

From Widgets to Digits

EMPLOYMENT REGULATION FOR
THE CHANGING WORKPLACE



Katherine V. W. Stone

CAMBRIDGE

From Widgets To Digits Employment Regulation For The Changing Workplace

Guy Davidov, Brian Langille



From Widgets To Digits Employment Regulation For The Changing Workplace:

From Widgets to Digits Katherine Van Wezel Stone, 2004 *From Widgets to Digits* is about the changing nature of the employment relationship and its implications for labor and employment law. For most of the twentieth century, employers fostered long-term employment relationships through the use of implicit promises of job security, well-defined hierarchical job ladders, and longevity-based wage and benefit schemes. Today's employers no longer value longevity or seek to encourage long-term attachment between the employee and the firm. Instead, employers seek flexibility in their employment relationships. As a result, employees now operate as free agents in a boundaryless workplace in which they move across departmental lines within firms and across firm borders throughout their working lives. Today's challenge is to find a means to provide workers with continuity in wages, on-going training opportunities, sustainable and transferable skills, unambiguous ownership of their human capital, portable benefits, and an infrastructure of support structures to enable them to weather career transitions.

From Widgets to Digits Katherine V. W. Stone, 2004-07-26 *From Widgets to Digits* is about the changing nature of the employment relationship and its implications for labor and employment law. For most of the twentieth century, employers fostered long-term employment relationships through the use of implicit promises of job security, well-defined hierarchical job ladders, and longevity-based wage and benefit schemes. Today's employers no longer value longevity or seek to encourage long-term attachment between the employee and the firm. Instead, employers seek flexibility in their employment relationships. As a result, employees now operate as free agents in a boundaryless workplace in which they move across departmental lines within firms and across firm borders throughout their working lives. Today's challenge is to find a means to provide workers with continuity in wages, on-going training opportunities, sustainable and transferable skills, unambiguous ownership of their human capital, portable benefits, and an infrastructure of support structures to enable them to weather career transitions.

From Widgets to Digits Cynthia E. Nance, 2014 Katherine Stone's book *From Widgets to Digits: Employment Regulation for the Changing Workplace* provides an analysis of problems the employment relations field has experienced with the arrival of the digital age. Unions are challenged both internally and externally with advocating for fairness in a changing work environment. This article reviews Stone's discussion of the events that led up to the current state of employment relations, how the way employees view long-term employment has changed, and how law based on old workplace models is ill-equipped to handle the issues associated with the new employment relationships. Additionally, this article reviews how Stone's own goals are similar to those of the Change to Win Coalition, though they differ slightly on solutions. While both recognize the rules no longer work, the Change to Win Coalition prefers an industry-based approach in contrast to Stone's broad-based model. Stone's book is a welcome contribution to those searching for new approaches and solutions to the problem of ensuring fair employee-employer relations in the digital age. *Rethinking Workplace Regulation* Katherine V.W. Stone, Harry Arthurs, 2013-02-14 During the middle third of the 20th century, workers in most industrialized

countries secured a substantial measure of job security whether through legislation contract or social practice This standard employment contract as it was known became the foundation of an impressive array of rights and entitlements including social insurance and pensions protection against unsociable working conditions and the right to bargain collectively Recent changes in technology and the global economy however have dramatically eroded this traditional form of employment Employers now value flexibility over stability and increasingly hire employees for short term or temporary work Many countries have also repealed labor laws relaxed employee protections and reduced state provided benefits As the old system of worker protection declines how can labor regulation be improved to protect workers In *Rethinking Workplace Regulation* nineteen leading scholars from ten countries and half a dozen disciplines present a sweeping tour of the latest policy experiments across the world that attempt to balance worker security and the new flexible employment paradigm Edited by noted socio legal scholars Katherine V W Stone and Harry Arthurs *Rethinking Workplace Regulation* presents case studies on new forms of dispute resolution job training programs social insurance and collective representation that could serve as policy models in the contemporary industrialized world The volume leads with an intriguing set of essays on legal attempts to update the employment contract For example Bruno Caruso reports on efforts in the European Union to constitutionalize employment and other contracts to better preserve protective principles for workers and to extend their legal impact The volume then turns to the field of labor relations where promising regulatory strategies have emerged Sociologist Jelle Visser offers a fresh assessment of the Dutch version of the flexicurity model which attempts to balance the rise in nonstandard employment with improved social protection by indexing the minimum wage and strengthening rights of access to health insurance pensions and training Sociologist Ida Regalia provides an engaging account of experimental local and regional pacts in Italy and France that allow several employers to share temporary workers thereby providing workers job security within the group rather than with an individual firm The volume also illustrates the power of governments to influence labor market institutions Legal scholars John Howe and Michael Rawling discuss Australia s innovative legislation on supply chains that holds companies at the top of the supply chain responsible for employment law violations of their subcontractors Contributors also analyze ways in which more general social policy is being renegotiated in light of the changing nature of work Kendra Strauss a geographer offers a wide ranging comparative analysis of pension systems and calls for a new model that offers flexible pensions for flexible workers With its ambitious scope and broad inquiry *Rethinking Workplace Regulation* illustrates the diverse innovations countries have developed to confront the policy challenges created by the changing nature of work The experiments evaluated in this volume will provide inspiration and instruction for policymakers and advocates seeking to improve worker s lives in this latest era of global capitalism

