

ABSTRACT OF PROFESSOR MANFRED WEISS' TALK:

DEVELOPMENTS IN EUROPEAN UNION SOCIAL POLICY: WHAT THE SHIFT FROM HARD TO SOFT LAW MEANS FOR THE FUTURE OF EU EMPLOYMENT AND LABOR LAW

Starting off as a merely economic project to create a common market, the European Union gradually has integrated a social dimension into its policy. To that end, EU legislators have, over time, been given increasing legislative powers in the area of employment and labor law. In fact, today, only a few areas of workplace law are excluded from EU legislative jurisdiction.

EU law, including law related to the workplace, is binding on the 27 member states that make up the European Union. Moreover, a special court, the European Court of Justice, has exclusive power to interpret EU law, guaranteeing that workplace legislation is implemented to its full extent in EU countries. While minimum standards have been set at the supra-national level on many important workplace topics, however, the EU lacks a systematic or comprehensive approach to workplace regulation, a situation that must be remedied.

Additionally, the increase in the size of the EU -- from an original six countries to today's 27 member states -- has drastically changed the structure of the Union. The EU, once a relatively homogeneous entity, is now quite heterogeneous. Diverging interests among the member states create significant challenges to mustering needed support for important legislation. As a result, the development of "hard law" now to a great extent has been replaced with "soft law" strategies in which European confederations of trade unions and employers' associations play an important role. What this change of approach means for the future of EU workplace law, and the implications of the change for EU social policy more generally, is the focus of the lecture.