertwined and how the emergence of Community employment law from its hitherto twilight existence is best

understood through an examination of consistent strands of policy development EU Collective Labour Law ter Haar, Beryl, Kun, Attila, 2021-12-09 This unique book offers a comprehensive systematization and overview of the EU's emerging *acquis* and practice of Collective Labour Law Although the core aspects of Collective Labour Law lie outside the EU's competence to regulate the laws and industrial relations systems of Member States are undoubtedly influenced by the EU and the involvement of Social Partners i.e. representatives of employers and workers is essential for many aspects of EU law and policy

**The Impact of European Rights on National Legal Cultures** Miriam Aziz, 2004-07-01 This book contributes to the debate about the impact of European Community Law on the national constitutional orders and cultures of the respective Member States The author examines the doctrine of sovereignty as a mechanism within which this impact may be best assessed and in particular how it underwrites the tension between European Union rights and the rights provided by the respective legal orders of the Member States In particular the book focuses on political social and civil rights drawing from T H Marshall's typology In endorsing an appropriate analytical framework the book challenges both existing law and secondary literature in order to argue that the terminology the concepts and the tools which are used to assess the impact of the EC law on the national constitutional orders are to be selected with great care This is particularly apposite given the complexity of constitutional diversity in terms of national constitutions and their reception of EC law It is also important because of the variety of approaches involved in the constitutional adjustment of the *acquis* of the Union within the context of the increasing drive to constitutionalisation of the Union on the one hand and enlargement on the other

The Oxford Handbook of European Union Law Anthony Arnall, Damian Chalmers, 2015-07-23 Since its formation the European Union has expanded beyond all expectations and this expansion seems set to continue as more countries seek accession and the scope of EU law expands touching more and more aspects of its citizens' lives The EU has never been stronger and yet it now appears to be reaching a crisis point beset on all sides by conflict and challenges to its legitimacy Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact EU law always controversial continues to perplex not least because it remains difficult to analyse What is the EU An international organization or a federation Should its legal concepts be measured against national standards or another norm The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU Comprising eight sections it examines how we are to conceptualize EU law the architecture of EU law making and administering EU law the economic constitution and the citizen regulation of the market place economic monetary and fiscal union the Area of Freedom Security and Justice and what lies beyond the regulatory state Each chapter summarizes analyses and reflects on the state of play in a given area and suggests how it is likely to develop in the foreseeable future Written by an international team of leading commentators this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union

**National Remedies Before the Court of Justice** Michael Dougan, 2004-12-31 The Court of Justice has delivered an

extensive body of caselaw concerning the obligation of domestic courts to provide effective judicial protection to claimants relying upon Community law rights including such landmark judgments as Factortame and Francovich This book offers a critical analysis of the Court's fast changing approach to national procedural autonomy and explores the difficult conceptual framework underpinning the caselaw The author demonstrates how Community intervention in the domestic systems of judicial protection cannot remain unaffected by wider debates about the evolving European integration project in particular the tension between uniformity and differentiation as competing values influencing the exercise of Community regulatory competence Because of its emphasis on an ideal of uniformity which has become increasingly untenable within the contemporary Community legal order much of the existing academic discourse about national remedies and procedural rules now seems ripe for reconsideration It is argued that the Court's jurisprudence on the decentralised enforcement of Treaty norms needs to be interpreted afresh having regard to the recent growth of regulatory differentiation within the Community system National Remedies Before the Court of Justice provides a challenging account of this crucial field of EU legal studies It includes detailed discussion of issues such as Member State liability in damages Community control over national limitation periods and the principles governing state aid and competition law enforcement This book is of value to academics and practitioners alike Research Handbook on EU Labour Law Alan Bogg, Cathryn Costello, A.C.L. Davies, 2016-12-30

Research Handbook on EU Labour Law features contributions from leading scholars in the field Part I addresses cross cutting themes such as the relationship between EU law and national law the role of human rights in EU labour law and the impact of austerity measures In Part II the contributors focus on topics in individual and collective labour law at EU level including working time and job security Finally Part III offers a comprehensive overview of the EU's interventions in equality law Europe's Constitutional Mosaic Neil Walker, Josephine Shaw, Stephen Tierney, 2011-06-14 This book emerged from an extended seminar series held in Edinburgh Law School which sought to explore the complex constitutional arrangements of the European legal space as an inter connected mosaic There has been much recent debate concerning the constitutional future of Europe focusing almost exclusively upon the EU in the context of the failed Constitutional Treaty of 2003 5 and the subsequent Treaty of Lisbon The premise of the book is that this focus while indispensable offers only a partial vision of the complex constitutional terrain of contemporary Europe In addition it is essential to explore other threads of normative authority within and across states embracing internal challenges to state level constitutional regimes the growing jurisprudential assertiveness of the Council of Europe regime through the ECHR and various democracy building measures as well as Europe's ever thicker relations both with its border regions and with broader international institutions especially those of the United Nations Together these developments create increasingly dense networks of constitutional authority within the European space This fluid and multi dimensional dynamic is difficult to classify and indeed may seem in many ways impenetrable but that makes the explanatory challenge all the more important and pressing Without this fuller picture

it becomes impossible to understand the legal context of Europe today or the prospects of ongoing changes The book brings together a range of experts in law legal theory and political science from across Europe in order to address these complex issues and to supply illustrative case studies in the topical areas of the constitutionalisation of European labour law and European criminal law      *New Governance and the European Employment Strategy* Samantha Velluti,2010-03-10 This book examines the European Strategy for Employment EES and its implementation through the Open Method of Coordination exploring what the EES reveals about recent developments in EU social governance and offering new insights and fresh perspectives into the operation of New Governance and its relationship with law and constitutionalism      **Economic and Social Rights under the EU Charter of Fundamental Rights** Tamara Hervey,Jeff Kenner,2003-09-10 The Charter of Fundamental Rights of the European Union includes in addition to the traditional civil and political rights a large number of rights of an economic or social nature This collection of essays by leading scholars in this field considers the significance of the inclusion of such rights within the EU Charter in terms of protection of individual and collective social and economic interests within and between the EU and its Member States What differences might it make to EU law and policy both in terms of its substance and in terms of the processes by which it is formed that certain economic and social rights are proclaimed in the EU Charter      *Labour Laws and Global Trade* B. A. Hepple,2005-03-25 This book provides a comprehensive analysis of the new methods of transnational labour regulation that are emerging in response to globalisation

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