

J. Malmberg (Ed.), B. Fitzpatrick,  
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# Effective Enforcement of EC Labour Law

**Studies in Employment and Social Policy**

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by

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# Preface

This book is the result of a project within the SALTSA programme. SALTSA is the Swedish acronym for a joint research programme on working life in Europe organised by Sweden's National Institute for Working Life (Arbetslivsinstitutet) and the three Swedish confederations of trade unions (LO, TCO, and SACO). The purpose of the programme is to promote collaboration on problem-oriented working-life research in Europe.

The object of the book is the rules designed to enforce EC labour law in the workplace. EC labour law directives normally do not provide any specific rules on procedures and sanctions according to which the substantive rules of the directives are to be enforced. Instead, domestic rules shall be applied. However, the European Court of Justice has developed some principles of enforcement that limit the autonomy of the Member States in this area. The aim of the book is to analyse the meaning, in the field of labour law, of the principle of effective enforcement developed by the Court, and to show how labour law directives are enforced in the Member States. We concentrated our efforts in three areas: working time in the context of EU health and safety law, the restructuring of enterprises through collective redundancies and transfers of undertakings, and equality of opportunity between women and men.

The book is written by a group of researchers from France, Germany, Italy, the Netherlands, Poland, Sweden and the United Kingdom. The work was conducted as a form of genuine group collaboration in the manner first employed by the Comparative Labour Law Group,<sup>1</sup> and later followed by others.<sup>2</sup> Initially, an outline was worked out to divide the subject matter into different parts and assign one or more parts to each of the participating researchers. Each member of the group prepared a national report on his or her subject and own country, and designed a questionnaire to investigate the situation in the other countries. Subsequently, each participant answered the others' questionnaires as regards his or her own country. The final comparative chapters were written on the basis of the

<sup>1</sup> The Group comprised Benjamin Aaron (US), Xavier Blanc-Jouvan (France), Gino Giugni (Italy), Thilo Ramm (Germany), Folke Schmidt (Sweden) and Lord Wedderburn (UK). The Group published several books, inter alia Aaron (ed.) (1971), Wedderburn & Aaron (1972) and Schmidt, F. (ed.) (1978). A description of the Group's work is found in Aaron (1977).

<sup>2</sup> See, for example, Hepple (ed.) (1986) and Bruun et al. (1992).



national reports. Some of the participants have also contributed “Lessons” on the basis of what has been learnt from our comparative work. The outline, the various reports and the first full drafts of the comparative chapters were thoroughly discussed at weekend meetings in Uppsala (September 1998), Amsterdam (March 1999), Catania (October 1999), Dublin (March 2000), Visby (September 2000) and Krakow (May 2001).

The project has benefited from the assistance of many individuals. Jon Kimber reviewed the English-language, and special thanks are due to Carin Wiberg, Hanna Lindström, David Johnsson and Annika Elmér.

Uppsala, Belfast, Düsseldorf, St Etienne, Catania, Amsterdam and Krakow

January 2003

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