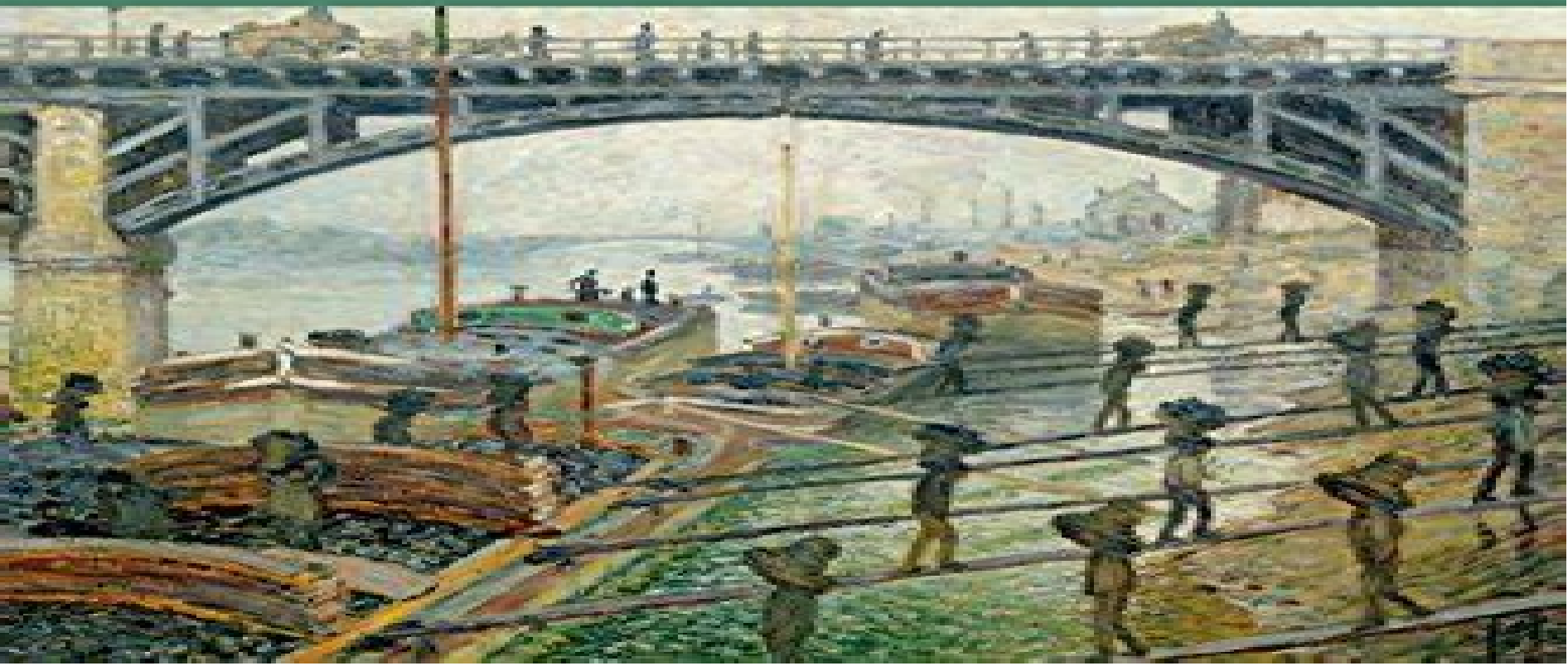


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VOICES AT WORK

*Continuity and Change
in the Common Law World*

Edited by Alan Bogg and Tonia Novitz



Voices At Work Continuity And Change In The Common Law World

Hugh Collins, Gillian Lester, Virginia Mantouvalou



Voices At Work Continuity And Change In The Common Law World:

Voices at Work Alan Bogg, Tonia Novitz, 2014-03 This book investigates the intersection between law and worker voice in a sample of industrialised English speaking countries namely Australia Canada New Zealand UK and USA While these countries face broadly similar regulatory dilemmas they have significant differences between their industrial systems and legal cultures

