

Terry Carney  
Gaby Ramia

# From Rights to Management

*Contract, New Public Management &  
Employment Services*

# From Rights To Management Contract New Public Management Employment

**Tom Christensen, Per Lægveid**



## **From Rights To Management Contract New Public Management Employment:**

**From Rights to Management:Vol. 18:Contract, New Public Management and Employment Services** Terry Carney,2002-07-31 From Rights to Management presents a powerful and thoroughly documented new thesis about the transformation of the concept of work during the period 1970 2000 The authors remind us of what we now easily forget that not so long ago the right of an unemployed person to social security benefits and services was not questioned Over the years this right has been gradually replaced by a two way bargain with the state And in the place of this old social citizenship there has arisen a government corporate alliance that manages job seekers by contract The shift from the needs of the person to the demands of business is complete Those tempted to argue with this provocative thesis will find a formidable array of evidence assembled in this well researched book Focusing primarily on Australia where the marketisation of welfare and employment services has gone farther than in any other country Professors Carney and Ramia draw not only on the recent literature of several relevant disciplines but also on in depth interviews with thirty unemployed people from a wide range of backgrounds and situations By assessing the inner workings and impacts of public management transformations on the lives of those most deeply affected the authors provide a keen understanding of how the management theories initiatives and pretexts economic and legal work out in actuality The interdisciplinary discussion incorporates debates about civil society social capital and other germane topics of great concern to scholars policymakers and administrators in this era of globalisation A deep analysis of the new policy network of social services examines the types of contracts that govern the various parts of the system The analysis concludes with a proposed new framework that reinstalls citizenship as the basis for welfare policy but in a way that places real obligations and accountability on government and does not leave disadvantaged persons to fight a losing battle No lawyer professional academic or official in the social policy environment can afford to ignore this challenging work

**The Law on Age Discrimination in the EU** Malcolm Sargeant,2008-01-01 The EC Directive establishing a general framework for equal treatment in employment and occupation covers a number of grounds of discrimination including age The EU s population is ageing but there is much evidence that age discrimination is widespread The Directive is a reaction to that and the consequent desire to encourage greater participation in the labour market by older workers This is the first time that age discrimination has been made unlawful by the EU and as a result there are now laws in every Member State making such discrimination unlawful The Directive and much of the national legislation however treats age discrimination differently to the other grounds for unlawful discrimination It is the only area which permits direct discrimination Age discrimination generally may still be objectively justified by a legitimate aim if the means of achieving that aim are appropriate and necessary Such aims include legitimate employment policy labour market and vocational training objectives This insightful book written by national experts in eight Member States and at the EU level considers the ways in which the Directive has been implemented in some of the Member States and the extent to which they have taken advantage

of the exceptions that are inherent in the Directive Particular issues that are covered are what legislation has been adopted in each country the development of the case law that exists in some States the demographic imperative existing in each country measures taken to improve the position of young people retirement and the exit from the workforce of older workers the approach and case law of the European Court of Justice As an important contribution towards an understanding of age discrimination within the European Union this book opens a field of law that has heretofore not been considered in all its seriousness It will be of real value to lawyers human resource management professionals and those with an interest in discrimination and EU issues It is an important contribution to what will be a developing field of study

**Between Soft and Hard Law** Frans Pennings, 2006-01-01 Whether or not we ever attain universal social justice there can be little doubt that the international community has set meaningful standards and that significant progress has been made over the last century The leading standard setter throughout this period has been the International Labour Organisation ILO with its nearly 200 conventions on labour law and social security law Yet it is often asked how effective are these standards Do any ILO Member States actually offer to quote the Philadelphia Declaration of the ILO Conference of 1944 social security measures to provide a basic income to all in need of such protection and comprehensive medical care Perhaps not but some come close thanks to the application of ILO standards This much needed volume is the first detailed analysis of the legal meaning of ILO conventions within the ratifying Member States In unprecedented depth a panel of distinguished authorities explores the role of ILO conventions in preparing and amending national legislation in parliamentary debate and in national case law For comparative purposes five countries the United Kingdom France Germany Spain and the Netherlands are studied in depth Among the points of discussion that arise are the following the social dumping that results from distortion of competition the ILO's supervision procedures protection of international migrant workers temporary exceptions for developing countries and the possibility of modernising texts of older conventions A useful annex reprints the texts of the ILO Constitution and the so called up to date conventions pertaining to social security which are currently being promoted for ratification by the ILO At a time when the very meaning of such terms as work and social security is being challenged by prevailing economic and political forces this full scale reappraisal of a body of international law that although soft has had a pronounced positive effect on the progress of social justice is to be welcomed It is well worth the close attention of government policymakers and regulators company lawyers and interested academics everywhere

