

Curriculum Vitae

Personal Data

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Academic Profile

Sept.2010 – August 2011 - Post-Doc grant: I am currently conducting research on Comparative Anti-Discrimination Law. My research attempts to undertake a comparison between the national case law in issues of Anti-Discrimination - with a particular emphasis in the case law from the anglo-saxon countries - with the case law from the CJEU. The aim of my research consists in analysing the lessons that the CJEU and the national courts may extract from this case law in order to interpret the Directives, their reflexive effects in national legislation and investigate to which extent a distinct European model of anti-discrimination law may be emerging. This research is financially supported by the Portuguese national grant authority named *Fundação para a Ciência e para a Tecnologia (FCT)*.

Sept.2005 - Dec.2009 - PhD in Law at the *European University Institute*, in Florence. My thesis is entitled "*Corporate Governance and Collective Bargaining: a comparative study of the evolution in France, Germany, UK and Portugal*" and deals with the interaction between **Corporate Governance** and **Collective Labour Law** in the light of the theory of *institutional complementarities*. My stay in the European University Institute was financially supported by a scholarship awarded by the Portuguese national grant authority in the follow up of a national competitive process.

Sept.2005 - July 2006 - Master of Research at the European University Institute. The admission to the EUI depends of a competitive process in which there is a *numerus clausus* of positions and - frequently - not all positions are filled independently of the existence of candidates. The first year of the doctoral program is a *trial year* in which the student must demonstrate that (s)he has the necessary abilities to become a researcher. The EUI grants, under the deliberation of a panel composed by three professors, the title of *Master of Research* to all students who **(1)** are admitted to the PhD program, **(2)** undertake a number of seminars with evaluation and **(3)** finish with a small paper to be approved by a jury composed by three professors. The admission to the following years of the doctoral program depends of the approval in the first year.

Sept.1999 - July 2004 - LLB (Licenciatura) in Law in the *Portuguese Catholic University*, in Oporto. I undertook a mandatory five year course of studies and ended with the final GAP of 16 points in 20 (top 3% students).

Research Interests

European and Comparative Labour Law, Discrimination Law, Social Security Law, Comparative Corporate Governance

Thesis: My thesis deals with the interaction between Corporate Governance and Labour Law (Collective Labour Law) in a European and comparative perspective. I analysed in a comparative perspective the evolution of Corporate Governance and Collective Bargaining in European Law and in four countries (Germany, France, UK and Portugal) and investigated the possible interactions between the two domains in the light of the theory of institutional complementarities. The study is not limited to reproducing the *status quo* of each one of these countries but rather attempts to demonstrate the comparative evolution of Corporate Governance and Collective Bargaining in recent years with a particular emphasis on the interactions between the European and the national levels. My thesis also exhibits a strong component of European Law and Economic Analysis of Law.

Thesis supervisor: Prof. Marie-Ange Moreau

Thesis jury - Prof. Marie-Ange Moreau (supervisor); Prof. Heike Schweitzer; Prof. Julio Gomes; Prof. Simon Deakin.

Professional Experience

January 2013 – present - training as a Judge in the Portuguese Judicial system.

Sep.2010 – December 2012 - Lecturer in Labour Law, Social Security Law and Company Law at *IPCA - Instituto Politécnico do Cávado e do Ave* in Portugal. I have also undertaken several administrative tasks during my experience at IPCA.

Jan.2011-July 2011 - lecturer in an advanced course in EU Law (European Judicial System) in the LLM course in Public Law at Universidade Lusófona (Oporto).

Sept.2009 - May 2010 - consultant in the major Portuguese Law firm: *PLMJ - sociedade de advogados*.

Jan.2006-Jan 2008 - research assistant in the European project **AGIRE** (*Action pour une Gestion Innovante des Restructurations en Europe* - <http://www.fse-agire.com>) financed by the European Commission. I had to undertake a number of comparative and empirical studies concerning the internal restructuring of companies in Europe (both in terms of internal governance and labour relations).

June-Dec.2008 - research assistant of Prof. Fabrizio Cafaggi in the European project project **RefGov** (*Reflexive Governance for the Public Interest* - <http://refgov.cpdr.ucl.ac.be>) in the sub-group **Corporate Governance in the Public Interest** (<http://refgov.cpdr.ucl.ac.be/?go=subnetworks&sub=4>). I had to undertake a number of legal and case studies concerning the internal governance of *investor owned companies* in Portugal (in particular *agricultural cooperatives*).