The Concept of the Employer Jeremias Prassl, 2015-03-26 Employment law has increasingly struggled to adapt to complex modern work arrangements from agency work to corporate groups This book suggests that the reason for this failure can be found in our concept of the employer which has become riddled with internal contradictions in its search for a unitary employer the counterparty to a bilateral contract through a series of multi functional tests focussed on the exercise of a range of employer functions As a result of this tension full employment law coverage is restricted to a narrow scenario where a single legal entity exercises all employer functions a paradigm far from the reality of modern labour markets characterized by a fragmentation of work from the rise of employment agencies and service companies to corporate groups and Private Equity investors These problems can only be addressed by a careful reconceptualization and the development of a functional concept of the employer The book draws on existing models in English German and European law to develop a definition of the employer as the entity or combination of entities exercising functions regulated in a particular domain of employment law Each of the two strands of the current concept is addressed in turn to demonstrate how a more openly multi functional approach can successfully overcome the rigidities of the current notion without abandoning a coherent underlying framework It fills a crucial gap in employment law and corporate law with its analysis of the defects in our current understanding of the employer and in developing a new functional concept designed to overcome the problems identified

The Oxford Handbook of Law, Regulation and Technology Roger Brownsword, Eloise Scotford, Karen Yeung, 2017 The variety pace and power of technological innovations that have emerged in the 21st Century have been breathtaking These technological developments which include advances in networked information and communications biotechnology neurotechnology nanotechnology robotics and environmental engineering technology have raised a number of vital and complex questions Although these technologies have the potential to generate positive transformation and help address grand societal challenges the novelty associated with technological innovation has also been accompanied by anxieties about their risks and destabilizing effects Is there a potential harm to human health or the environment What are the ethical implications Do these innovations erode or antagonize values such as human dignity privacy democracy or other norms underpinning existing bodies of law and regulation These technological developments have therefore spawned a nascent but growing body of law and technology scholarship broadly concerned with exploring the legal social and ethical dimensions of technological innovation This handbook collates the many and varied strands of this scholarship focusing broadly across a range of new and emerging technology and a vast array of social and policy sectors through which leading

scholars in the field interrogate the interfaces between law emerging technology and regulation Structured in five parts the handbook I establishes the collection of essays within existing scholarship concerned with law and technology as well as regulatory governance II explores the relationship between technology development by focusing on core concepts and values which technological developments implicate III studies the challenges for law in responding to the emergence of new technologies examining how legal norms doctrine and institutions have been shaped challenged and destabilized by technology and even how technologies have been shaped by legal regimes IV provides a critical exploration of the implications of technological innovation examining the ways in which technological innovation has generated challenges for regulators in the governance of technological development and the implications of employing new technologies as an instrument of regulatory governance V explores various interfaces between law regulatory governance and new technologies across a range of key social domains

Closing the Enforcement Gap Leah Faith Vosko, 2020-02-24 The nature of employment is changing low wage jobs are increasingly common fewer workers belong to unions and workplaces are being transformed through the growth of contracting out franchising and extended supply chains Closing the Enforcement Gap offers a comprehensive analysis of the enforcement of employment standards in Ontario Adopting mixed methods this work includes qualitative research involving in depth interviews with workers community advocates and enforcement officials extensive archival research excavating decades of ministerial records and analysis of a previously untapped source of administrative data collected by Ontario's Ministry of Labour The authors reveal and trace the roots of a deepening enforcement gap that pervades nearly all aspects of the regime demonstrating that the province's Employment Standards Act ESA fails too many workers who rely on the floor of minimum conditions it was devised to provide Arguably there is nothing inevitable about the enforcement gap in Ontario or for that matter elsewhere Through contributions from leading employment standards enforcement scholars in the US the UK and Australia as well as Quebec Closing the Enforcement Gap surveys innovative enforcement models that are emerging in a variety of jurisdictions and sets out a bold vision for strengthening employment standards enforcement Closing the Enforcement Gap Research Group Leah F Vosko Guliz Akkaymak Rebecca Casey Shelley Condratto John Grundy Alan Hall Alice Hoe Kiran Mirchandani Andrea M Noack Urvashi Soni Sinha Mercedes Steedman Mark P Thomas Eric M Tucker International Quebec Contributors Nick Clark Dalia Gesualdi Fecteau Tess Hardy John Howe Guylaine Vall e David Weil

New Labour Laws in Old Member States Rebecca Zahn, 2017-05-11 The enlargement of the EU in 2004 and 2007 has led to greatly increased free movement of workers from new to old member states The unprecedented scale of this migration has had a profound impact on the regulation of labour law in Europe This book compares the ways trade unions have responded to the effects of the enlargements and in particular to the increased migration of workers across borders It undertakes a contextualised comparison of trade union responses in Austria Germany Ireland Sweden and the UK and examines the relationship between trade unions and labour law at a

national and European level This analysis illustrates how trade unions can use law to better respond to changing regulatory and opportunity structures and indicates the kinds of laws that would benefit trade unions at a national and European level