**The Protection of Working Relationships** Frans Pennings, Claire Bosse, 2011-01-01 In recent years it has become clear that many businesses motivated by avoiding the rigidity and the price tag associated with labour law and social security have succeeded in eroding the protection of labour law by creating numerous categories of workers classified as non employees In 1996 the International Labour Organisation ILO adopted Recommendation 198 which asks its Members to undertake action to reduce disguised employment relationships with the goal of ensuring that those actually working in an employment relationship are

actually given the corresponding legal status Though these are from a legal approach two conceptually different phenomena they are closely related from a social policy point of view In order to make a substantial contribution to the discussion on these developments a group of noted European labour law scholars has undertaken the research assembled in this book recommending labour law reforms based on a close examination of existing conditions The eight authors analyse measures and legal instruments offered by the European Union and the ILO to cover persons performing personal work as well as specific developments in Belgium France The Netherlands Poland Germany and the United Kingdom In each case they describe viable ways in which categories of persons not treated as employees can be brought under the protection of labour law and how the distinction between employees and self employed can become more clear In a concluding final Chapter comparative conclusions are drawn on the basis of this study and recommendations are given to the EU the ILO and the individual Member States Among the specific issues covered are the following redefining the subordination criterion the role of the courts determination of the contract of employment forms of labour involving more than two contracting parties e g employment agency arrangements the legal position of temporary workers employee like persons e g home workers or commercial representatives the bogus self employed introduction and effect of legal presumptions in labour law and or social security developing uniform criteria for the employment relationship criteria for identifying self employed but economically dependent workers extension of protection of labour law to persons other than employees or the self employed and social rights applicable to all work contracts irrespective of their formal qualification floor of core rights This study seriously contributes toward overcoming the reluctant and piecemeal measures commonly taken to extend the protection of the employment contract Although the authors acknowledge the continuing tension between labour law protection and the need for a flexible workforce they also recognize the positive effects of best practices that lead to more certainty fewer disputes and clear but still flexible if necessary agreements The book will be warmly welcomed as a signal contribution to addressing what one labour law scholar has called the most important industrial relations issue of our time

EU Industrial Relations v. National Industrial Relations Mia Ronnmar, 2008-08-26 The relationship between the national and international has been central in the debate on the impact of globalisation on national patterns of employment relations While some industrial relations researchers in recent years have put forward evidence not of convergence but rather of continuing national diversity in employment relations others see a complex power sharing interplay emerging for which Europe is the laboratory This ground breaking book asks Do EU or European industrial relations exist What characterises EU industrial relations and their development What are the differences between EU industrial relations and national industrial relations Twelve outstanding authorities from seven countries discuss the theme from a variety of perspectives Originally presented at an international and interdisciplinary research workshop held at the Faculty of Law at Lund University in November 2007 the essays probe a range of highly topical and important legal and industrial relations issues and developments including the

implications of the epochal and much debated Laval and Viking cases from the European Court of Justice The focus is on the EU dimension of industrial relations common to the Member States and not on comparative European industrial relations The authors raise and discuss such crucial issues as the following the power relationship and interactions between the social partners within the framework of the social dialogue growing problems of posting of workers low wage competition and social dumping approaches to creating an EU legal framework for transnational collective agreements the right to take industrial action in order to achieve collective agreements the fundamental asymmetry between the scope of action of players in companies and territories affected by restructurings information consultation and worker participation potential benefits of increased tripartite co operation between the social partners and governments compatibility of the Swedish or Nordic system with the four freedoms and its eligibility as a European model and issues of private international law arising from collective actions with transnational implications An appendix includes relevant EC legislation and the ECJ opinions in Laval and Viking EU Industrial Relations vs National Industrial Relations explores an emerging and still inchoate realm of law that is heavily fraught with implications for the near future of social relations not only in Europe but worldwide Labour lawyers and policymakers will greatly appreciate its precise stocktaking its insightful analysis and its well informed recommendations on how to proceed in the realm of practical law

