

Preface to the Second Edition

The new edition takes into account developments in EU legislation and case law up to and including October 2020. In particular, the extensive consideration of case law issued since the last edition has required a comprehensive revision of all areas covered. This has contributed to a changed or extended understanding of the role of some legal sources, for example that of the Charter of Fundamental Rights. There were also some decisions on cross-cutting issues such as the concept of worker/employee under European law, general principles of EU law, or the legislative competence of the European social partners, which also enhance the perspective on the questions that remain open.

In addition to such fundamental questions, the case law of the CJEU has also led to numerous clarifications within the individual areas, with a high density of decisions in areas such as free movement of workers and citizens (both residence and equal treatment claims), posting of workers, discrimination in employment and occupation (especially age discrimination, but also with regard to the characteristics of disability, gender, race, religion and sexual orientation), atypical employment relationships (particularly fixed-term contracts, to a lesser extent also part-time and temporary agency work), restructuring of enterprises (in particular transfer of undertakings, but also collective redundancies and employer insolvency), working time and annual leave, maternity protection, parental leave and social security coordination. Reference is also made to the relevance of some decisions that are not directly related to social law, for instance in the area of data protection or the classification of services of general economic interest within competition and free movement law.

The newly issued EU legal acts taken into account in the new edition include the Directive on Administrative Cooperation to promote the free movement of workers, the amended Posting of Workers Directive and newly enacted Enforcement Directive, several directives on the employment of third-country nationals in the EU, the Directive on the Preventive Restructuring of Companies, the Directive on Transparent and Predictable Working Conditions (which replaces the Employee Information Directive), the Directive on Work-Life Balance (replacing the Parental Leave Directive), the General Data Protection Regulation, the Directive on the Acquisition and Preservation of Supplementary Pension Rights and IORP Directive, as well as the Regulation on the Establishment of the European Labour Authority. For some of the legal acts already mentioned in the previous edition, the implementation deadline for the Member States has now expired – for instance regarding the revised Gender Equality Directive for the Self-employed. In some cases (Enforcement Directive on Posting of Workers; revised Parental Leave Directive; Patients' Rights Directive), first case law on these new directives has already been issued.

In individual areas, reference is made to the work program of the current EU Commission, which has also announced legislative projects for areas with a disputed

competence basis (especially minimum wages) that have been explicitly excluded so far. Brief mention is also made of a number of other legislative projects that are currently at different stages and seem to have different prospects of realisation, for example in the area of positive measures to eliminate gender discrimination, pay transparency, an extended framework for protection against discrimination based on religion, age, disability and sexual orientation, expanded protection in the event of company restructuring, and amendments to the Working Time Directive and the Social Law Coordination Regulation.

In order to ease comprehensibility for readers without prior knowledge of institutional European Union law, the first chapter now also contains a short section to explain a number of basic concepts of importance throughout the following chapters. In view of the establishment of the European Labor Authority (ELA), questions relating to the implementation and enforcement of European social law are now dealt with in a final chapter.

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