

"HELP"

Council of Europe Course on Labour Rights

or

Why European social charter is my new best friend

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EXPECTATIONS



- PRACTICALITY
- ATTRACTIVENESS

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Course "Labour Rights as Human Rights"

OBJECTIVES

- **Knowledge**
 - European system of protection of labour rights
 - Case law (ECtHR, CJEU and... ECSR)
- **Skills & attitudes:** Refer to relevant legal framework in your daily work as legal professional



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"...transfer of business or part of it ..."

Art. 138 of Labour code

5 words

Directive 2001/23/ec

~2400 words

CJEU practice

∞ words

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Learning tools



Add an activity or resource

-  Assignment
-  Attendance
-  BigBlueButtonBN
-  Certificate
-  Checklist
-  Database
-  External tool
-  Feedback
-  Forumas
-  Lesson
-  Pasirinkimas
-  Pokalbis
-  Questionnaire
-  SCORM package
-  Survey
-  Testas
-  Wiki
-  Workshop
-  Žodynėlis

RESURSAI

-  Book
-  Folder
-  IMS content package
-  Lightbox Gallery
-  Page
-  Resursas
-  URL
-  Žymė

Course 'Labour Rights as Human Rights'

GENERAL INTRODUCTION

Right to Work and
Employment Relationship

Working Time

Fair Remuneration and
Protection of Wages

Termination of Employment



Equality and Non
discrimination

Collective Labour Rights -
Freedom of Association and Consultation

Freedom of Association -
Right to Negotiate

Occupational Safety and
Health



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Course “Labour Rights as Human Rights”

Online course duration is 16-18 hrs. More if reviewing links



Moderated course by national tutor: 4 hrs per 2 weeks over 3-4 months

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Example of Module

Regulation in the ESC

Some of the main regulation on working time can be found in the ESC. Use the header which sections dictate which information.

Review the headers and then click 'Next' to continue

ARTICLE 2

ARTICLE 4.2

SPECIAL PROVISIONS

Art. 2 ESC

Article 2

The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
2. to provide for public holidays with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest;



Course 'Labour Rights as Human Rights'

Examples of case law

Right to Work: *Right to Earn One's Living in an Occupation Freely Entered Upon (Art. 1.2 ESC) - Other Prohibited Practices*

The ECSR pointed out that also certain other practices may be problematic and in breach of Art. 1.2 ESC, for example:

Length of alternative service to replace military service: The length of alternative service during which persons are deprived of the right to earn their living in an occupation freely entered must be reasonable. Where the length of military service is short, the ECSR will not necessarily insist on alternative service being not more than 1.5 times the length of military service. (Conclusions 2012, Statement of interpretation on Art. 1.2 ESC, p. 6-8)

Workers' right to privacy: The ECSR asks for information on measures taken by States to ensure that employers give due consideration to workers' private lives in the organisation of work and that all interferences are prohibited and where necessary sanctioned (Conclusions 2012, General Question, p. 11)



Employment Relationship and Conditions of Work : *Right to Be Informed in Written Form of the Essential Aspects of Employment Relationship (Art. 2.6 ESC)*

The provision of Art. 2.6 ESC was included into the Revised ESC in 1996 and one can see the influence of the EU Directive on Terms and Conditions of Employment: Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (OJ L 288, 18. 10. 1991, p. 32-35).

There is some relevant *case law* of the CJEU in this regard, for example:

RUBEN
ANDERSON

LANGE C

KAMPELMANN
AND OTHERS

Joint cases *Kampelmann and Others* (C-253/96 to C-258/96, 4. 12. 1997; ECLI:EU:C:1997:585) where the importance as a proof of written document delivered to the employee has been discussed

[Read More](#)

	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
1. The topics covered were relevant to me and will be useful in my daily work.	8	9	1	0	0
2. The course improved my practical knowledge on how to apply human rights law at the national level.	11	7	0	0	0
3. The tutor interacted with me and encouraged my participation in the course.	16	2	0	0	0
4. The tutor was sufficiently competent on the topic of the course.	17	1	0	0	0
5. The time allotted for the training was sufficient.	13	3	2	0	0
6. The quality of legal translations was adequate.	11	5	2	0	0
7. The tools (forum, workshop, wiki, videos ...) used for the distance learning course were adequate and interactive.	16	1	1	0	0
8. The case studies were adapted to the national legal order.	15	3	0	0	0
9. I would consider taking another HELP distance learning course and/or recommend it to a colleague.	17	1	0	0	0

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