

Enlargement and Industrial Relations: Building a New Social Partnership

Manfred Weiss

Abstract: This paper argues that the accession of 10 new Member States in 2004 represents the greatest challenge the EU has ever faced, since the considerable enlargement in terms of surface area and population, along with the increase in the number of countries and languages, is not matched by a commensurate rise in GDP. In the countries of Central and Eastern Europe the development of industrial relations has not managed to keep pace with the emergence of democratic freedoms and the market economy, with highly individualistic neo-liberal values tending to prevail. The weakness of the trade unions is matched by that of the employers' associations, and collective bargaining is largely confined to company or plant level. In Central and Eastern Europe a legalistic approach is common, with a wide gap between legislative provisions and day-to-day practice, but EU Directives increasingly rely on the active participation of the social partners for their implementation, that varies widely from country to country. The impact of the single currency on working conditions and collective bargaining is discussed, some cases of cross-border collective bargaining are examined, and the fundamental role of employee participation in company decision-making is underlined. Without the involvement of social partners and/or workers' representatives, the most recent Directives cannot be implemented in a satisfactory manner. The challenge is therefore for the EU as a whole to build an integrated system of industrial relations, and for the new Member States in particular to play an active part in this transformation.

Ora et Labora - On Freedom of Religion at the Work Place: A Stakeholder cum Balancing Factors Model

Reinhold Fahlbeck

Abstract: Religious pluralism has become a fact in most European countries. So have religious manifestations and symbols in schools and at places of work, in particular non-Christian, the Muslim scarf being the most controversial exponent. The purpose of this article is to analyse and reflect on the extent to which it is possible to combine work and religious manifestations in Europe today. The article focuses on the 1950 European Convention and case law under it but discusses some national law as well. The text is problem-oriented, abstaining from providing even a cursory survey of freedom of religion under the Convention. Five areas are singled out for analysis. They all pit freedom to manifest religion against some other value, from (1) the supra-norm of democracy via (2) freedom from religion, (3) right to gender equality and (4) freedom of contract to (5) mundane norms concerning the management and running of private enterprises. The balancing of competing interests is shown often to be of a most delicate nature. To conclude, a model for resolving competing interests is presented. It involves two components: schemes (1) to determine the stakeholders and (2) to assess the character in various respects of the interests of each stakeholder.

The Regulation of Workplace Sexual Harassment in Greece: Legislation and Case Law Analysis

Konstantinos D. Magliveras

Abstract: Unlike other European countries, Greece has still not adopted specific legislation addressing sexual harassment practices in the workplace. Empirical research has shown that workplace sexual harassment is endemic in Greece. The article undertakes, on the other hand, an examination of the relevant provisions in the Constitution, the Civil Code and the Criminal Code as well as the applicable provisions in collective employment agreements and, on the other hand, analyses the recent case law dealing specifically with workplace sexual harassment. It concludes that, despite the lack of specific legislation, the existing legal framework offers a reasonable measure of protection for the victims of sexual harassment.

Collective Bargaining Laws: Purpose and Scope

Guy Davidov

Abstract: This paper argues that the right to bargain collectively should be given to every person working for others for pay who suffers a significant degree of democratic deficit or economic dependency in the work relationship. This would constitute a much broader scope of application compared with the current situation in most countries. This change is justified by an inquiry into the purpose of laws allowing and promoting the practice of collective bargaining, on the one hand, and the purpose of laws preventing cooperation among potential competitors, on the other. Collective bargaining laws promote workplace democracy, redistribution of resources, and efficiency. It is shown that, with regard to the broadened group of workers suggested here, there is no contradiction with the goals of competition law.

Collective Labour Law in Europe in a Comparative Perspective (Part II)

Robert Rebhahn

Abstract: Collective agreements and industrial action, workers' representation at plant and enterprise level, and participation in management boards are often at the centre of political debate. They play an important role whenever labour law is considered as a factor for making a country an attractive business location. It is therefore of interest to compare the legal situations in the EU Member States. This article focuses on legal structures rather than on industrial relations, revealing a wide variation. With regard to collective agreements there is a common core of European law, though countries differ considerably. There is wide variation in terms of industrial action, also in terms of strikes for better working conditions. There are also great differences in employees' representation and participation beyond information and consultation on general matters. A detailed examination of the legal situations seems to be a prerequisite for any reflection on the harmonisation of labour law.

Documentation and comments

The System of Bilateral Bodies in the Artisan Sector: The Italian Experience in the Context of European Social Dialogue

Giovanna De Lucia and Silvia Ciuffini

Abstract: This paper provides an outline of the system of bilateral bodies first set up in Italy in the 1980s to provide protection and income support for workers in artisan firms. Jointly run by employers' associations and trade union representatives, these bodies provide a forum for dispute resolution as well as a system for administering the employers' contributions negotiated in collective agreements. The authors argue that bilateral bodies represent an innovative approach to labour protection in small and micro enterprises and provide a useful means for identifying appropriate measures as part of a decentralised approach reflecting the needs of both employers and workers in artisan firms not covered by collective agreements for large-scale industry. Bilateralism is likely to play an increasingly important role pursuant to the labour market reform recently enacted in Italy.

Book Review

Roger Blanpain and Michele Colucci, *European Labour and Social Security Law Glossary*, The Hague, Kluwer Law International, 2002

Reviewed by William Bromwich