

# Social and Labour Rights in a Global Context

**International and Comparative Perspectives**

*Edited by* **Bob Hepple**

CAMBRIDGE

# Social And Labour Rights In A Global Context International And Comparative Perspectives

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Berghman**



## **Social And Labour Rights In A Global Context International And Comparative Perspectives:**

**Social and Labour Rights in a Global Context** Bob Hepple, 2002-08-29 The active pursuit of social and labour rights is seen as a crucial response to globalization These essays written by leading scholars from the UK Ireland France Germany Italy Japan and the USA question the effectiveness of the rhetoric of rights such as those to decent work and security equal opportunity adequate food and housing and healthcare The authors examine emerging approaches in several European countries Japan and the USA and in codes of practice of multinational companies Attempts by the International Labour Organization to promote core rights and decent work and techniques of enforcement at regional level by the EU and NAFTA receive special attention     Labour Laws and Global Trade B. A. Hepple, 2005-03-25 This book provides a comprehensive analysis of the new methods of transnational labour regulation that are emerging in response to globalisation

**International Labour Organization and Global Social Governance** Tarja Halonen, Ulla Liukkunen, 2020-10-16 This open access book explores the role of the ILO International Labour Organization in building global social governance from multiple and mutually complementary perspectives It explores the impact of this UN s oldest agency founded in 1919 on the transforming world of work in a global setting providing insights into the unique history and functions of the ILO as an organization and the evolution of workers rights through international labour standards stemming from its regulatory mechanism The book examines the persistent dilemma of balancing the benefits of globalization with the protection of workers It critically assesses the challenges that emerge when international labour standards are implemented and enforced in highly diverse regulatory frameworks in international regional national and local contexts The book also identifies feasible ways to achieve more inclusive labour protection putting into perspective the tension between the economic and the social in the ILO s second century of operation It includes reflections on the work of the ILO World Commission on the Social Dimension of Globalisation by Tarja Halonen who as President of Finland co chaired the Commission with Benjamin William Mkapa President of Tanzania Written by distinguished experts and scholars in the fields of international labour law and international law the book provides an insightful and in depth analysis of the role of the ILO as an international organization devoted to decent work and social justice It also sheds light on tripartism and its particular role in the work of the ILO examining the challenges that a profoundly changing working life presents in terms of labour protection and social justice and examining the transnational dimension of labour law Lastly the book includes a postscript by Nobel economics laureate Professor Joseph E Stiglitz     **The Future of Labour Law** B. A. Hepple, 2004-10 This book by an internationally distinguished group of scholars examines the future of labour law from a wide variety of perspectives     *Human Rights and the United Kingdom Supreme Court* Brice Dickson, 2013-03-28 How does the UK Supreme Court approach human rights law This book provides the first comprehensive overview of human rights in the highest UK court criticizing the failure of UK judges to develop the common law in sympathy with human rights     **The Oxford Handbook of Comparative Foreign**

