

HELP Cross-border launch of the course on Labour Rights as Human Rights

Warsaw, 6-7 May 2019

Concept paper and draft agenda

Date	6-7 May 2019
Location	Warsaw, Poland Office of the Commissioner for Human Rights (Ombudsman) Długa street 23/25
Language	English (interpretation into Polish)
Participation	Lawyers from Bulgaria, Greece and Poland (participation is taken in charge by the project)
Registration	Via the contact indicated by your national training institution/bar association
	Deadline: 10 April 2019

Background

The **Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (HELP)**¹ is aimed at supporting the CoE member States in implementing the European human rights standards at the national level, focusing on the European Convention on Human Rights (ECHR), other key CoE instruments, and since 2015, EU law. This is done by raising the capacities of legal professionals to apply those instruments in their daily work.

The objective of HELP is to provide high quality education on human rights to judges, lawyers and prosecutors throughout Europe. Law enforcement authorities such as police and prison staff are also targeted by HELP. Thanks to HELP courses, legal professionals can better protect human rights on a national level and keep up to date with the ever-evolving standards and case law of the European Court of Human Rights (ECtHR). HELP courses specifically designed for EU countries increasingly incorporate relevant EU laws.

HELP is:

1. the only pan-European Network of national training institutions for judges, prosecutors and lawyers in the 47 CoE Member States.
2. an e-learning platform with free on-line courses on human rights.
3. a human rights training methodology for legal professionals.

The HELP in the EU Project

The joint EU-CoE project 'European Programme for **Human Rights Education for Legal Professionals in the European Union**' (**HELP in the EU**)² supports legal professionals from EU Member States in acquiring the knowledge and skills on how to effectively and coherently apply European fundamental rights standards at the national level, mainly referring to the EU Charter on Fundamental Rights (the Charter), the European Convention on Human Rights (ECHR), the (revised) European Social Charter (ESC) and relevant EU and Council of Europe Law. Furthermore, they will become familiar with the relevant European jurisprudence. It

¹ For more information on HELP please visit HELP's website: www.coe.int/help

² For more information about the EU-CoE HELP in the EU project, please go to <https://www.coe.int/en/web/help/help-in-the-eu>

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also reinforces the HELP Network of National Institutions (NTI's) and Bar Associations (BA's) in the EU; and through the use of cross-border trainings – which bring together legal professionals from a number of EU Member States - increases mutual trust and exchanges between EU practitioners.

The HELP course on Labour Rights as Human Rights

In times of economic recession, the goal of full employment should go hand in hand with the protection of labour rights. Protecting labour rights benefits workers and their dependents and have a positive impact in their daily lives. It also benefits employers and society as it provides legal certainty in the workplace, protects the workforce and promotes sustainable growth. The benefits in terms of social cohesion and stability should not be underestimated either.

There are over 240 million workers in the European Union. EU labour law goes indeed hand in hand with the single market, where fair competition has to be promoted without lowering labour standards.

The European Social Charter (ESC) is a treaty of the Council of Europe (CoE) binding 43 states that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights (ECHR), which refers to civil and political rights. The ESC guarantees a broad range of everyday human rights related to employment, labour rights, housing, health, education, social protection and welfare. It provides extensive and complete protection of social rights and represents an essential component of the continent's human rights architecture. The ESC also serves as a point of reference in European Union law; most of the social rights in the Charter of Fundamental Rights of the EU (the CFREU or EU Charter) are based on the relevant articles of the ESC. The EU complements policy initiatives taken by its Member States by adopting directives that set minimum standards on topics such as (i) working and employment conditions, (ii) informing and consulting workers, or (iii) health and safety at work.

The HELP course on Labour Rights as Human Rights was developed under the EU-CoE 'HELP in 28', an EU-funded project implemented by the HELP Programme in 2015-2017. It covers in an interactive way the key concepts, the European system of protection of labour rights (stemming from the Council of Europe and the EU), the case law of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) as well as decisions of the European Committee of Social Rights (the ECSR). The latter is indeed an independent body of a quasi-judicial nature that oversees the situation in the contracting states and develops case law.

This course deals both with individual and collective labour rights, primarily on the basis of the ESC and the relevant articles of the ECHR. The course also makes comparisons and synergies with the EU Charter and presents the relevant EU labour law. It also considers the key ILO conventions.

It is important to emphasise the indivisibility of all human rights, be they civil, political, economic, social or cultural, and that there can be no human rights society without full respect off social human rights, including labour rights.

In all these European treaties, the point of departure is the full respect on the fundamental rights of employees, defined by the ILO in 1998: prohibition of forced labour, of the worst forms of child labour, of discrimination in employment as well as the right to associate peacefully (i.e. trade unions) and collective bargain.