*Recommendation on Social Protection Floors* Tineke Dijkhoff, Letlhokwa George Mpedi, 2016-04-24 Despite the international community's recognition of social protection as a human right the vast majority of the world's population still has no access to social protection In a major effort to address this situation the International Labour Conference unanimously adopted the Social Protection Floors Recommendation 202 of 2012 However because of the wide variety of possible schemes and techniques that can be employed to administer them there is a genuine risk that important values relating to social protection will be overlooked in implementing the Recommendation This collection of expert essays contains an in depth clarification and analysis of the Recommendation and sets forth a clear and practicable set of principles that can be used both as a policy tool and as an assessment framework for the creation maintenance and supervision of a national social protection floor This book pays detailed attention to each of the Recommendation's key principles including the following state responsibility universality of protection entitlement based in law adequacy and predictability of benefits non discrimination financial solidarity good governance coherence of policies and social participation A special feature of the book is its inclusion of case studies that display innovative social protection schemes focusing on children and families persons of working age particularly informal sector workers and elderly persons A concluding section offers useful insights on measures that can be taken and lessons learned As a deeply informed and practical guide to ways in which states can and do establish and maintain a social protection floor as a fundamental element of their national social protection systems this book has no peers It will be warmly welcomed by jurists concerned with social protection throughout the world by pertinent government agencies at all levels by non governmental organizations and by

academics in the field      *Decent Flexibility* Dr Fred C. A. van Haasteren, 2017-07-30 Within the context of social law temporary agency work has always been subject of debate The pursuit of more flexible forms of labour is at odds with maintaining decent labour relations For that reason ever since it was established the UN organisation for labour issues ILO has focused on private work placement In its early years it tended to prohibit or severely restrict private work placement but gradually it came to acknowledge that for instance temporary agency work had positive aspects and that a total ban was pointless In 1997 this culminated in ILO convention 181 which was widely supported This did not end the debate on non standards forms of paid work Which forms of work can be considered decent How do they relate to human rights What are the effects of globalisation In the European context too cross border temporary agency work has attracted extensive attention Lastly the Netherlands has its own unique form of public private regulation The guiding principle in this book is whether Convention 181 still has value in this day and age What are the developments in temporary agency work in the social domain How do they relate to the wide range of flexible work forms that are increasingly catching up with temporary agency work Decent flexibility is the challenge Dr Fred van Haasteren 1949 started his career as a scientific associate at the Society and Enterprise Foundation SMO From 1978 onward he worked in the Dutch temporary agency sector In 1982 he became a board member of Randstad Nederland in 1991 he became Vice President of Randstad Holding Among other things he was also President of the platform of European temporary agency employers and of the global temporary agency employer umbrella organisation CIETT He is still a board member of the Dutch Labour Standards Foundation SNA and an independent member of the NCP OECD The social policy pursued by temporary employment agencies has always been at the centre of his activities      *The European Social Dialogue Under Articles 138 and 139 of the EC Treaty* Christian Welz, 2008-01-01 Describes analyses and assesses the European social dialogue from a combined theoretical and normative perspective and applies theoretical strands stemming from industrial relations EC law and political theory to an understanding and assessment of the genesis actors processes and outcomes of the European social dialogue through 2007      *From Rights to Management* Terry Carney, Gaby Ramia, 2002 From Rights to Management presents a powerful and thoroughly documented new thesis about the transformation of the concept of work during the period 1970 2000 The authors remind us of what we now easily forget that not so long ago the right of an unemployed person to social security benefits and services was not questioned Over the years this right has been gradually replaced by a two way bargain with the state And in the place of this old social citizenship there has arisen a government corporate alliance that manages job seekers by contract The shift from the needs of the person to the demands of business is complete      Administering welfare reform Henman, Paul, Fenger, Menno, 2006-03-22 While reforms of welfare policies have been widely analysed the reform of welfare administration has received far less attention Using empirical case studies this book provides significant new insights into the way welfare administration is being internationally transformed Particular attention is given to the effect on welfare clients staff and

agencies Administering welfare reform presents a critical analysis of governance practices in welfare administration and examines shifts in the participants practices and processes of welfare administration It presents original empirical case studies that highlight the effects of reforming welfare governance on welfare subjects staff and agencies and provides a much needed international and comparative perspective of changing welfare governance This book is aimed at scholars and advanced students of sociology social policy economics public administration and management as well as social policy practitioners and service delivery workers