Jan-June 2008 - research assistant to Prof. Marie-Ange Moreau. I had to undertake a number of studies in comparative Labour Law.

Jan-Dec.2008 - scientific collaborator of the company *Caselex* (www.caselex.com). *Caselex* consists in a company that was set up to analyse the impact of EC Law on national case law. It employs a number of national correspondents that are trusted with the task of monitoring the national case law of the higher courts and elaborate short reports on the impact of EC Law in national cases. The reports are then systematically organised and sold to Universities, Courts and National Governments. I worked as the national correspondent for Portugal in the subjects of Company and Labour law.

Oct.2007 - present - scientific collaborator of the European Law journal named *European Law Reporter* (formerly *St.Gallen Law Review*). I was assigned with the task of monitoring and elaborating case comments on the case law of the European Court of Justice concerning Labour Law. My case comments are enumerated further on.

Oct.2007-??? 2009 - national correspondent of the company Planet Labor (www.planetlabor.com). The company is located in Paris and monitors the evolution of national labour and Social Security laws. The

national correspondents have to monitor each country and elaborate short reports that are then sold to the Human Resources Departments of major European companies. I was assigned with the task of monitoring Portugal.

Sept.2004-July 2005 - trainee in a law firm named *Cavaleiro Brandão, Pinheiro Torres, Cabral, Sousa e Silva e associados - sociedade de advogados*. My preferential subjects of practice were Company and Labour law. During this period I also attended the preparatory stage at the *Portuguese Bar Association* (Ordem dos Advogados) and was successfully approved in the first series of examinations of the Portuguese Bar to become an attorney at Law. I was unable to do the final examinations because I decided to pursue my studies in the European University Institute.

Other activities: I also did some consultancy to the Law firm *Gil Moreira dos Santos, Cernadas, Fontemanha e associados - sociedade de advogados*.

Participation in conferences

I participated, as a speaker, in the following conferences:

Perspectives and methods in EU Labour Law Research: a European workshop (Visby (Sweden) - 19-21 June 2006: I presented a small paper entitled “*The European Law of the participation of the workforce in restructuring procedures*”.

Meeting of the group AGIRE in Madrid at the Spanish Economic and Social Council (*Consejo Económico y Social*) - April 2007: I presented a paper entitled “*The evolution of the national collective bargaining models and the innovative features of collective agreements*”.

Seminar entitled *Comparative Labour Law (Vergleichendes Arbeitsrecht)* at the University of Hamburg, under the supervision of Prof. Ulrich Mückenberger - I presented a paper intended to make a comparison between the Collective Labour Law systems of Germany, France and UK. I also assisted the Professor in the preparation of some subjects of the seminar.

Conference entitled *Comparative Approach on the Labour Law Dimension of Transfer of Undertakings* - June 2007: I presented the Portuguese report on a conference concerning the recognition of the right of opposition of the worker in the event of a transfer of undertaking in several national regulations.

Conference entitled *Fundamentalisation of Social Rights in Europe at the European University Institute* - June 2008: I presented a paper entitled “*The fundamental right to information and consultation of the workforce: content and context of a fundamental right,*” which frames the right to information and consultation of the workforce within the modern theories of the firm. The communication was published as a Working Paper of the European University Institute.

Conference entitled *The impact of the ruling Cartesio in European Company and Labour Law at the European University Institute* - Jan.2009: I presented a paper that attempts to anticipate the possible impact of the ruling *Cartesio* (concerning the mobility of companies in Europe) in national co-determination regimes.

Conference entitled *Diversity of Social Rights in Europe: rights of the poor, poor rights at the European University Institute* - June 2009: I presented a paper entitled “*The protection of fundamental social rights in Portugal*”.

Conference entitled *Crisis + Labour Law = Crisis of Labour Law?* at the Portuguese Catholic University of Oporto - Law School - June 2010: I presented a paper entitled “*The decentralisation of*

collective bargaining in Europe. European and comparative perspectives.” - published in the conference proceedings.

Conference entitled *EqualJus - LGBT Rights in the XXIst Century - Florence - May 2011*: I presented a paper entitled “*Transgender discrimination as sex discrimination - a contextual and comparative analysis of European and American courts’ case law.*” - published in the conference proceedings.

Conference entitled *Labour Law in the time machine - Oporto - May 2011*: I presented a paper entitled “*Age discrimination: a critical analysis of European and national case law*” - published in the conference proceedings.

Conference entitled «The reform of the Portuguese Labour and Social Security Codes» - May 2012, Barcelos (organizer): I organized the conference.

