

The background is a dark blue gradient with a starry texture. On the left side, there are several overlapping circular elements. A prominent one is a large circle with a scale from 140 to 260 in increments of 10. Other circles are smaller and some have dashed outlines or arrows, suggesting a technical or scientific theme.

# RIGHTS AND PRINCIPLES: THE WEB

JIMENA RUY-LÓPEZ SCHMIDT

# LABOUR IS NOT A COMMODITY

- Human- centered approach
- Protection principle

# PRINCIPLES OF LABOUR LAW

## ❖ Contents (not definite):

- 1) Protection principle: a) *In dubio pro operario*; b) The most favourable norm; c) The most beneficial condition
- 2) The principle of non- renouncing
- 3) The principle of continuation
- 4) The primacy of fact principle
- 5) The reasonableness principle
- 6) The good faith principle.

## ❖ Function within the legal system?

- PRINCIPLES OF LAW:

- a) Basic rules of conduct and of application of the law (including interpretation and procedure).
- b) Their ultimate aim is to enable the protection of human rights (life, health, freedom, equality, work, property, honour, etc.).
- c) Basic rules applicable to all: States and individuals.

- PRINCIPLES OF LABOUR LAW:

- Adaptations of the general principles of law.
- Principle of compensation.

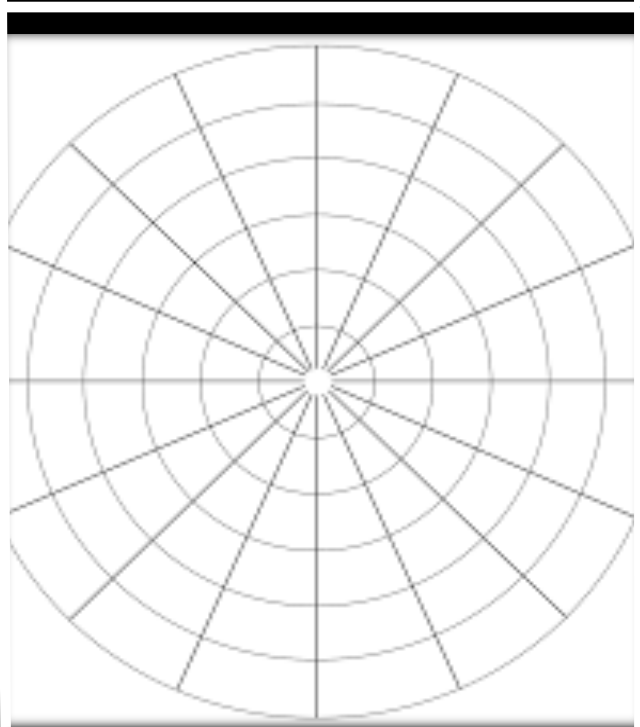
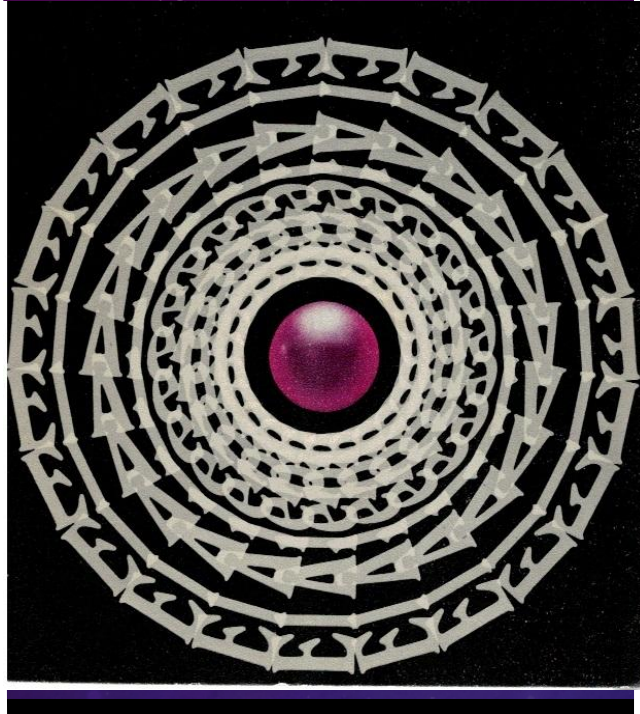
## ROLE AND FUNCTION OF THE PRINCIPLES IN THE LEGAL SYSTEM

### Their role. Arguments:

- \* The theory of the block of constitutionality.
- \* Positive law, logic and ontology.

### Their functions:

- \* Informative
- \* Interpretative
- \* Gap- filling
- \* Limitative (invalidity criteria of positive law)



# THE WEB

- **Signifies unity, holds and organizes.**
- **The "frame" of the "seamless web"**
- Myriad classifications, though the frame still the same.



# SOME PRACTICAL CONSEQUENCES

- 1) The normative nature of principles.
- 2) The universal nature of principles.
- 3) The holistic perspective of the legal system.
- 4) The human-centred approach in decision-making.
- 5) The ductility and usefulness of principles



Next

# THE DUCTILITY AND USEFULNESS OF PRINCIPLES

## 1) The scope of labour law

a. Recommendation 198: protection principle ((asymmetry of power) & principle of primacy of facts over contractual formalism.

Who the employer is (or are).

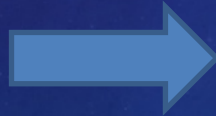
b. Other workers?

Work public order = universal labour guarantee (+ Social Security)

2) Applicable to solve all issues, including international ones.

3) Principles in collective labour law

NEXT





# PRINCIPLES IN COLLECTIVE LABOUR LAW

1) PROTECTION PRINCIPLE = the ability to generate collective agreements. The need to foster and protect the 'collective labour rights': freedom of association, collective bargaining and the rights to strike.

1.1. *In dubio pro operario*

1.2. The most favourable norm

1.3. The most beneficial condition

2) THE NON- RENUNCIATION PRINCIPLE

Law and collective agreements: these ones shall prevail, due to the principle of collective autonomy, with the limits of (work) 'public order'.

THANKS!