**Labour Law and Sustainable Development** Valentina Cagnin, 2020-06-05

Labour Law and Sustainable Development is a detailed reconstruction of the regulatory framework and jurisprudential findings of sustainable development at the international European and national level The global crisis of the past decade has underlined the social unsustainability of the ultra liberalistic theories through which the labour law deregulation represents the precondition for social and economic development coherent with the globalization imperatives It is no exaggeration to assert that the existing foundations of labour law have been irreversibly compromised It is essential to find a way out of the crisis at the same time defining the founding values of new sustainable labour law In linking labour law with the sustainability paradigm this provocative book promises to widen the scope and terms of the reconciliation of interests taking into account the multiplicity of the stakeholders interested in economic social and environmental issues and in particular to practise an approach that achieves intergenerational equity What s in this book In an unprecedented comparative study including case law of the network of principles agreements practices and norms concerning sustainable development and its different economic and social implications the author examines such facets as the following sustaining solidarity and equality of opportunity in current and emerging work situations enhancing individual autonomy in the current world of subordinate but independent labour reconciling personal needs flexible organization of companies and reduction of external and internal costs to companies collective action for the regulation of labour relations allowing for the exercise of individual autonomy involving entire populations that have been so far excluded in the world scene developing a sustainable pension system to promote intergenerational solidarity implementing flexicurity policies positively social clauses of international trade treaties undoing the profound contradiction of gender and wage inequalities and promoting corporate social responsibility The objective of this book is to provide the reader with a reasoning basis to assess whether the choice to elect sustainable development as a new paradigm of reference for labour law is feasible and if in particular this choice can be useful in order to define the founding values of a new sustainable labour law How this will help you Using an interdisciplinary approach the author emphasizes the need to consider the various dimensions of sustainability together not only the original environmental but also the economic and social dimensions This book offers a real strategic leap for both legislators and social actors in particular leading the way to avoiding a fracture of the generational pact that has held together modern societies Although the book presents a profound academic contribution to the analysis of labour law realities and trends it will also be welcomed

by corporate lawyers judges human rights experts trade unionists business managers entrepreneurs and consultants interested in the issues of labour sustainable development and social rights      **Labour Law and Climate Change** Tiziano Treu, Adalberto Perulli, 2023-09-14 Although the existential threat of climate change has at last been generally acknowledged its influence on the labour market and the regulation of labour relations remains ambivalent at best This supremely important volume with contributions by thirteen prominent labour law practitioners and academics shows how labour law not only can but absolutely must assume a greater role in the debate on the climate crisis and move towards a new eco friendly labour paradigm Committed to the proposition that employment must come to terms with the natural environment and open a new chapter in the relationship between human work and the Earth the authors examine critical issues and perspectives on the role of labour law in a just ecological transition focusing on such aspects as the following negative externalities associated with the value chains production model in effectiveness of corporate social responsibility and sustainability initiatives protection of human rights from violations attributable to private sector activities protection of whistleblowers need for professional training in new occupations environmental migrants reskilling and active inclusion of workers and jobseekers role of remote work and flexible working time and evaluation and reward of employees The impact of the green transition on industrial activities is already creating strong tensions among the social parties leading inevitably to massive restructuring of enterprises and relocation of thousands of workers This detailed analysis of the implications of climate change for the labour contract and the industrial relations system provides appropriate tools to understand trends and possible solutions for the future It will be welcomed by managers consultants corporate lawyers judges human rights experts trade unionists researchers and professors placed at the nexus of labour industrial relations and social rights in Europe and worldwide      *The Sources of Labour Law* Tamás Gyulavári, Emanuele Menegatti, 2019-12-06 Labour law has traditionally aimed to protect the employee under a hierarchy built on constitutional provisions statutory law collective agreements at various levels and the employment contract in that order However in employment regulation in recent years flexibility has come to dominate the world of work a set of policies that reshuffle the relationship among the fundamental pillars of labour law and inevitably lead to degrading the protection of employees This book the first ever to consider the sources of labour law from a comparative perspective details the ways in which the traditional hierarchy of sources has been altered presenting an international view on major cross cutting issues followed by fifteen country reports The authors analysis of the changing hierarchy of labour law sources in the light of recent trends includes such elements as the following the constitutional dimension of labour rights the normative intervention by the State the regulatory function of collective bargaining and agreements the hierarchical organization of labour law sources and the principle of favour the role played by case law in both common law and civil law countries the impact of the European Economic Governance decentralization of collective bargaining employment conditions as key components of global competitive strategies statutory schemes that allow

