

SYLLABUS

1. Information regarding the programme

1.1 Higher education institution	Babeş Bolyai University
1.2 Faculty	Faculty of Law
1.3 Department	Department of Private Law
1.4 Field of study	Private Law
1.5 Study cycle	Master
1.6 Study programme / Qualification	International and Comparative Business Law

2. Information regarding the discipline

2.1 Name of the discipline	EU Employment Law in the Digital Age					
2.2 Course coordinator	Felicia Rosioru					
2.3 Seminar coordinator	Felicia Rosioru					
2.4. Year of study	I	2.5 Semester	2	2.6. Type of evaluation	E	2.7 Type of discipline DS, compulsory

3. Total estimated time (hours/semester of didactic activities)

3.1 Hours per week	3	Of which: 3.2 course	2	3.3 seminar/laboratory	1
3.4 Total hours in the curriculum	42	Of which: 3.5 course	28	3.6 seminar/laboratory	14
Time allotment:					hours
Learning using manual, course support, bibliography, course notes					28
Additional documentation (in libraries, on electronic platforms, field documentation)					36
Preparation for seminars/labs, homework, papers, portfolios and essays					46
Tutorship					4
Evaluations					4
Other activities:					4
3.7 Total individual study hours	122				
3.8 Total hours per semester	150				
3.9 Number of ECTS credits	6				

4. Prerequisites (if necessary)

4.1. curriculum	Knowledge of European Union Law and of national Labour Law
4.2. competencies	- Good command of the English language. - Average skills to operate with legal concepts and ability to apply them to specific cases

5. Conditions (if necessary)

5.1. for the course	Video projector
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5.2. for the seminar activities	• Computer
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6. Specific competencies acquired

Professional competencies	• Ability to understand and work with basic concepts of EU Labour Law; • Proficient use of tools and languages specific to Labour Law; • Ability to solve complex labour law cases, involving specific aspects of EU Labour Law.
Transversal competencies	• Professional communication skills; concise and precise description, both oral and written, of professional results; • Argumentative skills;

7. Objectives of the discipline (outcome of the acquired competencies)

7.1 General objective of the discipline	At the end of the course, the students are supposed to: • Understand fundamental concepts of EU Labour Law; • Be able to apply the EU legislation and the ECJ case-law to the national legislation and to specific cases;
7.2 Specific objectives of the discipline	At the end of the course, the students are supposed to: • be able to highlight the main features of EU Law and the interconnection between the economic and social dimensions of the European Union; • have a good understanding of EU Labour Law concepts • assess the similarities and differences between European Labour Law and the National Labour Law; • know the relevant European Court of Justice (ECJ) and European Court of Human Rights (ECHR) case law in the field of social rights; • assess the non-compliance of national Labour Law with EU Labour Law requirements.

8. Content

8.1 Course	Teaching methods	Remarks
<i>1. The Evolution of EU Social Policy</i> - an examination of the development of EU employment law focusing on the shift from employment law to employment policy; - law-making in the Field of Social Policy, considering both the traditional routes to legislation and governance techniques such as the Open Method of Coordination; - the link between the rule on competition and EU Social Law; - the European Pillar of Social Rights and the Charter of the Fundamental rights in the EU<	Explanation, debate and dialogue	General remarks: The lectures are interactive; students are required to prepare a relevant CJEU or ECHR case on each topic (except for the first two lectures); the importance of each case, given the existing EU and/or national legal framework, as well as the evolution of the European case-law are highlighted

- Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union		through debate and dialogue.
2. <i>The concept of worker and its relevance in European and national law.</i> <i>The challenges of platform work</i> - The CJEU case-law on the concept of worker, in the framework of the freedom of movement of workers and in the ‘social directives. Its impact on national regulation and case-law. - European Commission’s proposals to improve the working conditions of people working through digital labour platforms. Employment status and industrial relations	explanation, debate and dialogue, discussion of case studies	
3. <i>Algorithmic management and artificial intelligence in the employment relationship. Work in the metaverse.</i> <i>Workers’ monitoring and the right to privacy in employment</i>	explanation, debate and dialogue,	
4. <i>Equality Law: Development and Principles</i> - non-discrimination on prohibited grounds; - formal and substantive equality; - direct and indirect discrimination: - the equality principle in EU law and CJEU case-law; in the European Convention of Human Rights and in the European Court of Human Rights’ (ECHR) case law. Algorithmic management, Artificial Intelligence and discrimination. <i>Gender Discrimination. Equal Pay</i> - the personal scope of article 157 TFEU; - the meaning of ‘pay’ in the CJEU case-law; - the prohibition of discrimination on the grounds of sex; - justifications; - enforcement of equality rights; - Directive (EU) 2023/970 to strengthen the application of the principle of equal pay for equal work or work of equal value between man and women through pay transparency and enforcement mechanism.	explanation, debate and dialogue, discussion of case studies	
5. <i>Equal Treatment in Respect of Social Security and Pensions</i> - Directive 79/7: Equal Treatment in Social Security - Equality, retirement and pensions; - CJEU and European Court of Human Rights (ECHR) case law in the field of social security and national pensions systems. <i>Family Friendly Policies</i> - Pregnancy and Maternity rights; - Childcare and parental leave - EU legal framework (Directive 92/85/CE on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding: Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers) and CJEU case-law in the field <i>Equal Treatment. Sexual orientation discrimination.</i> - the prohibited grounds of discrimination;	explanation, debate and dialogue, discussion of case studies	

- prohibition of discrimination; derogations; - positive action; - positive duty to promote equality; - remedies. The EU legal framework: - Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation; - Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); - Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; - Directive 2010/14 on Equal treatment of the self-employed.		
6. <i>Disability discrimination.</i> - Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation; - UN Convention on the rights of persons with disabilities (CRPD); - CJEU case-law in the field. - European Social Charter and ECSR - Convergence or divergence in the field of disability discrimination	debate and dialogue, explanation, discussion of case studies	
7. <i>Discrimination based on age, on religion or belief and on ethnic origin.</i> - Directive 2000/78/EC of 27 November 2000, establishing a general framework for equal treatment in employment and occupation; - CJEU case-law in the field. <i>Discrimination in the digital age; algorithmic discrimination in platform work</i>	debate and dialogue, explanation, discussion of case studies	
8. <i>Whistleblowers' protection in the EU and the limits of freedom of speech in employment</i> - Directive (EU) 2019/1937 of 23 October 2019 on the protection of persons who report breaches of Union law; - ECtHR case law on the freedom of speech	Explanation, debate and dialogue, explanation, discussion of case studies	
9. <i>Collective Redundancies</i> - the Collective Redundancies Directive 98/59/CE; - CJEU case-law in the field.	explanation, debate and dialogue, discussion of case studies	
10. <i>EU Law on the posting of workers. The implications of the directives on the posting of workers on national laws</i> - Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services - Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services - Workers' mobility, telework and crowdwork	explanation, debate and dialogue, discussion of case studies	

- CJEU case law in the field of the posting of workers.		
11. <i>EU Law on the posting of workers.</i> - European Court of Justice (ECJ) case law in the field of the posting of workers. - Enforcement mechanisms according to Directive 2014/67/EU of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') - CJEU case law in the field of the posting of workers.	explanation, debate and dialogue, discussion of case studies	
12. <i>Freedom of Association and Collective Bargaining</i> - the freedom of association, as protected by the EU Employment Law and the European Convention on Human Rights, including the right to engage in collective bargaining and the right to collective action - European Court of Justice (ECJ) and European Court of Human Rights (ECHR) case law in the field of freedom of association.	explanation, debate and dialogue, discussion of case studies	
13. <i>Freedom of Collective Action</i> - the right to take collective actions, as protected by the ILO Conventions, the European Convention on Human Rights, the European Social Charter and the EU legislation and ECJ case-law. - the freedom of collective actions of posted workers; - the European Court of Justice (ECJ) case law in the field of freedom of collective action (especially the decisions in <i>Viking</i>, <i>Laval</i>, <i>Rueffert</i>, and <i>Commission v Luxembourg</i> cases), the European Court of Human Rights (ECHR) case law in the field of the right to strike (especially the decisions in <i>Enerji Yapı-Yol Sen</i>, <i>Demir and Baykara</i> cases).	Exposure, debate and dialogue, discussion of case studies	
14. <i>Industrial relations in the digital age. The collective dimension of platform work.</i>	explanation, debate and dialogue,	
Bibliography 1. Catherine Barnard, <i>EU Employment Law</i>, Oxford University Press, 2012; 2. Brian Bercusson (editor), <i>European labour law and the EU Charter of Fundamental Rights</i>, www.etui.org; 3. Roger Blanpain, <i>European Labour Law</i>, Kluwer Law International, 2008, 2014; 4. F. Roşioru, <i>Evolutions in EU Employment Law</i>, in C.F. Costaş, L. – M. Harosa, J. – M. Moulin, F. Roşioru, C.S. Rusu, <i>International & Comparative Business Law</i>, Editura Hamangiu, Bucureşti, 2015; 5. Paul Watson, <i>EU Social and Employment Law</i>, Oxford University Press, 2009; 6. Jean-Michel Servais, <i>International Labour Law</i>, Kluwer Law International, 2011; 7. Gyorgy Kiss, <i>Recent Developments in Labour Law</i>, Akademiai Kiado, Budapest, 2013.		
8.2 Seminar	Teaching methods	
1. <i>The Evolution of EU Social Policy</i>	Conversation, debate, case studies	General Remarks (for all the seminars) Preparation by reading the prescribed materials before each seminar is mandatory. Each student has to prepare and to present a case from a list of CJEU or ECHR relevant cases for at least five topics (in different seminars). The list is given in advance.