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Course outline

The introduction includes the following parts:

- the framework concept of social human rights,
- a presentation of the key European treaties,
- the labour rights of the European Social Charter,
- supervision and legal protection of them, and
- their relation to fundamental labour rights in EU law

The course consists of the following seven substantive modules:

1. Right to work and employment relationship
2. Working time
3. Fair remuneration and protection of wages
4. Termination of employment
5. Equality and non-discrimination
6. Collective labour rights on all levels
7. Occupational safety and health



The cross-border launch

The event is organised under the **HELP in EU Project**, funded by the European Union and implemented by the Council of Europe through its HELP Programme. It is hosted by the Polish Bar Council and organised in cooperation with the Polish Bar Association of Attorneys at Law (KIRP), the Athens Bar Association and the Bulgarian Center for the Training of Lawyers.

Its main goal is to gather up to 80 participants from three EU countries (Bulgaria, Greece and Poland) in the HELP tutored course on Labour Rights as Human Rights in a one and a half day event combining presentations and exchanges on content with an introduction to the HELP platform and the course pages on which each national group will follow the course with the assistance of a national tutor.

The cross-border launch will be held on **6-7 May 2019 in Warsaw, Poland, at the premises of the Office of the Commissioner for Human Rights (Ombudsman) at Długa street 23/25**. The working language will be English.

The Course

During the launch, the participants will be registered on their respective course pages, prepared in advance by their national tutor. Over the following 2 to 3 months and based on the planning set by the tutors, the participants will go through the **online course, accessible in their respective national language and complemented by the national adaptation prepared by the tutors**. The participants who have successfully completed the course and passed the evaluation set by the tutors will receive certificates issued by the HELP Programme of the Council of Europe in cooperation with the national partners.

Participation and registration

Participation is open to Lawyers from Bulgaria, Greece and Poland. Interested participants should:

- be available to **attend the launch event on 6-7 May 2019 in Warsaw** (the participation is taken in charge by the project)
- undertake to **follow and complete the online tutored course** in the following 3 months (approx. 1-2 hours of work per week)

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- have knowledge of **English**
- register for the event by following the instructions provided by their national training institution/bar association. Deadline: **10 April 2019**.

Preparation

Before the Cross-border launch, participants should:

- ✓ Watch the (5 minute) video on the HELP methodology: <https://www.coe.int/en/web/help/home>
- ✓ Create an account on the [HELP e-learning platform](#), following the instructions available in the attached document 'HELP in 3 steps'

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Agenda*

Day 1 – 6 May

9.00 - 9.30	Arrival and registration of participants
9.30 – 10.00	Welcome address <i>Justyna Metelska, Chairperson of the Human Rights Commission, Polish Bar Council</i> <i>Mirosław Wroblewski, Polish Bar Association of Attorneys at Law</i> <i>Anna Mazurczak, Polish Bar Council</i>
10.00 – 10.30	Keynote address <i>Dr. Adam Bodnar, Commissioner for Human Rights, Poland</i>
10.30 – 11.20	Presentation of the HELP Programme and the 'HELP in the EU' Project Overview of the HELP course on Labour Rights as Human Rights <i>Ana-Maria Telbis, 'HELP in the EU' Project Coordinator, HELP Programme, Council of Europe</i>
11.20 – 11.50	Coffee break and group photo
11.50 – 12.45	Key ECHR case law on work related rights <i>Aikaterini Lazana, lawyer, Registry of the ECtHR</i>
12.45 – 14.15	Lunch
14.15 – 15.00	<i>The ECtHR-CJEU perspective over selected aspects of labour rights</i> <i>Dr. Karol Kulig, lawyer specialised in labour law, Krakow</i>
15.00 – 15.45	The case law of the European Committee of Social Rights in Labour issues <i>Dr. Marcin Wujczyk, Jagiellonian University, Kraków, former member of the European Committee of Social Rights</i>
15.45 – 16.15	Coffee break
16.15 – 17.00	The relationship between the European Social Charter and European Union Law <i>Professor Łukasz Pisarczyk, Warsaw Bar Association of Attorneys at Law and Warsaw University</i>
17.00 - 17.15	Conclusions and closure

Day 2 – 7 May

9.15 – 10.15	Presentations of the national context – current challenges and perspectives <i>Dilyana Giteva, Carolina Kedziora, Maria Andriani Kostopoulou, HELP National Tutors</i>
10.15 – 11.00	Presentation of the HELP e-learning platform and walk through <i>Ana-Maria Telbis, 'HELP in the EU' Project Coordinator, HELP Programme, Council of Europe</i>
11.00 – 11.30	Coffee break
11.30 – 12.45	The implementation of the national course: Sharing of expectations, presentation of the national pages, planning, evaluation <i>Discussion by national groups moderated by HELP National Tutors</i>
12.45 – 13.00	Conclusions and closure

*Agenda may be subject to change.