

The Law School

Labour Law

The University of Bristol offers a diverse range of postgraduate units relating to the dynamic subject of labour law. The School of Law has been fortunate to have a number of legal scholars actively involved in extensive research in this field. Their work has covered various aspects of domestic labour law in the UK, such as systems of worker participation in corporate structures, information and consultation procedures, protection from individual and collective dismissals, scope for trade union organisation, collective bargaining, and anti-discrimination law. They also have interests in comparative labour law, EU social policy, and protection of workers' rights under international and regional human rights instruments. Additionally, members of staff are investigating connections between labour standards and sustainable development, as well as protection of international labour standards through trade and aid conditionality. The breadth of staff expertise is reflected in the decision to introduce the LLM stream in Labour Law and Corporate Governance from 2008. These research interests also inform the content of other units offered on the LLM in Commercial Law, in European Legal Studies, Human Rights and International Law.

The LLM in Labour Law and Corporate Governance

To obtain an LLM by Advanced Study in Labour Law and Corporate Governance students will be expected to:

- Submit a 12,000 word dissertation in the field of Labour Law and Corporate Governance *and*
- Take four Labour Law and Corporate Governance core units *or* take three Labour Law and Corporate Governance units plus one other LLM unit.

The Labour Law and Corporate Governance core units are:

Individual Employment Rights

This unit deals with the English law governing the individual employee's relationship with his or her employer, although comparisons will be made with other jurisdictions where appropriate. The aim throughout is to set employment law in its wider social, economic and political context. Therefore the unit begins by considering the nature of employment in the 21st Century. It evaluates the contractual nature of employment and the rights and duties imposed on each party. It considers increasing statutory intervention, e.g. Human Rights Act 1998, National Minimum Wage Act 1998 and its impact upon managerial prerogative. The role of EC legislation particularly with regard to working time, equal pay and sex discrimination is also addressed. Finally the unit considers the termination of employment, an employee's statutory remedies and the protection of employees on the transfer of an undertaking.

International Law of Labour and Welfare Rights

This unit is designed to introduce students to issues surrounding international protection of labour rights (such as freedom of association, equal treatment, protection from child labour and freedom from forced labour) and welfare rights (such as rights to housing, healthcare, social security and food). The relationship between these entitlements and 'third-generation rights' will also be explored. The unit examines what standards relating to labour and welfare rights have been adopted within the international community, the form in which they have been protected and the specific mechanisms utilised for their enforcement. This entails not only a technical analysis of international instruments and supervisory structures but also some detailed consideration of underlying social, political and economic concerns. These are examined in their historical context and in the work of the International Labour Organization, the Council of Europe, and the United Nations.

Social Policy and Social Rights in Europe

The aim of this unit is to explore one of the most interesting and controversial areas of European law and policy. We investigate the various attempts at the European level to regulate the labour market and to facilitate the improvement of working conditions. The role of different actors is addressed: the Commission, the Member States, the Court and social partners. The focus is on discrimination law, on workers' rights to participate in enterprise decision-making, and on various 'soft law' strategies employed by actors at the European level. The unit assumes some knowledge of the workings of the EU, although special assistance will be offered to those students studying EU law for the first time.

Corporate Governance in the United Kingdom and the United States

This unit aims to give students a fundamental understanding of the legal rules that determine the balance of decision-making power within Anglo-American public companies. It assesses the main theoretical models of the business corporation as developed within English and American jurisprudence and scholarship, in order to provide a basic conceptual structure to the course material. It then proceeds to examine and compare the key features of UK and US (Delaware & federal) company and securities law in relation to issues such as: the distribution of authority between directors and shareholders; the structure & composition of the corporate board; directors' duties and financial risk management; and takeovers & the market for corporate control. The emphasis is on studying how the legal rules and institutions interact with wider market pressures in establishing effective managerial incentives and disciplinary mechanisms.

Company Law

With the enactment of the Companies Act 2006, together with recent important changes to the legal status of the City Code on Takeovers and Mergers and revisions to the Combined Code on Corporate Governance, company law has become a topic of major current interest for practitioners and academics alike. In the context of these developments, this unit identifies and examines a number of key issues in UK company law from both a practical and a theoretical perspective. Particular emphasis is placed on the relationship between: on the one hand, the modern framework of statutory rules and other regulations governing the company's specific operations; and, on the other, the long-standing body of common law doctrine which continues to define many of the company's most important legal features.

Topics covered include:

- Corporate personality
- Limited liability and corporate 'veil piercing' disputes
- Corporate capacity and the authority of officers
- Shareholders' rights and minority protection
- The raising of corporate finance and maintenance of capital
- Directors' duties and their enforcement
- Officers' liability on insolvency
- Corporate governance and board structures
- Corporate social responsibility
- Takeovers and mergers

These units are also available to students who wish to take other LLM streams.

Staff Profiles

Dr Marc Moore has taught at Bristol since 2002, and in 2004 was appointed City Solicitors' Educational Trust Lecturer in the School of Law. He has a law degree from the University of Glasgow, and a doctorate degree from the University of Bristol. Marc writes mainly in the field of company law, and his principal research interests are in relation to corporate governance and capital markets. He is an editor of Tolley's Company Law, and a member of a European Commission-funded working group on corporate governance. Marc teaches Company Law (LLB and LLM) and Corporate Theory and Governance (LLM) at Bristol. In addition, he is a visiting lecturer in company law at the University of London's School of Professional and Continuing Education in Hong Kong.

Dr Tonia Novitz first studied law in New Zealand and qualified there as a Barrister and Solicitor, specialising in employment law and civil litigation. She then studied at Balliol College, Oxford, where she was awarded the BCL and completed her doctorate. She has been a visiting fellow at the International Institute for Labour Studies (Geneva), a Jean Monnet Fellow and a Marie Curie Fellow at the European University Institute (Florence) and, most recently, a senior visiting fellow at the University of Melbourne. She was co-author of *Fairness at Work: A Critical Analysis of the Employment Relations Act 1999 and Its Treatment of Collective Rights* (Hart, 2001), co-editor of *The Future of Remedies in Europe* (Hart, 2000) and author of *International and European Protection of the Right to Strike* (Oxford University Press, 2003).

Dr Phil Syrpis studied Law at the University of Cambridge, and obtained the BCL degree at Oxford in 1994. He completed a doctoral thesis which analysed the rationales for European Social Policy in 2000. In 2002 he was a Jean Monnet Fellow at the European University Institute in Florence. In his research, he attempts to define the outer limits of European Union competence and to explore the ways in which that competence should be sculpted. He has taught European law at several Oxford colleges, and has

been at the University of Bristol since 1997. He is author of *EU Intervention in Domestic Labour Law* (Oxford University Press, 2007).

Professor Charlotte Villiers studied law at the University of Hull and the London School of Economics and Political Science, and is a qualified solicitor. She has taught at the Universities of Sheffield and Glasgow, and was a Visiting Lecturer at the University of Oviedo in Spain. She was appointed Professor of Company Law in 2005. Her publications include *European Company Law - Towards Democracy* (Ashgate, 1998), and most recently, *Corporate Reporting and Company Law* (Cambridge University Press, 2006). She has also written extensively on UK industrial relations. Her current research sponsored by the Arts and Humanities Research Council (AHRC) concerns female participation in company boards.