

Employee Rights in Bankruptcy

46

A Comparative-Law Assessment

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Employee Rights in Bankruptcy: A Comparative Law Assessment Roger Blanpain, A. T. J. M. Jacobs, 2002-11 A comparison of employee rights in bankruptcy in the Netherlands the United Kingdom Belgium and Germany **Employee Rights in Corporate Insolvency** Hamisi Nsubuga, 2019-10-08 This book analyses corporate rescue laws processes and policies prescribed in corporate insolvency or bankruptcy laws and employment laws of the UK and the US with a particular focus on how extant employee rights are treated when a debtor employer initiates corporate insolvency proceedings The commencement of formal insolvency proceedings by an employer affects employees rights and interests Employment laws seek to protect employees rights and interests while insolvency laws seek to promote corporate rescue which may entail workforce changes Consequently this creates a tension between whose interest insolvency law should give primacy of protection The book analyses how corporate rescue processes such as administration pre pack business sales company voluntary arrangements receivership and liquidation impact employee rights and protection during corporate rescue proceedings in both jurisdictions It goes on to address how the federal system of government in the US and the diffusion of power between federal and state law jurisdictions impact a uniform code of employee protection during Chapter 11 bankruptcy reorganisation proceedings The book considers how an interpretative approach to law Dworkin's Interpretative Theory of Law may be used to balance both employee protection and corporate rescue laws during corporate insolvency in the UK and the US Of interest to academics students and employment law practitioners this book examines the tension between corporate rescue laws and employment protection laws during corporate insolvency in the US and the UK and how this tension may be remedied or balanced

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