

# EU Labour Law and Policy

**Elective  
Past  
Papers**

LL.B. IV



# **GHAQDA STUDENTI TAL-LIĠI**

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## ABOUT GhSL

Għaqda Studenti Tal-Ligi (The Malta Law Students' Society) is a faculty-based, non-profit organisation at the University of Malta that represents all law students within the Faculty of Laws.

The organisation plays a pivotal role in law students' academic and social life at the University of Malta. The organisation has also been responsible for publishing the prestigious *Id-Dritt*, and the *GhSL Online Law Journal*.

Moreover, GhSL boasts its own Thesis Library, located at the GhSL office in the Faculty of Laws. Additionally, GhSL is the only law organisation responsible for the distribution of authoritative law notes and past papers.

For further queries on this set of notes, as well as any other, please feel free to contact our **Resources Officer** at [resources@ghsl.org](mailto:resources@ghsl.org).



## Advice from an Alumna

By Dr Priscilla Mifsud Parker

The law course is a long journey, but one that, if well-travelled, will lead to beautiful destinations. In an industry which is today attracting many young individuals looking to develop their career in law, it is important to stay ON the beaten track and remain focused. It may go without saying that it is of great importance for all students to attain good academic grades, to be dedicated to their work, as well as to be determined in this highly-competitive industry in order to fulfil their dream of becoming lawyers one day. However what is crucial is that as students and later on as professionals we are innovative by being sensitive to the changes around us. These changes might be political, economic, environmental, socio-cultural or others; what is for sure is that they all have an impact on the profession of a lawyer. We are members of a dynamic profession which is very sensitive to its surroundings. The type and 'genre' of advice which is required from us is all affected by what is being experienced by the receivers of this advice.

Work experience is considered as a vital part of the staple diet of any prospective lawyer in order to put into practice and refine the knowledge gained from the theoretical reality of the lecture halls and lawbooks into the skills required for a successful career in law. An internship will not only show future recruiters that you have a genuine interest in pursuing a career in this sector, but that you have the practical knowledge and skills to succeed in your role.

Here are some personal suggestions that I feel helped me during my journey:

### 1. *Being Ambitious*

A powerful trait in any competitive industry, ambition will help you in your law course, in your career as a lawyer, as well as in your life. Whilst the law course can be quite intimidating and challenging, an ambitious individual who is dedicated to learning new things has the potential to understand and realize long-term goals. Do not view the journey as one whole insurmountable mountain but focus on the next small goal and once achieved move on to the next and goal by goal you will reach your final target point.

In this respect, gaining valuable work experience through an internship is an important step taken by an ambitious young lawyer who wants to attain certain skillsets, and remain a step ahead of his/her peers. By being inquisitive, analytical and humble enough to accept guidance and mentoring one is guaranteed a fruitful experience in a law firm. It is also not only a means to start focusing on the direction of your career and to build upon your chosen path, but will undoubtedly expose you to the international world. This is crucial, as most of the traditional legal sectors have been intertwined with new areas of legislation and all these together now present much more opportunity for intra-jurisdictional work.

### 2. *Networking*

By engaging with counterparty students abroad and in international fora one gains an insight into another reality and is exposed to different cultures, ways of communicating and is able to bridge



the differences between parties to a mundane discussion which will eventually become a transaction or a major project in professional life.

### *3. Organisational Skills*

Organisation is key in any industry. Good organisation skills always stand out to a recruiter when considering potential applicants. Such skills can be obtained by gaining experience either through organising one's own work, study plan, student events or cultural/philanthropic events.

Going hand-in-hand with this, is having a study plan. By planning your studies ahead, one will have a sufficient amount of time to meet all the demands, while also being able to participate in productive outside activities. Reviewing notes or case briefs before class can also help you follow and participate in class discussions better, whilst following case-law allows you to apply them for specific situations. In view of the amount of material involved summarising and carving out the most crucial points is essential to then build your argument in papers.

### *4. Taking your own class notes*

It is always important to take down your own notes as laws are always evolving and passed-down notes would provide the context but are not ideally used for the detail. Researching the particular topic and comparing Malta's law with that of other jurisdiction gives one a completely different outlook and commenting on these variances in an exam paper, dissertation or assignment would distinguish one student from another. Not to be overlooked are also the consultation papers, commentaries and other official public documents that are issued by local authorities from time to time on different areas of law and industry. Being abreast of what is happening in industry will help putting the particular law or regulation in context.

### *5. Participation*

Participation is a main element of the learning process. Being actively involved during seminars and lectures and participating in legal debate sessions, mock trial competitions and moot courts are essential in order to improve your persuasive and presentation skills. If you find this very difficult (all of us have different characters and traits), then try to focus on participation in other events which will expose you to public speaking starting off in smaller groups in a more familiar environment and trying out new experiences and larger audiences as you go along.

### *6. Practice is the key to success*

This leads us to our next point – practice. Attaining good grades is undoubtedly an important part of the law course, however, in themselves, they are not enough to show that you have substantial material to succeed. Working within a law firm introduces you to the world of work, and allows you to gain specific industry-related skills which one will only ever be able to learn in a workplace setting.