Challenging the Legal Boundaries of Work Regulation Judy Fudge, Shae McCrystal, Kamala Sankaran, 2012-07-11 Focusing on paid work that blurs traditional legal boundaries and the challenge this poses to traditional forms of labour regulation this collection of original case studies

illustrates the wide range of different forms of regulation designed to provide decent work The original case studies cover a diversity of workers from across developed and developing countries the formal and informal economies and public and private work spaces Each deals with the failings of traditional labour law and several explore the capacity of different forms of regulatory techniques such as commercial law corporate codes of conduct or supply chain regulation to protect workers

An Equal Place Scott L. Cummings, 2021-01-04 An Equal Place is a monumental study of the role of lawyers in the movement to challenge economic inequality in one of America's most unequal cities Los Angeles Breaking with the traditional focus on national civil rights history the book turns to the stories of contemporary lawyers on the front lines and behind the scenes who use law to reshape the meaning of low wage work in the local economy Covering a transformative period of L A history from the 1992 riots to the 2008 recession Scott Cummings presents an unflinching account of five pivotal campaigns in which lawyers ally with local movements to challenge the abuses of garment sweatshops the criminalization of day labor the gentrification of downtown retail the incursion of Wal Mart groceries and the misclassification of port truck drivers Through these campaigns lawyers and activists define the city as a space for redefining work in vital industries transformed by deindustrialization outsourcing and immigration Organizing arises outside of traditional labor law powered by community labor and racial justice groups using levers of local government to ultimately change the nature of labor law itself Cummings shows that sophisticated legal strategy engaging yet extending beyond courts in which lawyers are equal partners in social movements is an indispensable part of the effort to make L A a more equal place Challenging accounts of lawyers negative impact on movements Cummings argues that the L A campaigns have achieved meaningful reform while strengthening the position of workers in local politics through legal innovation Dissecting the reasons for failure alongside the conditions for success this groundbreaking book illuminates the crucial role of lawyers in forging a new model of city building for the twenty first century

Labour Law and Economic Policy Adrián Todolí-Signes, 2024-02-22 This book studies labour institutions from an economic perspective to justify their existence and the advantages that they bring to innovation efficiency productivity and economic growth The philosophical foundations of labour law rely on the protection of the weaker party of the employment contract However after 40 years of political neoliberalism these justifications seem insufficient for achieving progress in the area of labour and employment rights This book changes the narrative of why we need labour standards It begins with a study of the reasons that gave rise to labour law in the context of the Industrial Revolution and its evolution and moves on to analyse the current context dominated by globalisation and economic digitisation It then proceeds to study the main justifications for intervention in the labour market in the current business economic context on a global scale economic growth pre distribution of wealth a meritocratic allocation of working conditions and equality among workers Using case studies and examples from across the EU the UK and the US the book shows how the deregulation of labour markets harms innovation and the economy especially when considering the challenges of platform work algorithms and AI It

demonstrates that labour standards such as the minimum wage sectoral collective bargaining and collective rights protection against dismissal and discrimination occupational risk prevention and social security are necessary for the economy to function properly

Boundaries and Frontiers of Labour Law Guy Davidov, Brian Langille, 2006-11-06 Labour law has always been preoccupied with boundaries One can either be an employee or not an employer or not and the answer dictates who comes within the scope of labour law for better or worse But such divisions have always been difficult and in recent years their shortcomings have become ever more pronounced The proliferation of new work arrangements and heightened global competition have exposed a world wide crisis in the regulation of work It is therefore timely to re assess the idea of labour law and the concepts in particular the age old distinctions that are used to delimit the field This collection of essays by leading experts from around the world explores the frontiers of our understanding of labour law itself Contributors Harry Arthurs Paul Benjamin Hugh Collins Guy Davidov Paul Davies Simon Deakin Mark Freedland Judy Fudge Adrin Goldin Alan Hyde Jean Claude Javillier Csilla Kollonay Lehoczy Brian Langille Enriqu Marin Kamala Sankaran Silvana Sciarra Katherine Stone and Anne Trebilcock

