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Bulletin of Comparative Labour Relations

Series Editor: Roger Blanpain

NEW

Volume 65: The Global Labour Market: From Globalization to Flexicurity
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Volume 60: Corporate and Employment Perspectives in a Global Business Environment
The Bulletins constitute a unique source of information and thought-provoking discussion, laying the groundwork for studies of employment relations in the 21st century.

The Bulletins of Comparative Labour Relations constitute a unique and well known series started in 1970 under the dynamic editorship of Professor Roger Blanpain (Belgium), former President of the International Industrial Relations Association.

Published either once or twice yearly, the Bulletins frequently include the proceedings of international or regional conferences or reports from comparative projects devoted to salient issues in industrial relations, human resources management, and/or labour law. They offer a platform of expression and discussion to scholars and practitioners worldwide, often featuring special guest editors.

A sample of topics either covered or under consideration for coverage in Bulletins includes:

- the harmonisation of working life and family life (covered countries: Belgium, France, Italy, Japan, Sweden, the UK, and the United States of America); labour law and industrial relations in Central and Eastern Europe (from planned to market economy);
- labour law and industrial relations in the European Union, focusing on European Works Councils and the Treaty of Amsterdam; the role of labour law in industrial relations, covering mostly the Asian region (editor: Prof. T. Araki, Japan)
- private employment agencies—the proceedings of an international Conference organised by the Euro-Japan Institute for Business and Law which took place in Leuven, Belgium in 1998 and involved the participation of the ILO, the EU, scholars from the EU Member States, Japan, and the USA (editor: R. Blanpain); and
- non-standard forms of work—the papers of the international conference organised by the Italian Association for Industrial Relations in Rome, at the occasion of its 30th anniversary, again with participants from various continents (editor: Prof. M. Biagi, Italy). Each of these Bulletins consists of national or comparative reports made on the basis of a common outline, providing an integrated approach to the subject matter.
Sport is life, fun, passion but also business. It is not easy to draw a bright line between sport as an economic activity and sport as a crucial cultural element of society. In Europe, the stakes are prodigious from either perspective. On the one hand, sport represents 4% of the GDP of the European Union; on the other, there are in the EU more than 800,000 sport clubs with more than 70 million members. In numerous ways, the former depends on the latter, giving rise to a plethora of subtle tensions. For decades the EU institutions have struggled with the legal issues that arise from these tensions, and the debate has come to be encapsulated in the complex concepts of the ‘sport exception’ and the ‘specificity of sport.’ Now, the pending Reform Treaty, if ratified, will finally provide a legal basis for a Community action in the field of sport.

This new collection of essays presents nine well-informed and insightful analyses of the ‘specificity’ debate from several distinct points of view. The book reprints the papers presented by outstanding academics as well as representatives of the sport world at a conference on the ‘Future of Sport in the European Union’ held at the Catholic University of Brussels in December 2007. The authors examine the legal and political issues related to the latest developments at the EU level, and their impact on the sport organisations, in order to better understand the future of sport and to answer the questions which will inevitably arise from the new situation.

Among the topics arising in the course of the presentations are the following:

- pure ‘sporting interest’ vs. ‘economic activities’ within the overall meaning of Article 2 EC;
- whether the EU legal order in fact applies to sport activities;
- application of EC law to rules governing the composition of national sports teams, especially as defined in Bosman and Meca Medina cases;
- relation of sport to freedom of association and the principle of subsidiarity;
- initiatives to share use of financial gains from television rights; role of bylaws and other regulations of federations at every level;
- responsibility of sport organisations vis-à-vis the rules of public order;
- freedom of labour and free movement of workers as applied to sportsmen and sportswomen;
- the right to privacy, image included;
- the ‘European sport model’;
- protection of young sportsmen and sportswomen from commercial pressures; and
- economic and social role of volunteering activities in sport.

As an analysis of the future directions of EU sport law, this book provides an in-depth assessment of the impact of current policy changes. At a time when a new European treaty is being drafted, and when new questions on sport are being referred to the European Court of Justice, these cogent analyses of European law applicable to professional sport will be of great value to professionals concerned with sport in any of its guises..

June 2008, 384 pp., softcover
ISBN: 978-90411-27617
Price: EUR 120.00/ USD 158.00/ GBP 82.00

As global power relations increasingly favour international capital, it becomes crucial for labour and employment lawyers to center their field in a supranational context. As long as wages, social security, and taxes remain national matters, states compete at this level in order to attract foreign investment. This does not bode well for employees or the self-employed. Most ameliorative measures come in the form of unenforceable ‘soft law’ guidelines and recommendations.

The conference recorded in this vitally important book confronts this losing battle of local responses to global challenges. The book reprints the papers submitted to that conference by twenty-three outstanding scholars from fourteen countries. Among the many critical issues they expose and discuss are the following:

- the proliferation of varieties of non-standard employment;
- protection of migrant workers’ rights by regional organizations;
- global and regional trends in the human resources function;
- work training and education policy;
- effectiveness of equality and non-discrimination standards;
- involvement of employees in workplace decisionmaking; and
- the need for an equitable social safety net.