**Relations Law** Curtis A. Bradley, 2019-06-07 This Oxford Handbook ambitiously seeks to lay the groundwork for the relatively new field of comparative foreign relations law Comparative foreign relations law compares and contrasts how nations and also supranational entities for example the European Union structure their decisions about matters such as entering into and exiting from international agreements engaging with international institutions and using military force as well as how they incorporate treaties and customary international law into their domestic legal systems The legal materials that make up a nation's foreign relations law can include constitutional law statutory law administrative law and judicial precedent among other areas This book consists of 46 chapters written by leading authors from around the world Some of the chapters are empirically focused others are theoretical and still others contain in depth case studies In addition to being an invaluable resource for scholars working in this area the book should be of interest to a wide range of lawyers judges and law students Foreign relations law issues are addressed regularly by lawyers working in foreign ministries and globalization has meant that domestic judges too are increasingly confronted by them In addition private lawyers who work on matters that extend beyond their home countries often are required to navigate issues of foreign relations law An increasing number of law school courses in comparative foreign relations law are also now being developed making this volume an important resource for students as well Comparative foreign relations law is a newly emerging field of study and teaching and this volume is likely to become a key reference work as the field continues to develop Policy within and through law J. De Bruyne, M. de Potter de ten Broeck, I. Van Hiel, 2015-06-30 Practising law whether as a politician a judge a lawyer or an academic is to a certain degree creating or influencing policy Walter Van Gerven once wrote This statement and many other similar or opposite statements make one wonder about the nature of the policies concerned the identities of the decision makers and the rationale underlying those policies On these and related questions PhD researchers from different Belgian law schools debated at the ACCA conference held at Ghent University in May 2014 This book holds the fruits of those debates Hence the book contains concise contributions focusing on policy questions in matters related to various fields of law such as environmental constitutional civil social criminal procedural or EU law It seeks to provide an insight into the interplay between legislators and administrative bodies on the one hand and judges and legal scholars on the other hand bringing about the creation of a new policy or the adjustment or abolishment of an existing policy Digital Democracy and the Impact of Technology on Governance and Politics: New Globalized Practices Akrivopoulou, Christina M., 2013-03-31 The evolution of modern technology has allowed digital democracy and e governance to transform traditional ideas on political dialogue and accountability Digital Democracy and the Impact of Technology on Governance and Politics New Globalized Practices brings together a detailed examination of the new ideas on electronic citizenship electronic democracy e governance and digital legitimacy By combining theory with the study of law and of matters of public policy this book is essential for both academic and legal scholars researchers and practitioners The Coherence of EU Law Sacha Prechal, G.

van Roermund, 2008 This volume examines the problems of legal and linguistic diversity in the EU legal system In a union of 27 member states with 23 different languages how can the coherence of EU law be guaranteed The volume addresses this central question from a range of theoretical and practical perspectives *Connecting Welfare Diversity Within the European Social Model* Theodoros D. Sakellariopoulos, Jos Berghman, 2004 This volume is the revised Report which an international team of experts have prepared for the Greek Ministry of Labour and Social Security in the context of the Greek Presidency of the European Union and presented in the international conference The Modernisation of the European Social Model EU Policies and Practices on 24-25 May 2003 at Ioannina Greece The book focuses on the Open Method of Coordination OMC its relation to other policy tools used in the European Social Policy and its significance for the formation of a new European Social Model The chapters follow the emergence the evolution and analyze the constituent elements of the OMC in the fields of Social Inclusion and Pensions since the Lisbon Summit During the Portuguese Presidency OMC encountered a cautious response The OMC idea made substantial progress during the Belgian Presidency In the Ioannina conference the OMC had full recognition as a tool for the implementation of European Social Policy Everyone agreed that important social issues were dealt with more effectively through the OMC especially when the latter is consolidated after the inclusion of the Charter of the fundamental Rights in the new European Treaty This progress is sufficiently reflected in the present volume where it is concluded that through OMC the European Social Model gained a new momentum in terms of effectiveness and legitimacy **New Developments in Employment Discrimination Law** Oana Tefan, 2012-11-01 Drawing on a data set of 696 documents competition and state aid judgments orders and opinions of the European Courts and Advocates General opinions referring to various soft law instruments this detailed textual and doctrinal analysis investigates the way in which the EU Courts deal with soft law how the normative status of these instruments is acknowledged and how their effects are recognized It reveals that several champion instruments feature frequently in the case law the guidelines on fines and the leniency notice in competition law the state aid instruments on aid to be granted to enterprises in difficulty regional aid de minimis aid and aid to be granted to SMEs all of them having in common the fact that they regulate highly litigated areas The analysis treats issues such as the following the pathway from judicial ignorance to judicial acknowledgement of soft law the judicial creation of legal hybrids the judicial review of soft law the potential use of soft law as a sword or as a shield in a court of law the distinction between legally binding force and legal effects how soft law can produce legal effects through the operation of general principles of law such as legitimate expectations legal certainty or human rights and how the Courts locate soft law on a strong constitutional pluralist background Although the analysis might appear to relate to a fairly narrow spectrum of EU law in fact the interaction of soft law and legal principles reaches into many diverse areas of law and increasingly so in the twenty first century Consequently this ground breaking book will prove immeasurably valuable to any practitioner academic or policymaker interested in how the EU Court is fulfilling once again its