Work experience can provide you with valuable insight which will help you decide what your career aspirations are and in which areas you would like to further delve into.



FOURTH YEAR LAW  
ELECTIVE UNITS PAST PAPERS

# EU LABOUR LAW AND POLICY



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**UNIVERSITY OF MALTA**

**FACULTY OF LAWS**

**LLD I & II**

**JANUARY 2015 SESSION OF EXAMINATIONS**

**EXAMINATION:** ECL4001 – EU Labour Law and Policy  
**DATE:** Friday 23<sup>rd</sup> January 2015  
**TIME:** 9.15AM – 11.15AM

Answer any two questions only. All questions carry equal marks.

1. Article 45(2) TFEU provides for the 'abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment'. The Court of Justice of the EU (CJEU) has interpreted this article to include not only measures which discriminate directly or indirectly against other Member State nationals, but also measures which substantially impede market access. Discuss by reference to rulings or decisions delivered by the Court of Justice of the European Union.
2. Article 7(2) of Regulation 492/2011 on freedom of movement for workers within the Union states that a worker who is a national of another Member State 'shall enjoy the same social and tax advantages as national workers'. What criteria has the CJEU applied in order to determine when the principle of non-discrimination is violated under this Article? Discuss by reference to case law.
3. Article 154 TFEU envisages the obligation placed on the Commission to consult management and labour at Union level whereas Article 155 TFEU envisages the process whereby collective agreements may be concluded between management and labour at Union level. This process allows management and labour real participation in the adoption of Union legislation. Discuss.
4. 'The Working Time Directive is situated in the grey area between traditional health and safety measures and the right of employed persons' (Barnard). Do you agree with this statement?
5. How has the term 'pay' in Article 157 TFEU (equal pay for male and female workers for equal work) been defined by the CJEU?

UNIVERSITY OF MALTA

FACULTY OF LAWS

LLD I & II YEAR

SEPTEMBER 2015 EXAMINATIONS

<b>EXAMINATION:</b>	<b>ECL4001 – EU LABOUR LAW AND POLICY</b>
<b>DATE:</b>	<b>Monday 7<sup>th</sup> September, 2015</b>
<b>READING TIME:</b>	<b>11.30 a.m. – 11.35 a.m.</b>
<b>DURATION OF EXAMINATION:</b>	<b>11.35 am. – 1.35 pm</b>

Answer any two questions. All questions carry equal marks.

1. Article 45 TFEU establishes the freedom of movement for workers, prohibits discrimination based on nationality between workers and also envisages the relative rights to free movement of workers. However, these provisions do not apply to employment in the public service. Discuss.
2. How far would you agree with the statement that today the European Partners play a very active role in the adoption of EU employment legislation ? Discuss by reference to the relative articles of the Treaty on the Functioning of the European Union (TFEU).
3. EU labour law has made a considerable contribution towards addressing the problem of atypical workers, such as part-time workers and fixed-term workers. Discuss by reference to either (a) the Fixed-term work Directive (Directive 1999/70/EC), or (b) the Part-Time work Directive (Directive 97/81/EC) and state the extent to which you agree with this statement?
4. The aim of the Framework Directive 89/391 on Health and Safety is 'not only to improve the protection of workers against accidents at work and the prevention of occupational risks, but also to introduce specific measures to organise that protection and prevention' (Comm. V. Netherlands, Case C-441-01). Discuss by reference to the most salient features of the Health and Safety Directive (Directive 89/391).
5. The Directive concerning certain aspects of the organisation of working time (Directive 2003/88EC) focuses not only on the physical well-being of the worker by regulating his working time, but also on his social well-being of the worker by regulating his working time, but also on his social well-being by regulating his rest periods and leave. Discuss.



**UNIVERSITY OF MALTA**

**FACULTY OF LAWS**

**JANUARY 2016 SESSION OF EXAMINATIONS**

**LLB HONS 4<sup>th</sup> Years & LLD II Year**

**ECL 4001 - EU LABOUR LAW AND POLICY**

**Friday 22<sup>nd</sup> January, 2016**

**READING TIME: 10.00 AM to 10.05 AM**

**DURATION OF EXAMINATION: 10.05 AM to 12.05 PM**

**ANSWER TWO QUESTIONS. All questions carry equal marks.**

1. Discuss the doctrines developed by the Court of Justice of the EU under Article 45 TFEU which secures the freedom of movement of workers within the Union and prohibits any discrimination based on nationality.
2. Discuss the interpretation given by the Court of Justice of the EU to the term 'worker' within the context of Article 45 TFEU on the freedom of movement of workers.
3. Article 154 TFEU envisages the obligation placed on the Commission to consult management and labour at Union level whereas Article 155 TFEU envisages the process whereby collective agreements may be concluded between management and labour at Union level. This process allows management and labour real participation in the adoption of Union legislation. Discuss.
4. The Health and Safety Directive (Directive 89/391) introduces measures to encourage improvement in the health and safety of workers at work. By doing so, it has been argued that such measures place considerable obligations on the employer and little on the employee. Discuss.
5. How far would you agree with the statement that the Working Time Directive (Directive 2003/88) incorporates both health and safety measures broadly interpreted, as well as measures protecting the rights of the worker?