

Collective Labour Law in Europe in a Comparative Perspective (Part I)
Collective Agreements, Settlement of Disputes and Workers' Participation

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.

National Works Councils: 'Opening the Door on a New Whole Era in United Kingdom Employment Relations'?

Pascale Lorber

Abstract: This paper intends to look at the challenges that the European Directive on national information and consultation will pose to the legal framework in the United Kingdom. In particular the author will consider whether the statement that 'national works councils would open the door to a new era in the United Kingdom employment relations' is a true one. This will be done by briefly looking at the aim and the content of the Directive and more particularly at the reaction of the UK government when it comes to transposition in light of the first consultation paper produced by the Department of Trade and Industry on this issue. This paper will therefore focus on the preliminary attitude of the government towards this instrument and whether it bodes well for substantial changes in collective relations.

Work-family Policies on Working Time put into Practice
A Comparison of Dutch and German Case Law on Working Time Adjustment

Susanne D. Burri, Heike C. Opitz, Albertine G. Veldman

Abstract: Recently an individual right to part-time work was introduced in the Netherlands as well as in Germany, implementing work-family policies. These Acts on working time adjustment are comparable, as the German Act was modelled on the Dutch one. The respective laws allow the employee a working time reduction unless business reasons preclude it. Both Acts have been in force for over two years, presenting us with an initial opportunity to study their impact so far, and to consider whether the law indeed puts work-family policies effectively into practice. So far, the German and Dutch courts have found in favour of working time reduction in the majority of claims.

However, some difficulties remain in respect of the swiftness of court decisions, the interpretation of business reasons and inconsistencies between the number of hours and the pattern of working time established.

Fundamental Characteristics of Thai Labour Law and the Direction of Reform

Mikio Yoshida

Abstract: In the context of globalization, it has become necessary to understand Thai labour issues, since Thailand has strong economic ties with advanced capitalist countries. The first Thai Labour Act was introduced in 1956. However, a series of coups d'état were then carried out in Thailand, resulting in the dissolution of trade unions and abolition of labour law, and in about 1960 the Authoritarian Political Regime for Development was established. Under this system trade unions were strictly regulated and terms and conditions of work were regulated by the Ministry of the Interior. However, as the Thai economy and democracy have developed, Thai labour law has also changed. The Labour Protection Act was introduced in 1998 through deliberations in Parliament. Moreover, deliberations on the amendment bill of Labour Relations Act started at the end of the 1990s and at the moment there is some controversy about the revision. If the draft bill is enacted, the characteristics of labour law under the developmental regime will to some extent be changed. It is therefore necessary to pay attention to the development of legal reforms.

The Hartz Commission Recommendations and Beyond: An Intermediate Assessment

Berndt Keller

Abstract: The article deals with most recent changes in strategies and instruments of labour market policy in Germany initiated by the report of the Hartz Commission. The first part presents a preliminary summary of major legislative changes. Then, foreseeable problems of focal new instruments are discussed (first of all, personnel service agencies, various forms of mini jobs, new, preliminary self-employment, integrated systems of social support). Furthermore, additional and lasting problems of implementation are examined in some detail (among others, missing theoretical foundations and limitations, neglect of closely related policy areas, neglect of the European dimension). The concluding remarks present a rather critical overall assessment.

Temporary Agency Work in Germany: Reflections on Recent Developments

Bernd Waas

Abstract: The author examines the recent amendment of the German law on agency work, arguing that the deregulation of the law in this field is not as far-reaching as it seemed at first sight. Moreover, the author notes that the principle of equal pay between hired-out workers and employees of the client-firm that was extended by the amendment gives rise to serious doubts. This is particularly true when taking into account the legal protection of the persons concerned provided under German Constitutional law.

Book Reviews

Síofra O’Leary, *Employment Law at the European Court of Justice: Judicial Structures, Policies and Processes*, Oxford, Hart Publishing, 2002, (307 pages)

Reviewed by Jeff Kenner

Peter Hanau, Heinz-Dietrich Steinmeyer and Rolf Wank, *Handbuch des Europäischen Sozialrechts*, Verlag C.H. Beck, Munich, 2002, (1310 pages)

Reviewed by Hartmut Oetker