In the course of the discussion the authors examine cases from many countries, including not only EU Member States (both West and East) and the U.S., but also Japan, Chile, South Africa, and Indonesia.

With a focus on the nexus of multinational enterprises and international standards, the book provides both a sharp image of where labour law stands in today’s world – revealing serious social problems in a clearer light than is usually encountered – and a very valuable guide to directions to pursue and potential solutions, offered by some of the most engaged and committed minds in the field. It is an indispensable resource for legal workers in this ‘eye of the storm’ of globalization.

Contents:
I. Globalization
II. Human Resources Management
III. Flexicurity
IV. Equal Treatment
V. Involvement of Employees
VI. Social Security

February 2008, 408 pp., softcover
ISBN 9789-0411-27228
Price: EUR 120.00/ USD 158.00/ GBP 82.00
The auto industry is a prime example of globalisation in which multinational enterprises have developed networks, alliances, and cross-shareholdings across regions and nations. This important study – based on a three-year empirical research project in seven countries – focuses on employment relations in the auto assembly industry and shows that the influence of globalisation is tempered to varying degrees by institutional employment patterns at the local level. Twenty-one scholars and researchers representing all seven countries analyse the data, clearly describe the differences across both countries and firms, and offer conclusions and recommendations that greatly facilitate our understanding of the globalisation process at the level of human resources in industrial production. For each of the seven countries – two liberal market economies (the United States and Australia), two coordinated market economies (Germany and Sweden), and three Asian market economies (Japan, South Korea, and China) – the book describes five key issues in detail:

- work organisation;
- skill formation;
- remuneration systems;
- staffing arrangements and employment security; and
- enterprise governance – the analysis is attentive to both issues of change and the role of agents in bringing about that change. The authors offer in-depth comparative analysis of these central issues in the context of such overriding factors as corporate strategy, local institutional constraints and advantages, competitive pressures among automakers to capture emerging markets, power relations within firms, and the role that agency and interests play in shaping social action. Whether this book is used for its vast bank of information, or for its deeply-informed analysis, or for its far-reaching relevance to employment relations policy, it more than fulfils the urgent need to come to grips with the runaway impact of globalisation on employment relations. Anyone involved with labour and employment issues in any business, legal, or governmental setting will rely on its findings and insights for years to come.

January 2008, 164 pp., softcover
ISBN: 9789-0411-26986
Price: EUR 105.00/ USD 139.00/ GBP 72.00

Offering evidence on the nature of the pressure that international economic change exerts in countries with different forms of labour law and regulation, this collection of essays explores the impact of globalization on relations between employees and employers in retail banking. It is the first comparative analysis of the current nature of these relations in the banking field at the national and local levels.

The articles report preliminary findings from studies of changes in employment relations in retail banking in seven economies: Korea, Singapore, Hong Kong, the United States, Australia, Germany, and China. This grouping covers both liberal market economies (in which firms rely on markets and hierarchies to resolve coordination problems) and coordinated market economies (in which firms make greater use of non-market mechanisms to resolve coordination problems internally and externally). The article on banking in China is the first English-language study of the emerging pattern of industry-level employment relations in this most important of economies.

The wealth of data available here allows practitioners, researchers, academics, and policymakers to reach such valuable understandings as the following:

- assess whether there is evidence that the impact of globalization on employment relations varies systematically across varieties of capitalism;
- evaluate factors that shape the relationship between international economic change and patterns of employment relations;
- gain insight into the relation between foreign direct investment and the politics, economics, and social systems of particular nation states; and
- focus on distinctive developments in the under-researched Asian region.

Emphasizing five key issues – work organization, skill formation, remuneration systems, staffing arrangements, and enterprise governance – the analysis is attentive to both issues of change and the role of agents in bringing about that change. The authors highlight the possibility that within any one economy there may be a range of different and competing sets of institutional logics.

These informative and insightful articles represent the first empirical findings from the Globalization and Employment Relations in Auto-assemblies and Banking (GERAB) project. The book demonstrates that the research design of this project is a giant step toward sophisticated theoretical models that are capable of capturing and explaining the complex, contingent, and multi-causal relationship between employers and employees in the context of a changing world economy.

August 2007, 156 pp., softcover
ISBN: 9789-0411-26207
Price: EUR 90.00/ USD 119.00/ GBP 61.00
Volume 62:

European Framework Agreements and Telework
Law and Practice, A European and Comparative Study

edited by Roger Blanpain

The Framework Agreement on Telework (2002) was the first of the non-legally binding (soft law) agreements concluded by the European Social Partners – the employer organisations UNICE, CEEP, and UEAPME, and the trade union organisation ETUC. Although the forum on which this book is based focused on the telework agreement, the subject matter of the papers and discussion centred on the nature of the framework agreements themselves, on the role of the social partners, and on implications for the future of European labour law. The forum took place in Brussels with the support of the Royal Flemish Academy in September 2006.

