

A Restatement of the Law with Respect to Labour Law

Bernd Waas

Abstract: The European Private Law community in Europe has been on its way towards a common frame of reference for some time. The same, however, cannot be said about labour law. Only relatively recently a group was formed with the aim at arriving at a “Restatement” of labour law in Europe. The following article, written by one of the initiators of the group, tries to answer the question how come that it seems so difficult for labour lawyers to flesh out common rules and principles.

Restatement—Technique and Tradition in the United States

Thomas C. Kohler

Abstract: This paper considers the meaning and development in a historical perspective of what Americans mean by labour law. The author highlights the fact that employment law in the United States consists of a patchwork of state regulation with a variegated federal overlay. He also discusses the development of the restatement tradition in the United States and examines the course and the current status of the Restatement of Employment Law project promoted by the American Law Institute (ALI), taking account of the fact that the character of employment has changed radically in the past two decades, and has yet to reach anything like stasis

Would Europe Benefit from the Adoption of a Comprehensive Definition of the Term “Employee” Applicable in all Relevant Legislative Modes?

Barbara Grandi

Abstract: The paper considers whether it would be advantageous to adopt a comprehensive European definition of the term employee by framing the problem in terms of classification of the work relationship. After outlining the starting points of the analysis and briefly describing the contribution of the European legal framework to the classification of workers, various matters underlying such a classification are discussed, both in a labour law and an economic perspective. The paper concludes, also with reference to the UK experience, by arguing that a comprehensive definition of employee would not solve the problem of worker misclassification.

Dispelling a Myth: Union Affiliation and its Impact on Attitudinal Outcomes

Fiona Edgar, Alan Geare, and Ian Mcandrew

Abstract: Union affiliation is often viewed with cynicism by both managers and some academics in the field of human resource management. This research note reports data from an exploratory study which examines the relationship between union affiliation and a range of workplace attitudes commonly considered as related to positive performance outcomes for the organisation. Using a survey approach, the views of managers, supervisors and workers are assessed. Differences between groups are identified using t-tests. This study finds no discernible difference to exist between past union affiliation and views about employment relations, organisational commitment, job satisfaction and HRM effectiveness for all three of the groups examined. However, differences are evident for current union membership. This tended to be associated with comparatively lower ratings across nearly all of the attitudinal dimensions examined for both supervisors and workers, but not for managers. Also of interest, this study finds the lowest ratings recorded for all three groups to be in relation to the practice of HRM.

Off-shoring and Decent Work: Worlds Apart?

Carolyn Penfold

Abstract: Developments in technology have combined with economic globalisation to allow and encourage the 'off-shore' movement of IT-enabled services work. However, in the rush to exploit financial benefits, the effects on labour may easily be forgotten. This paper evaluates work in the off-shored services sector in India according to the ILO's decent work criteria, examining the employment opportunities provided, the social protection offered by such employment, the rights accorded to off-shored services workers, and the social dialogue occurring in or with this sector. Finally, the paper draws conclusions regarding the contribution of off-shored services to the creation of 'decent work' in India, and makes suggestions for furthering this contribution.