

Cross-border Workers in the European Internal Market: Trojan Horses for Member States' Labour and Social Security Law?

Herwig Verschueren

Abstract: This paper examines whether the European internal market is threatening the social welfare state, in particular from the viewpoint of the social status of cross-border workers in Europe. The analysis will reveal that the law governing the internal market, including the free movement of workers, was primarily a guarantee for the territorial application of Member States' labour and social security law thanks to the principle of prohibition of discrimination on grounds of nationality. But at the same time the right of service providers to temporarily perform work in another Member State with their own employees threatens to undermine the territorial application of labour and social security law. This article analyses how Community law and in particular the European Court of Justice have been handling this issue.

Social Dialogue – The Specific Case of the European Union

Berndt Keller

Abstract: This paper deals with social dialogue at interprofessional (or macro) and sectoral (or meso) level, outlining their specific problems in the European Union. The first part focuses on the macro level, differentiating between three stages of development, the (lack of) results, and problems of implementation. The second part concentrates on the sectoral level, analyzing the earlier version as well as the consequences of institutional reform (among others, qualitative developments, output, problems of the social partners, questions of transposition and implementation). The final part draws some tentative conclusions.

Regulated Flexibility - Flexible Working Time Patterns in Germany and the Role of Works Councils

Hartmut Seifert

Abstract: This article deals with some recent trends concerning the patterns of working time in Germany as well as the relationship of industrial relations. Flexible forms of working time, particularly working time accounts, are gaining ground. At the same time, their introduction promotes a decentralisation of collective bargaining. The industrial relations system typical of Germany has become far more elastic: the company level is gaining regulatory powers, without the protective framework of collective agreements being completely abandoned. The example of working time accounts illustrates how the interplay between the two levels of regulation can fulfil the ever more disparate requirements of companies and employees. Companies can cast off the straitjacket of uniform contractual working time standards, while regulated flexibility prevents employees from being placed at the mercy of flexible working time arrangements decided arbitrarily by the employer. This changed working time model can be described as 'regulated flexibility'. Time management has become a new area of negotiation for workplace representation bodies.

Health and Safety Issues in New Forms of Employment and Work Organisation

Brenda Barrett and Malcolm Sargeant

Abstract: The EU has now embraced so many national states with such a wide range of economic structures that it cannot be supposed that health and safety arrangements will be the same in every Member State, even though all are required to implement the same EC directives relating to the health and safety of the workforce. This paper attempts to address the health and safety of those in new, and possibly precarious, forms of employment in the UK. It does so in the context of the situation in the EU as indicated by a number of research reports. Labour Disputes and their Settlement in China: A systematic Review of the Post-reform Research

Jie Shen

Abstract: This study systematically reviews the literature on labour disputes and their management in China. It reveals that there have been widespread labour disputes, especially collective disputes, resulting from the violation of workers' rights in every aspect of employment relations. While labour disputes in state-owned enterprises (SOEs) are mainly caused by workforce reduction and non-payment of wages and insurance due to insolvency and bankruptcy, those in foreign-invested enterprise (FIEs), particularly the East Asian-owned FIEs, and privately-owned enterprise (POEs), are caused by non-payment of wages and insurance and increasing industrial accidents resulting from profit-oriented management strategies. China has developed a third labour dispute management system with distinctively Chinese characteristics, and it is different from the old systems whereby labour disputes were resolved via the state administration or by Western practices such as collective bargaining. The third way is characterized by reliance on labour arbitration and judicial channels and management-state bipartism for resolving disputes. Contributions to theory and implications for practitioners and research are discussed.

Young People and Training Contracts: The Spanish Experience

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Abstract: Two kinds of training contracts have co-existed in Spain for many years: work-placement contracts and job-training contracts, and their legislative development has brought to the forefront the tension between their training objective and their potential as instruments of employment policy. These contracts usually provide forms of employment designed for young people to facilitate access to the labour market and provide on-the-job training. However, they have not always been limited to young people, nor have they ensured training for workers, especially in the case of job-training contracts. This paper provides an overview of the transformations that training contracts have undergone in the Spanish system with special attention to the groups they are designed for.

Documentation and comments

Realising Decent Work in Africa Keynote Speech at the Opening Ceremony of the Fifth African Regional Congress of the IIRA in Cape Town, 26 March 2008

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