The book prints sixteen papers by distinguished labour law authorities – representing legal academic, managerial and policy dimensions – either originally presented at the forum or emerging from it. Among the far-reaching questions raised are the following:

- Do the framework agreements constitute a 'new way' of developing European employment law?
- Under what circumstances will a teleworker be able to act to obtain social protection under a framework agreement?
- Are we heading for a social Europe where mere recommendations, rather than labour market rules, are the norm?
- Where is the line between 'regular' and 'non-regular' telework?

A consensus seems to emerge that the framework agreements, in their support of the transition from 'job security' to 'employability,' are leading soft law into what may aptly be called 'liquid law.'

The papers include reports on implementation and development of framework agreements in individual countries including Belgium, the Netherlands, France, Germany, Italy, Poland, Sweden, the United Kingdom, as well as a report on the United States.

For the important and urgent questions it raises about telework and the 'new world of work' that telework so clearly represents, this book will engage the committed attention of everyone involved in the fields and activities shaped by labour and employment law in Europe and throughout the world.

May 2007, 300 pp., softcover
ISBN: 9789-0411-25606
Price: EUR 100.00/ USD 125.00/ GBP 68.00

Volume 61:

Decentralizing Industrial Relations and the Role of Labour Unions and Employee Representatives

edited by Roger Blanpain
guest editors: Takashi Araki and Shinya Ouchi

In countries where collective bargaining is conducted mainly at the industry or regional level, there is often a type of workers' representation at the company or establishment level other than a labour union. Where this double form of worker representation – that is, labour unions and employee representatives – exists, the relationship between the two can present a delicate problem in industrial relations. Decentralizing Industrial Relations is an in-depth country-by-country analysis, for nine major industrial nations, of three essential topics in this area: the relationship between labour unions and employee representatives, the shift in collective bargaining from industry or branch towards the company or establishment level, and the role of labour unions or employee representatives in the flexibilization of labour protective regulations.

What emerges in the course of the analysis sheds important light on such crucial factors as the following:

- the political power of labour unions
- the extent to which employee representatives can and do protect workers' interests
- 'single-channel' (labour unions only) versus 'double-channel' systems
- invasion of the 'turf' of labour unions by employee representation systems
- inclusion of disadvantageous working conditions in collective agreements or workplace agreements

In the aggregate, the study finds that, although employers are nowhere completely free to modify working conditions unilaterally, in all countries they can, abetted by the decline of labour unions and an emphasis on 'flexibilization,' make working conditions increasingly dependent on the individual employment contract. In this global context, the supremacy of labour unions is being questioned. This issue is undoubtedly one that deeply concerns all professionals interested in labour, employment, and industrial relations.

This volume in Kluwer's Bulletin of Comparative Labour Relations series reprints papers submitted to the 8th Comparative Labour Law Seminar (JILPT Tokyo Seminar) held on 21 February, 2006.

December 2006, 164 pp., softcover
ISBN: 9789-0411-25835
Price: EUR 100.00/ USD 128.00/ GBP 70.00
In today's society, the foreground of deliberation—in politics, legislation, judicial decisions, even war—is increasingly experienced by citizens as a mask for the working out of norms and institutions the precise nature of which eludes us. We are accustomed to looking behind every news item, often feeling that the real decisions are made by other people than those who seem to be in power, or that events are merely driven by facts on the ground or unconscious motives. To consider global business activity, and especially employment issues, in this experiential context is a daring and provocative challenge, one which was taken up in August 2004 under the sponsorship of the Department of Business Law at Lund University. This remarkable book presents a rich sampling of what was said at that unique symposium among a group of notable authorities in law, business, and international relations.

The seventeen authors whose contributions appear in this book bring their lucid perspectives to bear on the vital and complex issues that emerge from the contemplation of the territory where the rule of law encounters global business interests. These perspectives encompass such factors as the following:

- the role of the expert;
- global extension of the nation-state model;
- the effect of development aid on legal systems in developing countries;
- WTO rules and dispute settlement;
- the most favoured nation (MFN) principle;
- efforts to harmonise contract law;
- international taxation;
- multinational corporate behaviour;
- the search for fair labour standards;
- the clash of economic law and labour law;
- corporate social responsibility; and
- alternative dispute resolution in international trade.

Underlying all the essays is the insight that, although there is no established global law and no global law-giver, yet there is no national law that is not deeply affected by the globalisation of markets. Collectively, these authors provide a deeper and truer vision of the ‘real’ global legal regime that is rapidly taking shape. The powerful impetus this book provides toward an understanding of actually developing global governance and global justice will be of great value to all who wish to see a balance struck among economic, environmental, and social interests in our world.

May 2006, 225 pp., softcover
ISBN: 9789-0411-25378
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