

# CONTENTS

<i>Preface</i> .....	v
<i>List of Cases: Alphabetical</i> .....	xiii
<i>List of Cases: Chronological</i> .....	xxv
<i>List of Legislation</i> .....	xxxvii
<i>Other Documents</i> .....	xli
<i>List of Abbreviations</i> .....	xlvi
<i>List of Contributors</i> .....	xlix

## **Chapter 1. An Introduction to European Labour Law**

Frans PENNINGS and Saskia PETERS .....	1
1.1. European Labour Law: Significance, Sources and Scope .....	2
1.2. The European Union and Development of Social Policy .....	3
1.3. The Competences of the EU Legislature .....	14
1.4. Enforcement and Realisation of EU Labour Law .....	30
1.5. The Interpretation of the Terms ‘Worker’ and ‘Employee’ in EU Law .....	42

## **Chapter 2. Free Movement of (Posted) Workers and Applicable Labour and Social Security Law**

Mijke HOUWERZIJL and Herwig VERSCHUEREN .....	45
2.1. Introduction .....	47
2.2. Free Movement of Workers .....	52
2.3. Posting of Workers in the Framework of the Freedom to Provide Services .....	77
2.4. Private International Law and the Law Applicable to the Employment Contract .....	103
2.5. EU Social Security Coordination .....	114
2.6. Final Remarks .....	130

## **Chapter 3. Equal Treatment**

Mark BELL and Ann NUMHAUSER-HENNING .....	131
3.1. Introduction .....	132
3.2. Fundamental Sources of Equal Treatment Law in the EU .....	136
3.3. The Concept of Discrimination .....	141

3.4.	Material Scope .....	187
3.5.	Enforcing Equal Treatment .....	192
3.6.	Conclusions .....	198
<b>Chapter 4. Atypical Forms of Employment</b>		
	Sophie ROBIN-OLIVIER and Antonio LO FARO .....	201
4.1.	The Failure to Regulate Atypical Work and the Recourse to Social Dialogue in the 1990s .....	202
4.2.	Part-Time Work .....	204
4.3.	Fixed-Term Work .....	216
4.4.	The Directive on Temporary Agency Work .....	233
4.5.	'Other' Flexible Arrangements .....	241
<b>Chapter 5. Collective Bargaining in EU Law</b>		
	Teun JASPERS .....	245
5.1.	Introduction .....	246
5.2.	Collective Bargaining at European Level .....	249
5.3.	Trade Union Rights in EU Law .....	277
<b>Chapter 6. Restructuring of Companies</b>		
	Niklas BRUUN and Sylvaine LAULOM .....	309
6.1.	Introduction .....	310
6.2.	The Collective Redundancies Directive .....	312
6.3.	The Transfers of Undertakings Directive .....	330
6.4.	The Insolvency Directive .....	361
<b>Chapter 7. Workers' Participation in Business Matters</b>		
	Teun JASPERS and Pascale LORBER .....	373
7.1.	Introduction .....	374
7.2.	Information and Consultation of Employees .....	375
7.3.	Information and Consultation in Cross-Border Enterprises .....	409
<b>Chapter 8. Occupational Health and Safety and Working Time</b>		
	Edoardo ALES and Jan POPMA .....	431
8.1.	Introduction .....	432
8.2.	Occupational Health and Safety in the Treaties and EU Charter of Fundamental Rights .....	434
8.3.	The Framework Directive .....	436

8.4. Daughter Directives, Framework Agreements and Adjacent Legislation. . . . .	460
8.5. Working Time . . . . .	477
8.6. Supervision and Enforcement . . . . .	489
<b>Chapter 9. European Labour law as the Result of Conflicting Norms and Interests</b>	
Frans PENNINGS . . . . .	497
9.1. Introduction . . . . .	497
9.2. Free Movement of Workers and Persons . . . . .	499
9.3. Free Movement of Services and Labour Law . . . . .	503
9.4. Equal Treatment and Fundamental Rights. . . . .	509
9.5. Legislation on Specific Social Policy Issues . . . . .	511
9.6. European Labour Law: Overruled by Economic Rights? . . . . .	513
9.7. Conclusions . . . . .	526
<i>Bibliography</i> . . . . .	529
<i>Index</i> . . . . .	555