Conference at the Portuguese Catholic University – May 2014: I presented a paper on the German BAG’s Flahsmob ruling.

Conference at Instituto Politécnico do Cávado e do Ave - Barcelos – May 2015: I presented a paper on the CJEU’s case law on the right to paid leave in situations of suspension of the employment contract.

Lecture at the Master in Labour and Social Security Law (Nova University Lisbon) – an LLM lecture on the new forms of industrial action.

Participation in Working Groups

Working Group in Labour Law - I was a founding member of the working group in Labour Law of the European University Institute. The working group aggregates researchers in Labour Law from several countries and is engaged into performing comparative projects concerning labour law.

Working Group in Law and Economics - I was a collaborator of the working group concerning Economic Analysis of Law of the European University Institute. I participated in a comparative critical study on the paper *Corporate Ownership around the World* by Raphael LaPorta et alii. I had to undertake a critical study on the *protection of minority shareholders* in Portuguese joint stock companies (*sociedade anónima*) and analyse it under the *agency costs* approach presented by LaPorta. This comparative conclusions of this paper were publicly presented at the seminar *Comparative Corporate Governance* in December 2005.

APODIT (Associação Portuguesa de Direito do Trabalho) – the Portuguese chapter of the international Labour Law Association.

AEL (Associação de Estudos Laborais) – a Portuguese association congregating several people with an interest in Labour Law.

AJJ (Associação de Jovens Juslaboralistas) – the Portuguese association of young Labour Lawyers.

Stays in Research Centres

April-June 2006 - During this period I did some research at the *Max Planck Institute für Ausländisches und Internationales Privatrecht* under the supervision of **Prof. Klaus Hopt**. I researched several issues connected to Corporate Governance both relevant to my thesis and to my personal research interests.

July 2006 - during this period I stayed at the *Institut für Arbeitsrecht und Arbeitsbeziehungen in der Europäischen Gemeinschaft* at the University of Trier, where I benefited from the supervision of **Prof. Rolf Birk**. I investigated several themes connected to the evolution of collective bargaining.

Supervision of theses

Manuel António Mendes (Nova University of Lisbon) – supervision of his LLM thesis on the participation of workers in the boards of companies; it contains a large section on the economic analysis of law.

Member of theses juries

I was also a member of the jury of three LLM theses at the Portuguese Catholic University.

1. Maria Filipa Lage Mier de Oliveira (2012), *O princípio da não-discriminação em razão da idade nas relações laborais. Uma análise à luz da jurisprudência do TJUE*;
2. Diana Filipa Silva Castro (2012) *Igualdade e discriminação em razão da idade na relação laboral: a discriminação dos trabalhadores mais velhos*;
3. Maria Inês Campo Grande Matos (2012), *Discriminação por associação em função da deficiência*.

Publications

Articles

Some reflections on the Posted Workers Directive: the tension between harmonisation and the country of origin principle, in *European Law Reporter* (2006), n.º.7-8, pp.314-320.

Cláusulas de remissão a CCT (2007) in *Questões Laborais*, n.º.30, pp.139-171. (a comparative study of incorporation clauses in individual employment contracts published in Portuguese).

The right of the employee to refuse to be transferred: a comparative and theoretical analysis - Working Paper of the European University Institute (<http://cadmus.iue.it/dspace/handle/1814/9370>)

The right to information and consultation of the workforce: content and context of a fundamental right - published within the working paper of the European University Institute entitled "Fundamentalisation of Social Rights" (<http://cadmus.eui.eu/dspace/handle/1814/11214>)

"Cartesio and its possible impact on co-determination regimes in Europe: a 14th Company Law Directive is needed" (2009) in *Pécsi Munkajogi Közlemények (Pécs Journal of Labour Law - Hungary)*

The Protection of Fundamental Social Rights in Portugal - published within the working paper of the European University Institute entitled "Diversity of social rights in Europe: rights of the poor, poor rights" (<http://cadmus.eui.eu/handle/1814/14739>)

"A descentralização da negociação colectiva: perspectivas de direito europeu e comparado" - published in Gomes, J. and Catarina Carvalho (2011) *"Direito do Trabalho + Crise = Crise do Direito do Trabalho"*, Coimbra, pp.97 ff.

"Reflexões críticas e comparadas sobre o Código Contributivo" (2011), *Revista de Finanças Públicas e Direito Fiscal*, n.o 1, pp.183 ss.