Inscribing Solidarity Julia López López, 2022-11-17 This volume offers insights into the consequences of a growing reliance on the principle of solidarity to inscribe social policies

Migrants at Work Cathryn Costello, Mark Freedland, 2014-10-30 There is a highly significant and under considered intersection and interaction between migration law and labour law Labour lawyers have tended to regard migration law as generally speaking outside their purview and migration lawyers have somewhat similarly tended to neglect labour law The culmination of a collaborative project on Migrants at Work funded by the John Fell Fund the Society of Legal Scholars and the Research Centre at St John's College Oxford this volume brings together distinguished legal and migration scholars to examine the impact of migration law on labour rights and how the regulation of migration increasingly impacts upon employment and labour relations Examining and clarifying the interactions between migration migration law and labour law contributors to the volume identify the many ways that migration law as currently designed divides the objectives of labour law privileging concerns about the labour supply and demand over worker protective concerns In addition migration law creates particular forms of status which affect employment relations thereby dividing the subjects of labour law Chapters cover the labour laws of the UK Australia Ireland Israel Italy Germany Sweden and the US References are also made to discrete practices in Brazil France Greece New Zealand Mexico Poland and South Africa These countries all host migrants and have developed systems of migration law reflecting very different trajectories Some are traditional countries of immigration and settlement migration while others have traditionally been countries of emigration but now import many workers There are nonetheless common features in their immigration law which have a profound impact on labour law for instance in their shared contemporary shift to using temporary labour migration programmes Further chapters examine EU and international law on migration labour rights human rights and human trafficking and smuggling developing cross jurisdictional and multi level perspectives Written by leading scholars of labour law migration law and migration studies this book provides a diverse and multidisciplinary approach to this field of legal interaction of interest to academics policymakers legal practitioners trade unions and migrants groups alike

Putting Human Rights to Work Philippa Collins, 2022-03-16 The very existence of an employment relationship places the human rights of a worker at risk Employers can and frequently do exercise their managerial and disciplinary powers in a manner that interferes with the most fundamental rights of the individual worker Adequate safeguards against such infringements are necessary if individuals are to receive full protection of their rights This book examines how far the labour laws of England and Wales offer such guarantees with a particular focus on dismissal law The chapters reflect on the relationship between employment labour and human rights before conducting a detailed and critical analysis of the scope shape and application of domestic employment law The framework for evaluation is drawn from the

case law of the European Court of Human Rights as it develops a principled and tailored approach to how the rights contained in the European Convention on Human Right should be enforced in working relationships Statutory mechanisms such as the law of unfair dismissal and common law causes of action are examined and found to be lacking in their capacity to vindicate and enforce the human rights of workers This book culminates in the proposal and elaboration upon an innovative solution the Bill of Rights for Workers that would draw on the successes of human rights and labour law instruments to render the Convention rights directly enforceable in the relationship between a worker and their employer

The Daunting Enterprise of the Law Simon Archer, Daniel Drache, Peer Zumbansen, 2017-03-01 Reconsidering the law through the work of a pre eminent scholar **The Cambridge Handbook of Labor in Competition Law** Sanjukta Paul, Shae McCrystal, Ewan McGaughey, 2022-05-26 As scholars and policymakers around the world seek a systematic approach to the question of gig work one of its regulatory dimensions the intersection of labor and competition law points toward a deeper reconceptualization of the conventional legal and economic categories typically brought to bear upon it A comparative approach to the question of gig work further reveals the variety and contingency of background assumptions that are often overlooked in the context of domestic policy debates By combining a detailed comparative doctrinal survey of the regulation of non employee workers in domestic competition law systems with a set of essays reframing the underlying questions raised in terms of international legal frameworks freedom of association norms alternative approaches to law and economics and more The Cambridge Handbook of Labor in Competition Law moves the debates over the fissured workplace and the labor competition law intersection forward in novel ways *The Oxford Handbook of European Union Law* Anthony Arnall, Damian Chalmers, 2015-07-23 Since its formation the European Union has expanded beyond all expectations and this expansion seems set to continue as more countries seek accession and the scope of EU law expands touching more and more aspects of its citizens lives The EU has never been stronger and yet it now appears to be reaching a crisis point beset on all sides by conflict and challenges to its legitimacy Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact EU law always controversial continues to perplex not least because it remains difficult to analyse What is the EU An international organization or a federation Should its legal concepts be measured against national standards or another norm The Oxford Handbook of European Union Law illuminates the richness and complexity of the debates surrounding the law and policies of the EU Comprising eight sections it examines how we are to conceptualize EU law the architecture of EU law making and administering EU law the economic constitution and the citizen regulation of the market place economic monetary and fiscal union the Area of Freedom Security and Justice and what lies beyond the regulatory state Each chapter summarizes analyses and reflects on the state of play in a given area and suggests how it is likely to develop in the foreseeable future Written by an international team of leading commentators this Oxford Handbook creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union **The Constitution of Social**

