New Forms of Employment in Europe

Editors

Roger Blanpain & Frank Hendrickx

Guest Editor

Bernd Waas

Contributors

José João Abrantes Edoardo Ales Helga Aune

Barend Barentsen Catherine Barnard

Kadriye Bakirci Elin Blöndal

Iván Antonio Rodríguez Cardo

Simon Deakin Tomas Davulis Raluca Dimitriu

Kristīne Dupate

David Durward Matleena Engblom

Joaquin Garcia Murcia

Ivana Grgurev

Tamás Gyulavári

Petr Hürka

Senad Jašarević

Todor Kalamatiev

Anthony Kerr

Francis Kessler

György Kiss

Polonca Končar Jens Kristiansen Jan Marco Leimeister

Irene Mandi

Lorna Mifsud Cachia

Leszek Mitrus

Costas Papadimitriou Wolfgang Portmann

Jean-Luc Putz

Wilfried Rauws Martin Risak

Aleksandar Ristovski

Mia Rönnmar

Robert Schronk

Rita Canas da Silva

Vesna Simovic-Zvicer

Krassimira Sredkova

Gaabriel Tavits

Claire Toumieux

Nicos Trimikliniotis

Bernd Waas

Shkodran Zogaj Johan Zwemmer



New Forms of Employment in Europe

Editors

Roger Blanpain Frank Hendrickx

Guest Editor

Bernd Waas

Contributors

José João Abrantes Edoardo Ales Helga Aune Barend Barentsen Catherine Barnard Kadriye Bakirci Elín Blöndal Iván Antonio Rodríguez Cardo Simon Deakin Tomas Davulis Raluca Dimitriu Kristīne Dupate David Durward Matleena Engblom Joaquín Garcia Murcia Ivana Grgurev Tamás Gyulavári Petr Hurka Senad Jašarević Todor Kalamatiev Anthony Kerr Francis Kessler György Kiss

Polonca Končar Jens Kristiansen Jan Marco Leimeister Irene Mandl Lorna Mifsud Cachia Leszek Mitrus Costas Papadimitriou Wolfgang Portmann Jean-Luc Putz Wilfried Rauws Martin Risak Aleksandar Ristovski Mia Rönnmar Robert Schronk Rita Canas da Silva Vesna Simović-Zvicer Krassimira Sredkova Gaabriel Tavits Claire Toumieux Nicos Trimikliniotis Bernd Waas Shkodran Zogaj Johan Zwemmer



Published by: Kluwer Law International B.V. PO Box 316 2400 AH Alphen aan den Rijn The Netherlands Website: www.wklawbusiness.com

Sold and distributed in North, Central and South America by: Wolters Kluwer Legal & Regulatory U.S. 7201 McKinney Circle Frederick, MD 21704 United States of America Email: customer.service@wolterskluwer.com

Sold and distributed in all other countries by: Turpin Distribution Services Ltd Stratton Business Park Pegasus Drive, Biggleswade Bedfordshire SG18 8TQ United Kingdom Email: kluwerlaw@turpin-distribution.com

Printed on acid-free paper.

ISBN 978-90-411-6239-7

e-Book: 9789041162410

© 2016 Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal & Regulatory U.S., 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Website: www.wklawbusiness.com

Printed in the United Kingdom.

Austrian Equal Treatment Commission. He was an associate with the international law firm CMS Reich-Rohrwig Hainz, Professor of Labour Law and Civil Law at the University of Passau (Germany) and a Marie Curie-Fellow at the University of Otago (New Zealand). Prof. Risak is a member of the editorial board of the (Austrian) Journal of Labour Law and Social Law and the national expert for Austria of the European Centre of Expertise ('ECE') in the field of labour law, employment and labour market policies that advises the European Commission.

Aleksandar Ristovski, LLM, is a Teaching and Research Assistant at SS Cyril and Methodius University (Department of Labour law, Faculty of Law 'Iustinianus Primus', Skopje). He teaches Labour Law (at BA and MA level). He is currently a PhD candidate at the Faculty of Law 'Iustinianus Primus', Skopje, and an MA candidate at the Faculty of Economics (Department of Economic Development and International Finance).

Mia Rönnmar is Professor of Private Law and Dean at the Faculty of Law at Lund University. Her main research areas include Swedish, comparative and EU labour law and industrial relations. She is the President-Elect of the International Labour and Employment Relations Association (ILERA) and a member of the Norma Research Programme at Lund University, and its Elder Law Research Environment. She has also been a Visiting Researcher at *inter alia* the London School of Economics, the European University Institute and Sydney University.

Robert Schronk, Prof. JUDr., CSc., is Professor of Labour Law at Comenius University, Faculty of Law, Bratislava, Slovakia. He has more than thirty-five years of professional research experience in labour law. He has been with the Faculty of Law, Comenius University, Bratislava since 1991, holds lectures and seminars on Labour Law, International and European Labour Law. Research on International and European Labour Law, Individual Labour Relations, Dismissal Law, Working Time, Legal Liability in Labour Relations and Collective Labour Law. Schronk is a member of working groups and scientific boards, the President of the Slovak Society for Labour Law and Social Security (2006-2010), Member of the Accreditation Commission, Advisory Body of the Government of the Slovak Republic (2010 – present). He has authored publications on Slovak and European labour law.

Rita Canas da Silva is a PhD Candidate of the Faculty of Law of the Nova University of Lisbon. She is Co-head of the Employment department of Servulo Law Firm; Guest lecturer on several specialised university courses on Employment and Social Security Law. She has several publications on these fields among others.

Vesna Simović-Zvicer is Lecturer at the University of Montenegro in Labour Law, European Labour Law and Social Protection. She is a Member of the Social Council of Montenegro. She is President of the Association of Labour Law and Member of the Board of the Association of Lawyers of Montenegro.

Krassimira Sredkova is Professor of Labour Law and Social Security at Sofia University 'St. Kliment Ochridski'. She is President of the Bulgarian Association of Labour