constitutionalizing role even in an area traditionally lacking formalism and conventions that of soft instruments of governance     The SAGE Handbook of Industrial Relations Paul Blyton, Edmund Heery, Nicolas Bacon, Jack Fiorito, 2008-09-12 This handbook is an indispensable teaching research and reference guide for anyone interested in issues of labour and employment The editors have assembled a top flight group of authors and the end product is an encompassing state of the art review of the industrial relations field Professor Bruce E Kaufman AYSPPS Georgia State University This Handbook will quickly become the standard reference in industrial relations research It provides the most comprehensive and challenging presentation of the key theoretical debates and topics of research that will shape our field well into the 21st century All who wish to contribute to this field will need to read this volume and then build on what these authors have to say Professor Thomas A Kochan MIT Institute for Work and Employment Research This authoritative panorama of the field demonstrates the contemporary vitality breadth and critical depth of industrial relations scholarship and research Thirty four stimulating essays by an international blend of leading academics expertly review the analytical and empirical state of play across all aspects of industrial relations enquiry In doing so a rich agenda for further scholarly endeavour emerges Paul Marginson University of Warwick Over the last two decades a number of factors have converged to produce a major rethink about the field of Industrial Relations Globalization the decline of trade unions the spread of high performance work systems and the emergence of a more feminized flexible work force have opened new avenues of inquiry The SAGE Handbook of Industrial Relations charts these changes and analyzes them It provides a systematic comprehensive survey of the field The book is organized into four interrelated sections Theorizing Industrial Relations The changing institutions that shape employment practice The processes used by governments employers and unions Income inequality employee wellbeing business performance and national comparative advantages The result is a work of unprecedented scope and unparalleled ambition It offers a complete guide to the central debates new developments and emerging themes in the field It will quickly be recognized as the indispensable reference for Teachers Students and Researchers It is relevant to economists lawyers sociologists business and management researchers and Industrial Relations specialists     **Extreme Speech and**

**Democracy** Ivan Hare, James Weinstein, 2010-11-18 A commitment to free speech is a fundamental precept of all liberal democracies However democracies can differ significantly when addressing the constitutionality of laws regulating certain kinds of speech In the United States for instance the commitment to free speech under the First Amendment has been held by the Supreme Court to protect the public expression of the most noxious racist ideology and hence to render unconstitutional even narrow restrictions on hate speech In contrast governments have been accorded considerable leeway to restrict racist and other extreme expression in almost every other democracy including Canada the United Kingdom and other European countries This book considers the legal responses of various liberal democracies towards hate speech and other forms of extreme expression and examines the following questions What accounts for the marked differences in

attitude towards the constitutionality of hate speech regulation Does hate speech regulation violate the core free speech principle constitutive of democracy Has the traditional US position on extreme expression justifiably not found favour elsewhere Do values such as the commitment to equality or dignity legitimately override the right to free speech in some circumstances With contributions from experts in a range of disciplines this book offers an in depth examination of the tensions that arise between democracy s promises

**Limits of Bargaining** Achin Chakraborty, Subhanil Chowdhury, Supurna Banerjee, Zaad Mahmood, 2019-05-23 Limits of Bargaining is an original addition to the political economy analysis of capital labour relations in the organised industrial sector in the context of economic liberalisation in India It analyses the dynamics of the capital labour bargaining process in the context of the changing nature of the state and market as a result of adoption of policies of liberalisation and globalisation for the last two and half decades It examines the nature of collective bargaining and analyses the underlying structural political conditions that shape the capital labour relations Based on original empirical material from West Bengal a state long considered pro labour the book presents bargaining between capital and labour as endogenous to the interplay of the triad of the market technology and the institutions of the state It illustrates everyday interactions between labour and management different unions and outside actors that shape collective bargaining and highlights the negotiation appropriations and compromises that shape bargaining at the operational level

**Globalisation and Labour Rights** Christine Kaufmann, 2007-01-17 In a world of work that has changed dramatically over the last few years states see themselves confronted with new actors and conflicting international legal obligations This book examines the tensions between core labour rights as defined by the International Labour Organisation and the interests of international economic institutions e g WTO IMF World Bank OECD It provides an analysis of the legal interactions between international regulations and state policy with regard to potential regulatory conflicts at both the horizontal and vertical level The study suggests a model of multilevel consistency as a way of reconciling the highly specialised and fragmented legal systems of core labour rights on the one hand and trade liberalisation on the other to form the coherent framework of a consistent legal order Its detailed analysis and recommendations are designed for both academic readers and practitioners in international organisations and governments