		Active participation in the debates is encouraged, as students are supposed to draw their conclusions on the coherence of the European case law and on the national compliance with European rules. The importance of each case, given the existing EU and/or national legal framework, as well as the evolution of the European case-law are highlighted through debate and dialogue
2. <i>The concept of worker and its relevance in European and national law. The challenges of platform work.</i>	Conversation, debate, case studies, examples	
3. <i>Algorithmic management and artificial intelligence in the employment relationship. Work in the metaverse. Workers' monitoring and the right to privacy in employment</i>	Debate, case studies, examples	
4. <i>Equality Law: Development and Principles Gender Discrimination. Equal Pay</i>	Debate, case studies, examples	
5. <i>Equal Treatment in Respect of Social Security and Pensions Family Friendly Policies Sexual orientation discrimination.</i>	Debate, case studies, examples	
6. <i>Disability discrimination.</i>	Debate, case studies, examples	
7. <i>Discrimination based on age, on religion or belief and on ethnic origin.</i>	Debate, case studies, examples	
8. <i>Whistleblowers' protection in the EU and the limits of freedom of speech in employment</i>	Debate, case studies, examples	
9. <i>Collective Redundancies</i>	Debate, case studies, examples	
10. <i>EU Law on the posting of workers. The implications of the directives on the posting of workers on national laws</i>	Debate, case studies, examples	
11. <i>EU Law on the posting of workers. The implications of the directives on the posting of workers on national laws</i>	Debate, case studies, examples	
12. <i>Freedom of Association and Collective Bargaining</i>	Debate, case studies, examples	
13. <i>Freedom of Collective Action</i>	Debate, case studies, examples	
14. <i>Industrial relations in the digital age. The collective dimension of platform work.</i>	Debate, case studies, examples	
Bibliography		
The relevant case-law and EU legislation for each topic, mentioned in advance.		

9. Corroborating the content of the discipline with the expectations of the epistemic community, professional associations and representative employers within the field of the program

- This course is aimed to provide all the practical aspects and challenges concerning the relationship between European Labour Law and National Labour Law, that employers, trade unions, employers' associations and employees need;
- Courses with similar content are taught in the major universities in European Union Member States;
- The aspects included in the course content are very important in the context of digitalization and in multi-national companies.

10. Evaluation

Type of activity	10.1 Evaluation criteria	10.2 Evaluation methods	10.3 Share in the grade (%)
10.4 Course	- knowledge of the basic concepts of EU Employment Law; - ability to apply the EU legislation to specific cases; - ability to compare and to apply the EU legislation and the ECJ, ECHR case-law to the national legislation and to specific cases.	Case presentation & analysis Involvement in the debates and legal analysis	30% 15%
10.5 Seminar activities	- ability to study and review literature regarding the EU Labour Law; - ability to find the relevant cases in the European Court of Justice (ECJ) case law data base (http://curia.europa.eu/), and in the European Court of Human Rights (ECHR) case law data base (http://hudoc.echr.coe.int); - ability to solve problems using the basic concepts of EU Labour Law	Case presentation & analysis Involvement in the debates and legal analysis	30% 15%
10.6 Minimum performance standards			
• At least grade 5 (from a scale of 1 to 10). 1.2 points x 5 case presentations (=6 points), 3 points participation and involvement in debates, 1 point ex officio. Attendance is mandatory to at least 50% of the meetings.			

Date

Signature of course coordinator

Signature of seminar coordinator

16.09.2024




Date of approval

Signature of the head of department

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