"Transgender discrimination as sex discrimination: a contextual and comparative analysis of European and American courts' case law" in Schuster, A. (2011) *Equality and Justice: sexual orientation and gender identity in the XXIst century*, Forum, pp.191 ss

"Código Contributivo - elementos de estudo", IPCA, ISBN: 978-989-97567-1-7

«O caso Flashmob e as novas modalidades de acção colectiva» - published at *Questões Laborais*, n.º 42, pp. 87 and ff; also published at the Brazilian *Revista de Direito do Trabalho*, 2015, year 41, vol. 161.

«A saga do despedimento por extinção do posto de trabalho e as repercussões do Acórdão do Tribunal constitucional n.º 602/2013» in *Questões Laborais*, n.º 43, pp. 198 e ss.

«O regime jurídico da reafecção dos trabalhadores na Lei n.º 35/2014 de 20/06», in *Questões Laborais*, n.º 45, pp. 291 and ff.

Case Notes

Some reflections on the posted workers Directive: the tension between harmonisation and the country of origin principle (2006) in *European Law Reporter*, n.º 7-8, pp.314-320.

The ruling “CGT and others” - Commission vs UK revisited? (2007) in *European Law Reporter*, n.º 4, pp. 151-156

Some preliminary comments on the opinion of Advocate-General Mengozzi in the Laval case (2007) in *European Law Reporter*, n.º 5, pp.174-185.

The responsibility of the employer for health and safety in the workplace (2007) in *European Law Reporter*, n.º 7-8, pp.265-271

The ECJ rules again on the German Law on Posted Workers (AEntG): Commentary to the ruling Commission vs Germany (C-490/04) (2007), in *European Law Reporter*, n.º 10, pp.413-419.

The ECJ considered employees as the main assets of temporary employment agencies. Commentary to the ruling Jouini & others vs Princess Personnel Service GmbH (C-458/05) (2007) in *European Law Reporter*, n.º 11. pp.448-455.

The ruling Laval un partneri: clarification and innovation (2008) in *European Law Reporter*, n.º 1, pp.2-9.

The ECJ strikes down (again) decentralized collective bargaining in the context of posted workers (2008) in *European Law Reporter*, n.º 6, pp.226-230.

Discrimination by association: protected by EU Law but limiting the scope of Mangold (2008) in *European Law Reporter*, n.º 9, pp.300-305.

Evolution in continuity: the ECJ reinforces its protection of the right to an annual leave (2009) in *European Law Reporter*, n.º 2, pp.58-63.

Collective Redundancies in European Groups Facilitated (2009) in *European Law Reporter*, n.º 11, pp. 388-393.

Mono Car Styling: collective employee representation as a duty? (2010) in *European Law Reporter*, n.º 2, pp. 38-44.

The rulings “Collin Wolf” and “Domnica Petersen”: reflections on the justifications of age discrimination (2010) in *European Law Reporter*, n.º 3, pp. 88-93.

The ECJ's decision on Portugal's "Golden Share": broader implications of a restatement (2010) in European Law Reporter, n.º 9, pp.283-289.

Variations on Comparators and the Realpolitik of Proportionality (2010) in European Law Reporter, n.º 12, pp.393-399.

An individual justice model of equality law: some reflections on Test-Achats (2011) in European Law Reporter, n.o 5, pp.146-151

Comparators in indirect discrimination: an illustration of the difficulties (2011) in European Law Reporter, n.º 12, pp. 372-379.

Languages

English - C1 at the European University Institute examinations. Fluency in both speaking and writing.

German - B2.3 at the Goethe Institute examinations. Fluency in reading.

French - intermediate oral and written level. No examinations undertaken. Fluency in speaking and reading, intermediate in writing.

Italian - intermediate oral and written level. No examinations undertaken.

Spanish - intermediate oral and reading.

Portuguese - mother tongue.

Seminars attended at the European University Institute

General Themes

- Advanced Research in Law
- Comparative Contract Laws
- Game Theory and Norms in Law

Corporate Governance

- Comparative Corporate Governance
- Mergers & Acquisitions: Corporate Governance and Merger Control

Labour Law

- Le modèle social européen en question
- Social Norms Changes in Labour Law
- Industrial Relations at an Age of Globalisation
- European Equality Law
- The Future of Labour Law in an International and European Perspective
- The Judge as an Actor in Regulating the
- Transformation of Law in the Context of Globalisation: a Social Perspective
- Market Integration and European Public

Policies

European Law

- Current Case-Law of the ECJ
- State Action and EU Economic Law

Competition Law

- Introduction to EC Competition Law
- European Competition Law and US
Antitrust Law: a comparative perspective