**Enterprise and Social Rights** Adalberto Perulli, Tiziano Treu, 2017-06-15 Globalization has led to growing labour fragmentation and widening of gaps in social protection Although the enterprise is increasingly expected to be socially responsible in actuality extreme worker inequalities and social dumping have become ubiquitous worldwide This volume the first to focus attention on the theory of the firm as it reveals itself in today s world from a multidisciplinary perspective underscores the necessity to rebuild a new scientifically controlled paradigm that acknowledges and regulates the dimension of power in the functioning of the organization In their contributed essays nineteen renowned scholars in labour law and industrial relations rethink the firm its conception its value and its regulation analysing such aspects as the following labour management relations issues that arise

when companies go global but workers remain local the firm as a social construction the continuing necessity for collective bargaining concealment of the employment relationship under the guise of self employment concealment of the real employer behind figureheads and shell companies social welfare effects of outsourcing the company's interaction with the network of suppliers and with local education processes determining who actually carries responsibility towards workers overcoming companies drive to enter the global market in response to national regulation realizing the notion of duty of care mechanisms of participation of workers in the management of the enterprise and the persistent limitations that women face in the workplace even when worker participation is advocated With attention to innovative developments in Germany Italy Japan and other countries analyses include case studies of specific companies as well as case law in particular the European Court of Justice's jurisprudence in matters of collective dismissals seconded workers and public contracts In their head on tackling of the fragmentation and blurring of social responsibility in enterprise organization these important essays propose a view of the enterprise as a factor in a new constitutionalisation of labour that shifts employment protection from single legal entities to the network's economic activity thus realigning the legal boundaries of the enterprise with its economic reality As a compelling investigation of how a satisfactory implementation of labour standards in the fragmented enterprise can be guaranteed this book will be studied by entrepreneurs managers consultants corporate lawyers judges human rights experts and trade unionists and will be welcomed by academics and researchers in industrial relations and labour law

#### **Equality**

Bob Hepple, 2014-10-16 The second edition of this widely acclaimed book about the Equality Act 2010 by one of its leading architects brings forward the story of how and why this historic legislation was enacted and what it means to cover the first four years of its implementation by the Coalition Government and in the courts This includes an assessment of amendments to the legislation the reduction in the powers and budget of the Equality and Human Rights Commission and the imposition of tribunal fees as well as a discussion of possible future directions of equality law and policy From the Foreword to the first edition by Lord Lester of Herne Hill QC This is no ordinary law book and its author is no ordinary lawyer The book like the Equality Act 2010 which it describes and discusses is a major landmark in the long struggle for effective legal protection of equal rights and equal treatment without direct or indirect discrimination It places the law in its political economic and social context and traces its often contested and controversial legal history

#### **Rethinking Corporate Governance**

Roger Blanpain, William Bromwich, Olga Rymkevich, Iacopo Senatori, 2011-01-01 Now that the economic orthodoxy of light touch regulation has been widely discredited by recent events in the financial markets and shareholder oriented management has come under intense scrutiny it is time to seriously consider the merits of stakeholder oriented economies In this far reaching symposium on this aspect of comparative labour relations 35 scholars examine case studies and evolving scenarios in a wide variety of countries from leading economic powers such as the United States the United Kingdom and Germany to post socialist states such as Poland Hungary and Bulgaria to the formidable global economic presences of Brazil Russia and India