The Idea of Labour Law Guy Davidov, Brian Langille, 2013-01-17 Labour law is widely considered to be in crisis by scholars of the field This crisis has an obvious external dimension labour law is attacked for impeding efficiency flexibility and development vilified for reducing employment and for favouring already well placed employees over less fortunate ones and discredited for failing to cover the most vulnerable workers and workers in the informal sector These are just some of the external challenges to labour law There is also an internal challenge as labour lawyers themselves increasingly question whether their discipline is conceptually coherent relevant to the new empirical realities of the world of work and normatively salient in the world as we now know it This book responds to such fundamental challenges by asking the most fundamental questions What is labour law for How can it be justified And what are the normative premises on which reforms should be based There has been growing interest in such questions in recent years In this volume the contributors seek to take this body of scholarship seriously and also to move it forward Its aim is to provide if not answers which satisfy everyone intellectually nourishing food for thought for those interested in understanding explaining and interpreting labour laws whether they are scholars practitioners judges policy makers or workers and employers

Sexual Harassment in the Workplace: Law & Practice, 5th Edition Conte, 2019-11-13 Sexual Harassment in the Workplace Law and Practice

Remaking Regional Economies Susan Christopherson, Jennifer Clark, 2020-08-18 Winner of the 2009 Regional Studies Association Best Book Award Since the early 1980s the region has been central to thinking about the emerging character of the global economy In fields as diverse as business management industrial relations economic geography sociology and planning the regional scale has emerged as an organizing concept for interpretations of economic change This book is both a critique of the new regionalism and a return to the regional question including all of its concerns with equity and uneven development It will challenge researchers and students to consider the

region as a central scale of action in the global economy and at the core of the book are case studies of two industries that rely on skilled innovative and flexible workers the optics and imaging industry and the film and television industry Combined with this is a discussion of the regions that constitute their production centers The authors intensive research on photonics and entertainment media firms both large and small leads them to question some basic assumptions behind the new regionalism and to develop an alternative framework for understanding regional economic development policy Finally there is a re examination of what the regional question means for the concept of the learning region This book draws on the rich contemporary literature on the region but also addresses theoretical questions that preceded the new regionalism It will contribute to teaching and research in a range of social science disciplines and this new paperback edition will also make the book more accessible to students and researchers in those disciplines those individuals who will influence the re structuring economies of the 21st century

Invisible Hands, Invisible Objectives Stephen F. Befort, John W. Budd, 2009-06-01 The global financial crisis and recession have placed great strains on the free market ideology that has emphasized economic objectives and unregulated markets The balance of economic and noneconomic goals is under the microscope in every sector of the economy It is time to re think the objectives of the employment relationship and the underlying assumptions of how that relationship operates *Invisible Hands Invisible Objectives* develops a fresh holistic framework to fundamentally reexamine U S workplace regulation A new scorecard for workplace law and public policy that embraces equity and voice for employees and economic efficiency will reveals significant deficiencies in our current practices To create one the authors a legal scholar and an economics and industrial relations scholar blend their expertise to propose a comprehensive set of reforms tackling such issues as regulatory enforcement portable employee benefits training programs living wages workplace safety and health work family balance security and social safety nets nondiscrimination good cause dismissal balanced income distributions free speech protections for employees individual and collective workplace decision making and labor unions *Invisible Hands Invisible Objectives* is not just another book that sketches a reform agenda The book provides the much needed rubric for how we think about employment policy specifically but also economic policy more generally It is a must read in these most critical times

Harvard Law Review: Volume 131, Number 3 - January 2018 Harvard Law Review, 2018-01-09 The contents for this January 2018 issue of the Harvard Law Review Number 3 of Volume 131 include Article The Endgame of Administrative Law Governmental Disobedience and the Judicial Contempt Power by Nicholas R Parrillo Book Review Rethinking Autocracy at Work by Cynthia Estlund Note Congressional Intent to Preclude Equitable Relief Ex Parte Young After Armstrong Note Sixth Amendment Challenge to Courthouse Dress Codes Note The Virtues of Heterogeneity in Court Decisions and the Constitution In addition the issue features student commentary on Recent Cases and other legal actions including such subjects as standing in class actions for credit reporting right of access of press re Guantanamo Bay detainees parolees and disability rights under the ADA intent and manslaughter by encouraging suicide

proposed legislation to ameliorate punitive effects of drug crimes involving marijuana and President Trump's tweets purporting to ban transgender servicemembers in the military Finally the issue includes summaries of Recent Publications The Harvard Law Review is offered in a quality digital edition since 2011 featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting

Freelancing Expertise Debra Osnowitz, 2010 Contract work is more important than ever for better or for worse depending on one's perspective The security once implied by a full time job with a stable employer is becoming rarer thereby erasing one of the major distinctions between freelance work and a steady gig Why hang on to a regular job for the sake of security if security can no longer be assumed Instead contractors hired temporarily for specific knowledge and skills market their expertise as they move from project to project Even though their employment is precarious a great many consider freelancing preferable to holding a regular job the control they feel over their time and careers is well worth the risks that come with relatively uncertain cash flow Freelancing Expertise is a qualitative study of decision making work practices and occupational processes among writers and editors who work in print and Web communications and programmers and engineers who work in software and systems development Debra Osnowitz conducted sixty eight extended interviews with representatives of both groups and twelve interviews with managers and recruiters observed four different work settings in which contractors work alongside employees and monitored blogs and online discussions among contractors As a result she provides a unique and sensitive assessment of a cultural shift in occupations and organizations Osnowitz calls for a reconfiguration of the employer employee relationship that accepts more variation and flexibility just as freelancing has over time taken on many traits considered characteristic of traditional career paths so might regular jobs make themselves more appealing to today's workforce by mimicking some of the positive aspects of transactions between clients and contract workers

Regulating Gig Work Joellen Riley Munton, Michael Rawling, 2023-12-12 Digital revolution demands new approaches to regulating work The Uberisation of work is not in reality a new phenomenon It reintroduces the practices of on demand engagement of labour common prior to the development of continuing employment What is new however is the capacity of digital technology to engage labour in ways that avoid characterisation as employment according to the legal tests developed in the 20th century This book tackles the challenge of ensuring that the emerging tribes of gig workers in labour markets across the globe are afforded decent standards of work This book discusses how to provide decent conditions and safe working standards for on demand workers engaged through digital platforms It interrogates the rise of gig work and the legal strategies that might be engaged to deal with the risk that on demand work will fall and remain outside of employment protections It draws on observations of practices across the globe but focusses particularly on regulatory solutions developed in Australia The book will be a useful reference to policy making and legal reforms to address vulnerabilities of gig workers

Critical Legal Perspectives on Global Governance Gráinne de Búrca, Claire Kilpatrick, Joanne Scott, 2014-07-18 This book of essays written in honour of Professor David Trubek

explores many of the themes which he has himself written about most notably the emergence of a global critical discourse on law and its application to global governance As law becomes ever more implicated in global governance and as processes related to and driven by globalisation transform legal systems at all levels it is important that critical traditions in law adapt to the changing legal order and problematique The book brings together critical scholars from the EU and North and South America to explore the forms of law that are emerging in the global governance context the processes and legal roles that have developed and the critical discourses that have been formed By looking at critical appraisals of law at the global regional and national level the links among them and the normative implications of critical discourses the book aims to show the complexity of law in today's world and demonstrate the value of critical legal thought for our understanding of issues of contemporary governance and regulation Scholars from many countries contribute critical studies of global and regional institutions explore the governance of labour and development policy in depth and discuss the changing role of lawyers in global regulatory space

Intellectual Property and the Common Law Shyamkrishna Balganesh, 2013-09-02 In this volume leading scholars of intellectual property and information policy examine what the common law a method of reasoning an approach to rule making and a body of substantive law can contribute to discussions about the scope structure and function of intellectual property The book presents an array of methodologies substantive areas and normative positions tying these concepts together by looking to the common law for guidance Drawing on interdisciplinary ideas and principles that are embedded within the working of common law it shows that the answers to many of modern intellectual property law's most puzzling questions may be found in the wisdom versatility and adaptability of the common law The book argues that despite the degree of interdisciplinary specialization in the field intellectual property is fundamentally a creation of the law therefore the basic building blocks of the law can shed important light on what intellectual property can and should and was perhaps meant to be

The National Labor Relations Board United States. Congress. House. Committee on Education and Labor. Subcommittee on Health, Employment, Labor, and Pensions, 2008

The Capability Approach to Labour Law Brian Langille, 2019-04-04 Forty years ago Amartya Sen introduced to the world a novel approach to the idea of equality the notion of basic capability as a morally relevant dimension and the claim that we should focus upon equality of basic capabilities a person being able to do certain basic things These ideas as developed by Sen and Martha C Nussbaum have launched an academic armada now proceeding under the flag of the capability approach CA While that flag has ventured far and wide and engaged many areas of inquiry this volume of essays is the first to explore how CA might shed light upon labour law The capabilities approach can illuminate our understanding of labour law across three dimensions Part I looks at the nature of the basic relationship between CA and labour law do they share common ground or disagree about what is important Can the CA provide a normative foundation for labour law Part II goes further by examining the relationship of the CA and other well established perspectives on labour law including economics history critical theory restorative justice and human rights Part

III examines the possible relevance of the CA to a range of specific labour law issues such as freedom of association age discrimination in the workplace trade employment policy and sweatshop goods **Cheaper by the Hour** Robert A. Brooks, 2011-03-04 How attorneys work is deprofessionalized downgraded and controlled through part time and temporary assignments

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