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Americanisation of the EU Social Model?

Kees J. Vos

Abstract: The European social model was developed mainly in comparison with US social and economic performance. The crucial distinction was that Europe had a much better track record in social affairs than the US. This paper examines whether or not the Lisbon objective of more competitiveness and growth will endanger the basic values of the European model. Taking into account recent trends in core dimensions, such as employment, social dialogue, social protection and cohesion, there appears to be an American-style evolution of the model.

Tripartite Bargaining and its Impact on Stabilisation Policy in Central and Eastern Europe

Claudia-Yvette Matthes and Peggy Terletzki

Abstract: In this paper we examine the impact of self-imposed governmental constraints (by tripartite arrangements) and the timing of reforms (window of opportunity) on the successful implementation of large-scale reforms (fiscal stabilisation policy) in seven Central and Eastern European Countries. By analysing different sources and conducting interviews with experts and members of the tripartite councils, we examine the impact of tripartite structures on the government decision-making process in Bulgaria, Estonia, the Czech and Slovak Republics, Hungary, Poland and Slovenia. Our findings indicate that the early and continuously stabilising countries secured their policy-making by factors other than tripartite bargaining. In those countries that took a second, later approach to fiscal stabilisation, with a more confrontational style and stronger trade unions, tripartite bargaining proved to be a successful instrument.

Globalisation and Core Labour Standards: Compliance Problems with ILO Conventions 87 and 98. Comparing Australia and other English-Speaking Countries with EU Member States

Gudrun Biffl, Joe Isaac

Abstract: In the wake of globalisation, certain ILO Conventions have assumed greater prominence in recent years. This paper focuses on ILO principles related to trade union rights and collective bargaining embodied in ILO Conventions No. 87 and No. 98. It is argued that some countries have enacted legislation and tolerated industrial behaviour incompatible with these standards. In the absence of effective international enforcement powers, governments in some countries have ignored the requests of the ILO for adherence to its principles with impunity. This issue is discussed in connection primarily with recent Australian experience and with brief observations on that of a number of English-speaking countries. The policy and practices of these countries on Conventions

87 and 98 are contrasted with those of the continental EU countries. Finally, the question is raised as to whether some of the ILO's principles underlying these Conventions need to be re-examined.

Comparing the Implied Covenant of Good Faith and Fair Dealing with the Implied Term of Mutual Trust and Confidence in the US and UK Employment Contexts

David Cabrelli

Abstract: The objective of this article is to examine the extent to which the common law systems of the US and the UK contain principles or rules which are principally designed to curb or eradicate the abuse of unfettered employer or employee power or discretion (actions and omissions) in the context of the contract of employment. This will be achieved by differentiating between the US concept of the implied covenant of good faith and fair dealing and the UK implied term of mutual trust and confidence which are applicable to the interpretation of US and UK employment contracts respectively. In compiling the results of such a comparative study, the recognised comparative law method will be employed. In addition, where possible, an attempt will be made to delimit briefly the historical, economic and social context surrounding the nature, content, source and application of the implied covenant and the implied term in a bid to facilitate a basic understanding of the development of these respective concepts. In analysing the results of the comparative exercise, an assumption will be made that the jurisdictions of the US and UK both acknowledge that there is considerable merit in encouraging and propagating a unitary, conciliatory approach towards modern employment relations in the 21st century. Adopting this pre-supposition as a basis for presenting the results of the comparative study, various conclusions will be drawn as to what both jurisdictions perhaps have to learn from the other as a means of strengthening both of the respective concepts.

Lockout Law in a Comparative Perspective: Corporatism, Pluralism and Neo-Liberalism

Chris Briggs

Abstract: The object of this paper is to develop a classification of national legal systems and institutional practices in relation to lockouts. Three primary systems for the use of lockouts currently exist in advanced market economies. First, lockouts are sometimes subject to a blanket prohibition (Southern European Corporatism). Secondly, most OECD nations limit lockouts to exceptional circumstances in which employers are considered to suffer from an imbalance of bargaining power so as balance a right to lockout with other legal principles such as the right to strike and freedom of association (Pluralism). Thirdly, whereas most OECD nations limit lockouts to 'equalising' collective bargaining power, contemporary reforms in the Antipodes allow lockouts to be directed at unorganised workers and used to reconfigure power relations by decollectivising bargaining (Neo-Liberalism).

The Right to Request Flexible Working in Britain: the Law and Organisational Realities

Richard Croucher, Clare Kelliher

Abstract: In April 2003 the UK Government introduced the right for working parents to request flexible working arrangements under the provisions of the Employment Act 2002. This legislation has been widely criticised as providing only weak rights for employees, as neo-institutionalist business systems theory would lead one to expect in Britain's 'Liberal Market Economy'. However, criticism of the law has to be tempered by understanding how it relates to practice in large companies and this paper investigates these practices. It finds that large companies have gone beyond the terms of the legislation, in order to establish themselves as 'employers of choice'. It is therefore argued that British practice, in reality, only partly conforms to the expectations generated by neo-institutionalist business systems theory.

Documentation and comments

Report on the Conference on "The Lisbon Strategy, Human Capital and Organisational Innovation", Rome, March 2005

William Bromwich, Olga Rymkevitch