Democracy Alan Bogg, Jacob Rowbottom, Alison L Young, 2020-07-09 This book is based upon the papers written by a group of leading international scholars on the constitution of social democracy delivered at a conference to celebrate Professor Keith Ewing's scholarly legacy in labour law constitutional law human rights and the law of democracy The chapters explore the development of social democracy and democratic socialism in theory and political practice from a variety of comparative legal and disciplinary perspectives These developments have occurred against a backdrop of fragmenting traditional political parties declining collective bargaining concerns about juristocracy and the displacement of popular sovereignty the emergence of populist political movements austerity and fundamental questions about the future of the European project With this context in mind this collection considers whether legal norms can and should contribute to the constitution of social democracy It could not be more timely in addressing these fundamental constitutional questions at the intersection of law democracy and political economy

Collective Bargaining and Collective Action Julia López López, 2019-03-21 This book offers a unique contribution that examines major recent changes in conflict negotiation and regulation within the labour relations systems and related governance institutions of advanced societies The broad scope of analysis includes social welfare institutions new forms of protest including judicialisation transnational structures and collective bargaining itself As the distinguished group of participating authors shows the accumulation of numerous crucial changes in the interactions of unions employers political parties courts protestors regulators and other key actors makes it imperative to reframe the study of collective bargaining and related forms of governance The shifting dynamics include the growing relevance of multi level interactions involving transnational entities states and regions the increasing tendency of workers and unions to turn to the courts as part of their overall strategy new forms of solidarity among workers and the emergence of new populist and nationalist actors At the same time sectors of the workforce that feel under represented by existing institutions have contributed to new types of protest and agency Building on classical debates the book offers new theoretical and practical approaches that insert the study of collective bargaining into the analysis of governance solidarity conflict and regulation as they are broadly construed

Research Methods in Labour Law Alysia Blackham, Sean Cooney, 2024-08-06 This Handbook provides an accessible overview of the different methods approaches and theories which can be used to enrich labour law research Drawing on cutting edge research projects leading scholars present insights and reflections on the past present and future of labour law scholarship

The Right to Work Virginia Mantouvalou, 2015-01-22 The value of work cannot be underestimated in today's world Work is valuable because productive labour generates goods needed for survival such as food and housing goods needed for self development such as education and culture and other material goods that people wish to have in order to live a fulfilling life A job also generally inspires a sense of achievement self esteem and the esteem of others People develop social relations at work which can be very important for them Work brings both material and non material benefits There is no doubt that work is a crucial good Do we have a human right to this good What is the

content of the right Does it impose a duty on governments to promote full employment Does it entail an obligation to protect decent work There is also a question about the right holders Do migrants have a right to work for example At the same time many people would rather not work What kind of right is this if many people do not want to have it The chapters of this book address the uncertainty and controversy that surround the right to work both in theoretical scholarship and in policymaking They discuss the philosophical underpinnings of the right to work and its development in human rights law at national level in jurisdictions such as the United Kingdom Australia Japan France and the United States and international level in the context of the United Nations the European Social Charter the International Labour Organization the European Convention on Human Rights and other legal orders The Autonomy of Labour Law Alan Bogg, Cathryn Costello, ACL Davies, Jeremias Adams-Prassl, 2015-03-26 To what extent is labour law an autonomous field of study This book is based upon the papers written by a group of leading international scholars on this theme delivered at a conference to mark Professor Mark Freedland's retirement from his teaching fellowship in Oxford The chapters explore the boundaries and connections between labour law and other legal disciplines such as company law competition law contract law and public law labour law and legal methodologies such as reflexive governance and comparative law and labour law and other disciplines such as ethics economics and political philosophy In so doing it represents a cross section of the most sophisticated current work at the cutting edge of labour law theory The Future of Unions and Worker Representation Anthony Forsyth, 2022-01-13 This book charts the path to revitalisation for trade unions in Australia the USA the UK and Italy It examines the examples of innovation and digital campaigning that are enabling unions to build new forms of worker power and overcome decades of declining membership wrought by neoliberalism globalisation and hostility from employers and the state The study evaluates the responses of unions in each country to falling membership levels since the 1980s It considers the US organising model and its adoption in Australia and the UK comparing this with the strategies of Italian unions which have been more deliberately focused on precarious and migrant workers The increasing reliance of US unions on community alliances as seen in the Fight for 15 and similar campaigns is scrutinised along with new union prototypes like Hospo Voice in Australia the Independent Workers Union of Great Britain and SI Cobas in Italy The book includes an in depth analysis of union responses to the gig economy in the four countries and the emergence of self organised worker collectives to combat this exploitative business model The vital role played by unions in defending the interests of workers during the COVID 19 pandemic is also examined As well as highlighting the most successful union initiatives to meet the challenges of the past 30 years the book assesses the strengths and deficiencies of the legal framework for union representation in the four nations It identifies the labour law reforms needed to rebuild collectivism but argues that more is needed than favourable laws This cross national study provides a rich basis for identifying the combination of reforms strategies and linkages required to ensure that unions can remain relevant for a new generation of digitally active workers Philosophical Foundations of Labour Law Hugh

