

Global Employee Information and Consultation Procedures in Worldwide Enterprises

Achim Seifert

Abstract: This paper advocates a trans-nationalisation of employee information and consultation procedures in enterprises operating on a worldwide level. After outlining the specific need for trans-national employee information and consultation, the paper provides an overview of the relevant provisions of international law (i.e. the OECD Guidelines on Multinational Enterprises Social Policy and the ILO provisions), but also trans-national private regulation (e.g. International Framework Agreements with trans-national enterprises) and how they cope with this regulatory need. The main argument is that international law should explicitly recognize the setting up of trans-national employee information and consultation procedures in worldwide enterprises to strengthen the efforts recently undertaken by global union federations in various International Framework Agreements.

European Flexicurity Policies: A Critical Assessment

Lothar Funk

Abstract: This paper examines whether the principal ideas of flexicurity – the combination of labour market flexibility and security for employees – can potentially be regarded as the lowest common denominator of the controversial European Social Model as the European Commission intends to implement flexicurity policies in all Member States. The main theme of the analysis is an evaluation of whether and under what conditions the concept of flexicurity can be regarded as beneficial in attempts to solve labour market problems in the European Union. The critical examination casts doubt on too strong an emphasis on this new paradigm as it may lead to potentially counterproductive results in at least some Member States.

Fundamental Social Rights in Community Law and in the German Constitution – Equivalent Rights?

Eva Kocher

Abstract: Constitutions tend to be more than symbols; in the case of fundamental rights, they also have to provide the legal means for the balancing of conflicting interests. In Community law, it is up to the European Court of Justice to outline and define certain social rights, as a result of its role in protecting the fundamental freedoms, and even in the absence of a binding constitution or binding charter of human rights in Community law. This has become patent in recent years – and this is where the question of compatibility and equivalence of Community social rights and national social rights arises. The following paper will try to give an idea of the questions to be faced from a German comparatist's perspective.

Czech and Slovak Labour Law – Protective or Liberal? Labour Law from the Split of Czechoslovakia to post-EU Accession

Kristina Koldinská

Abstract: This paper examines recent developments, the present situation and future prospects for labour law in the Czech Republic and Slovakia. It is based on findings from a comparative study on the evolution of Czech and Slovak labour law during the period 1995-2005. The paper deals with the most important elements of labour law in the areas of individual labour relations, collective bargaining and employment policy. The main issue examined is the contrast between flexibility and rigidity in labour legislation in two new EU Member States

Temporary? Agency Workers in Israel

Shelley Wallach

Abstract: While in many western countries temporary agency work has been spreading and growing fast due to the pace of globalization with its pressure for greater flexibility and the reduction of labour costs on the one hand, and rising unemployment on the other, in Israel this form of employment has reached unparalleled proportions both in the private and the public sectors. This paper aims to give an overview of Israeli temporary agency work in all its forms, examining the problems that arise from this widespread form of employment and its impact on Israeli society and the labour market. A comparison will be made with other EU countries, mainly Germany. Finally, some recent developments and possible solutions will be discussed.