With contributions from leading experts from all around the world in the fields of labour law industrial relations labour economics labour statistics human resources management organization theory and other related subjects the papers focus on the impact of the global economic crisis and its implications for the future of employment Specific contexts covered include adversarial versus strategic collective bargaining transnational collective bargaining long term employees as the most valuable corporate stakeholders workers voice and participation in the restructuring of undertakings privatization of state owned companies executive pay investment in vocational training in times of economic crisis the impact of the EU s Cross Border Merger Directive inherent dangers in the EMU one size fits all monetary policy and cases of large scale corporate fraud Of particular interest is the treatment of important developments in Singapore and Nigeria as well as lessons to be learned from pitfalls encountered in South Africa and other countries With its theoretical arguments and empirical data this volume is certainly a major contribution to the debate over whether shareholder or stakeholder approaches to management yield the best results in terms of employment outcomes As the world economic crisis continues to take its toll on employment pension funds public services and living standards the book is sure to find a wide audience among policymakers and lawyers worldwide concerned with the future of employment relations and their effect on both productivity and social stability This volume includes a selection of papers from the Eighth International Conference in commemoration of Marco Biagi held at the Marco Biagi Foundation in Modena Italy in March 2010

Law and Governance in an Enlarged European Union George A. Bermann, Katharina Pistor, 2004-11-10 This book s principal aim is to critically address the institutional and substantive legal issues resulting from European enlargement chiefly those relating to the legal foundations on which the enlarged Union is being built The accession of new Member States creates the potential for a stronger and more powerful Europe Realising this potential however will depend on the ability of the EU to develop functional and effective governance structures both at the European level and at the level of the individual Member States While the *acquis communautaire* will ensure that formal laws in the new Member States will be aligned with those of existing members the question remains as to how effective institutions will be in implementing changes and what effects the imposed changes will have on the legitimacy of the new legal framework This book containing the work of leading scholars in law and social sciences examines the current and future legal framework for EU governance and the role that new members will or will not play in the creation of that framework paying particular attention to the specific challenges membership in the EU poses to the acceding states of Central and Eastern Europe It is a book which will contribute to and influence debates over constitutionalism and legal harmonisation in the EU

**Promoting Solidarity in the European Union** Malcolm G. Ross, Yuri Borgmann-Prebil, 2010 The EU claims that solidarity is a fundamental value underlying the European social model yet often stands accused of undermining solidarity by advancing market freedoms This book provides the first extended study of the idea of solidarity in the EU context from interdisciplinary perspectives analyzing its impact on law and policy

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## **Table of Contents Social And Labour Rights In A Global Context International And Comparative Perspectives**

1. Understanding the eBook Social And Labour Rights In A Global Context International And Comparative Perspectives
  - The Rise of Digital Reading Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Advantages of eBooks Over Traditional Books
2. Identifying Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Social And Labour Rights In A Global Context International And Comparative Perspectives
  - User-Friendly Interface
4. Exploring eBook Recommendations from Social And Labour Rights In A Global Context International And Comparative Perspectives

- Personalized Recommendations
  - Social And Labour Rights In A Global Context International And Comparative Perspectives User Reviews and Ratings
  - Social And Labour Rights In A Global Context International And Comparative Perspectives and Bestseller Lists
5. Accessing Social And Labour Rights In A Global Context International And Comparative Perspectives Free and Paid eBooks
- Social And Labour Rights In A Global Context International And Comparative Perspectives Public Domain eBooks
  - Social And Labour Rights In A Global Context International And Comparative Perspectives eBook Subscription Services
  - Social And Labour Rights In A Global Context International And Comparative Perspectives Budget-Friendly Options
6. Navigating Social And Labour Rights In A Global Context International And Comparative Perspectives eBook Formats
- ePub, PDF, MOBI, and More
  - Social And Labour Rights In A Global Context International And Comparative Perspectives Compatibility with Devices
  - Social And Labour Rights In A Global Context International And Comparative Perspectives Enhanced eBook Features
7. Enhancing Your Reading Experience
- Adjustable Fonts and Text Sizes of Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Highlighting and Note-Taking Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Interactive Elements Social And Labour Rights In A Global Context International And Comparative Perspectives
8. Staying Engaged with Social And Labour Rights In A Global Context International And Comparative Perspectives
- Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Social And Labour Rights In A Global Context International And Comparative Perspectives
9. Balancing eBooks and Physical Books Social And Labour Rights In A Global Context International And Comparative Perspectives

- Benefits of a Digital Library
- Creating a Diverse Reading Collection Social And Labour Rights In A Global Context International And Comparative Perspectives
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Setting Reading Goals Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Fact-Checking eBook Content of Social And Labour Rights In A Global Context International And Comparative Perspectives
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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