Collins, Gillian Lester, Virginia Mantouvalou, 2018-12-06 This collection of essays presents an interdisciplinary investigation by lawyers and philosophers into the philosophical ideas concepts and principles that provide the foundation for the field of labour law and employment law The book addresses the doubts that have been expressed about whether a body of labour law that protects workers is needed at all what should be regarded as the proper scope of the field in the light of developments such as the integration of work and home life by means of technology the globalization of the economy and the precarious kinds of work that thrive in the gig economy Paying particular attention to political philosophy and theories of justice the contributions focus on four themes I freedom dignity and human rights II distributive justice and exploitation III workplace democracy and self determination and IV social inclusion *Human Rights Due Diligence and Labour Governance* Ingrid Landau, 2023-10-30 Human rights due diligence HRDD has emerged as a dominant frame through which to conceptualise and operationalise responsible business conduct with respect to workers rights in global supply chains Legislation mandating HRDD is now found in several European countries and across various national regulatory agendas Many scholars practitioners and activists are actively calling for further legalisation believing that this will broaden respect for human rights Yet to date there has been little sustained scholarly analysis from a labour rights perspective Observing that HRDD as originally articulated in the UN Guiding Principles on Business and Human Rights is open to multiple interpretations this book examines global debates on the role and status of the concept It also considers the implications of HRDD s ascension for transnational labour law as a distinct field of law scholarship and activism Combining insights from transnational governance and business regulation with empirical analysis this book argues that HRDD is not being institutionalised at either the global or national level in a way that renders it a transformative or even robust mechanism of transnational labour law It also draws attention to the important but largely overlooked ways in which the rise of HRDD is leading to subtle shifts in the configuration of actors and institutions in labour governance **Labour Law Utopias** Nicolas Bueno, Beryl ter Haar, Nuna Zekic, 2024-07-17 Labour Law Utopias Post Growth Post Productive Work Approaches engages with new socioeconomic ideas that look beyond the current growth driven competitive market economy Building on analysis of economic growth as well as the limits of the logic of human productivity and competitiveness for workers and the environment it explores alternative approaches and what those will mean for work in general and labour law in particular The concept of post growth is used to rethink the purpose of the economy by looking beyond merely increasing wealth consumption and production considering what this means for the position of work in society as well as the individual worker The post productive work approach is used to question the centrality of economically productive work and its regulation in labour laws The chapters in this book take a progressive approach and discuss whether and how labour law can contribute to the emancipation of work from the constraints of growth and productivity by revisiting the value organization and impact of work With these utopian ideas for labour law the contributions in this book present inspirational dots on the horizon that could guide the direction of changes

in labour law as it navigates issues such as the implementation of digital and green solutions the energy crisis migration rising inequality and precariousness This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to read on Oxford Academic and offered as a free PDF download from OUP and selected open access locations

This book delves into Voices At Work Continuity And Change In The Common Law World. Voices At Work Continuity And Change In The Common Law World is a vital topic that needs to be grasped by everyone, from students and scholars to the general public. The book will furnish comprehensive and in-depth insights into Voices At Work Continuity And Change In The Common Law World, encompassing both the fundamentals and more intricate discussions.

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 - Chapter 2: Essential Elements of Voices At Work Continuity And Change In The Common Law World
 - Chapter 3: Voices At Work Continuity And Change In The Common Law World in Everyday Life
 - Chapter 4: Voices At Work Continuity And Change In The Common Law World in Specific Contexts
 - Chapter 5: Conclusion
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