Social Rights in Europe

Edited by
GRÁINNE DE BÚRCA
Professor of European Law, European University Institute, Florence

and

BRUNO DE WITTE
Professor of European Law, European University Institute

With the assistance of
Larissa Ogertschnig
Researcher, European University Institute

OXFORD UNIVERSITY PRESS
Table of Contents

List of Abbreviations ix
Notes on the Contributors xi

PART I. INTRODUCTION
1. The Future of Social Rights Protection in Europe
   Gráinne de Búrca 3
2. Social Rights in European Constitutions
   Cécile Fabre 15

PART II. THE EUROPEAN SOCIAL CHARTER
3. The Supervisory Machinery of the European Social Charter: Recent
   Developments and their Impact
   Régis Brillat 31
4. Assessing the Strengths and Weaknesses of the European Social
   Charter's Supervisory System
   Philip Alston 45
5. Domestic Enforcement of the European Social Charter:
   The Way Forward
   Gisella Gori 69
6. The Material Impact of the Jurisprudence of the European
   Committee of Social Rights
   Jean-François Akandji-Kombé 89

PART III. THE EUROPEAN UNION
7. Anchoring the European Union to the European Social
   Charter: The Case for Accession
   Olivier De Schutter 111
8. The Trajectory of Fundamental Social Rights in the European Union
   Bruno de Witte 153
9. Social and Labour Rights under the EU Constitution
   Brian Bercusson 169
10. Fundamental Labour Rights after the Lisbon Agenda
    Silvana Sciarra 199
Table of Contents

11. How to Be Fundamental with Soft Procedures? The Open Method of Coordination and Fundamental Social Rights 217
   *Stijn Smismans*

PART IV. ESC JURISPRUDENCE AND THE EU ACQUIS: THE COMMON CORE AND THE ADDED VALUE

12. The Right to Work 241
   *Diamond Ashiagbor*

   *Mark Bell*

14. The European Social Charter and EU Anti-discrimination Law in the Field of Disability: Two Gravitational Fields with One Common Purpose 279
   *Gerard Quinn*

15. We Don't See a Connection: The ‘Right to Health’ in the EU Charter and European Social Charter 305
   *Tamara K. Hervey*

PART V. BEYOND EUROPE’S BORDERS

16. The Integration of Social Rights Concerns in the External Relations of the European Union 339
   *Alexandra Gatto*

17. European Fundamental Social Rights in the Context of Economic Globalization 367
   *Marie-Ange Moreau*

Bibliography 383
*Larissa Ogertschnig*

Index 409