

# Enforcing workers' rights in Europe through strategic litigation

**Friday, 20 October 2023 (10:00 – 17:30)**

**Interpretation: English, French, German, Italian, Spanish**

*In-person only, House of Labour, Frankfurt am Main  
Eschersheimer Landstraße 155/157*

This event will explore the interpretative and creative potential of strategic litigation to reinforce the position of (vulnerable) workers in the EU. Trade unionists, lawyers and labour law scholars will present and discuss practical examples of successful proceedings before the European Court of Justice and national labour courts in various European countries.

Several trends are currently reshaping the world of work and calling into question the efficacy of existing labour law instruments in pursuing their protective and emancipatory function vis-à-vis workers. Digital technology, the platformisation of labour, fissuring tendencies and an increasing reliance on service contracts, as well as the growing share of migrant and vulnerable workers in the EU, all have concrete implications for employment rights, the quality of working conditions and the reliability of corporate actors. Is the current EU labour law *acquis* sufficiently effective at allocating rights and obligations to the important parties of labour relations? And how can strategic litigation support the adaptation of the current legal framework to be more worker-centric?

## PROGRAMME

9.30 – 10.00	Registration and coffee, tea, drinks
10.00 – 11:15	<p><b>Panel 1: Strategic litigation to advance workers rights: overarching remarks</b></p> <ul style="list-style-type: none"><li>• <b>Isabelle Schoemann</b> (ETUC Deputy General Secretary, Brussels): The importance of strategic litigation for trade unions</li><li>• <b>Klaus Loercher</b> (Former legal advisor to the ETUC, Frankfurt/M.): Strategic Litigation in the framework of effective Enforcement. New Directives - new approaches?</li><li>• <b>Lord John Henty KC (Barrister, London)</b>: The role of a trade union-oriented attorney in the pursuit of strategic litigation</li></ul> <p>Chair: Thomas Schmidt (Labour lawyer, ELDH Co-Secretary-General)</p>
11.15 – 12.45	<p><b>Panel 2: Platform work and digital technology</b></p> <ul style="list-style-type: none"><li>• <b>Christina Hiessl</b> (BOFZAP Professor of Labour Law, KU Leuven): Platform work &amp; algorithmic management: strategic litigation in 16 European countries”.</li><li>• <b>Mariagrazia Lamannis</b> (Università degli Studi Magna Graecia, Catanzaro): Strategic Litigation and Collective Bargaining in the Platform Economy: What Interaction</li><li>• <b>Carlo De Marchis</b> (Labour Lawyer, Rome): The Italian experience</li><li>• <b>Stephane Teyssier</b> (Labour Lawyer, Lyon): The French experience</li><li>• Q&amp;A, discussion</li></ul> <p>Chair: <b>Silvia Rainone</b> (Senior researcher, ETUI)</p>
12.45 – 13.45	Lunch break in the conference restaurant

13.45 – 15.00	<p><b>Panel 3: Working time</b></p> <ul style="list-style-type: none"> <li>• <b>Armando-Garcia Lopez</b> (Coordinator of legal services for the Federation of Workers' Commissions Services CCOO-Servicios, lawyer, Madrid): Working time. Working Time Registration. Case C-55/18</li> <li>• <b>Johanna Wenkebach</b> (Professor, Scientific Director of the Hugo Sinzheimer Institute for Labour and Social Law (HSI) of the Hans-Böckler Foundation): Working time in Germany: debates, precedent cases and collective bargaining</li> <li>• <b>Fatma Arda Bicz, presented by Ceren Uysal</b> (Lawyers, Istanbul): Working time: strategic litigation in Turkey</li> <li>• Q&amp;A, discussion</li> </ul> <p>Chair: <b>Rüdiger Helm</b> (Labour lawyer, Munich)</p>
15.00 – 15.30	<i>coffee, tea, cold drinks</i>
15.30 – 17.00	<p><b>Panel 4: Migrant, temporary and vulnerable workers</b></p> <ul style="list-style-type: none"> <li>• <b>Dimitrios Vassiliou</b> (Lawyer, Athens): Problems of fixed-term contracts in the public sector in Greece</li> <li>• <b>Ernesto Klengel</b> (Hugo Sinzheimer Institute for Labour and Social Law (HSI) of the Hans-Böckler Foundation): Gräfenhausen is everywhere? Questions of enforcement of labour law in cross-border work assignments</li> <li>• <b>Zane Rasnaca</b> (Senior researcher, ETUI, Brussels): Working across borders and strategic litigation: two ships that pass in the night</li> <li>• <b>Angelika Kapeller</b> (Head of the Trade Union Centre for Revision and European Law, DGB Rechtsschutz GmbH): The ECJ has ruled - now what?</li> <li>• Q&amp;A, discussion</li> </ul> <p>Chair: <b>Dominique John</b> ( Fair Mobility, Berlin)</p>
17.00 - 17.30	<p><b>Final discussion and closing remarks</b> Moderation: <b>Michael Schubert</b> (Labour lawyer, Freiburg)</p>
	<i>coffee, tea, cold drinks</i>

#### The Conference organisers:

- European Lawyers for Workers Network (ELW)
- European Trade Union Institute (ETUI)
- European Association of Lawyers for Democracy and World Human Rights (ELDH)
- Vereinigung Demokratischer Juristinnen und Juristen e.V. (VDJ)

#### Supported by

- Hugo Sinzheimer Institut für Labour and Social Law (HSI) of the Hans-Böckler Foundation
- Vereinte Dienstleistungsgewerkschaft (ver.di)



The ETUI is co-funded by the European Union

## Registration

Please register on the website of the ETUI <https://www.etui.org/events/enforcing-workers-rights-europe-through-strategic-litigation> . Participation in the conference is only possible after prior registration and transfer of the participation fee (students and PhD candidates free)

### Registration fee:

Registration fee for all participants: 140,- € to be paid to the European Association of Lawyers for Democracy and World Human Rights – ELDH/EJDM [www.eldh.eu](http://www.eldh.eu) (students and PhD candidates free). After submitting this registration form you will receive a provisional confirmation. Hereafter you will receive an email by the ELDH with the details for the payment of the registration fee. Only after the payment of the registration fee you will receive the final confirmation for your participation at the conference. The fee includes participation at the conference, access to all available documents (speeches etc.), coffee, tea and cold drinks during the breaks and lunch. The fee has to be paid by transfer to the indicated bank account. Payment by credit cards is not possible.

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## Saturday, 21 October 2023, 10h00 – 12h30 CET

**The annual ELW members meeting** takes place the day after the conference on Saturday, 21 October 2023, 10h00 – 12h30 CET in the same venue. All participants at the conference are welcome.

Topics will be among others

- Evaluation of the conference,
  - further tasks of ELW (newsletter, next conference..)
  - Coordination Committee Appointment
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