employees to sign away their rights National reports Australia Brazil China Denmark France Germany Hungary Italy Poland Russia Spain Sweden South Africa the United Kingdom and the United States describe the structure of labour law regulations in each legal system with emphasis on the current state of affairs The authors all distinguished labour law scholars in their countries thus collectively provide a thorough and comprehensive commentary on labour law regulation and recent tendencies in national labour laws in various corners of the globe With its definitive analysis of such crucial matters as the decentralization of collective bargaining and how individual employment contracts can deviate from collective agreements and statutory law and its comparison of representative national labour law systems this highly informative book will prove of inestimable value to all professionals concerned with employment relations labour disputes or labour market policy especially in the context of multinational workforces **New Public Management** Jan-Erik Lane,2002-09-11

Drawing on economics organisational theory and politics Jan Erik Lane presents new public management from an analytical perspective *The Role of the State and Industrial Relations* Adalberto Perulli,Tiziano Treu,2019-10-05 The Role of the State and Industrial Relations Edited by Adalberto Perulli phenomenon of constitutionalization of power by multinational enterprises competitive illiberal and protectionist patterns of state regulation freedom of association and industrial relations potential power of transnational collective bargaining impact of worktime arrangements role of European Works Councils exemplary value of the German system of workers participation and global framework agreements Using a comparative approach the European Union France Spain Germany Italy Japan China the United States Brazil South Africa India the book reconstructs the general framework of global industrial relations considering challenges and future prospects and proposing a new agenda for the state Contributors include widely renowned professors of labour commercial and international law as well as experts from the International Labour Organization and the International Society for Labour and Social Security Law The debate about industrial relations and the state in our globalized world is of major concern for practitioners in governments companies employers associations and trade unions as well as for company managers entrepreneurs consultants judges human rights lawyers and academics interested in labour industrial relations and social rights in European and international contexts **Corporal Punishment of Children** Bernadette J. Saunders,Pernilla

Leviner,Bronwyn Naylor,2018-11-26 Corporal Punishment of Children Comparative Legal and Social Developments towards Prohibition and Beyond provides insights into the views and experiences of prominent academics and political religious and human rights activists from Australia Canada Germany Ireland Israel New Zealand Norway South Africa Sweden the UK and the US Country specific and thematic insights in relation to children s ongoing experience of corporal punishment are detailed and discussed and key questions are raised and considered with a view to advancing progress towards societies in which children s human rights to dignity and optimal development are more fully recognised Strategic Issues for the Not-for-profit Sector Jo Barraket,2008 This edited collection brings together some of Australia s leading and emerging

researchers in the not for profit sector and public policy including Sarah Maddison and Ann Capling Drawing on original Australian and comparative research it is a spirited exploration of strategic issues currently facing the sector It highlights current changes in practice policy development and research relating to the sector with a specific emphasis on strategic issues relating to partnerships and networks innovation and advocacy and accountability It incorporates perspectives from different parts of the sector challenging the reader to consider the local and global drivers of change and the industry policy and community imperatives impacting upon not for profit sustainability Provided by publisher

**The Marketization of Employment Services** Ian Greer, Karen N. Breidahl, Matthias Knuth, Flemming Larsen, 2018-01-24 Across Europe market mechanisms are spreading into areas where they did not exist before In public administration market governance is displacing other ways of coordinating public services In social policy the welfare state is retreating from its historic task of protecting citizens from the discipline of the market In industrial relations labor and management are negotiating with an eye to competitiveness often against new non union market players What is marketization and what are its effects This book uses employment services in Denmark Germany and Great Britain as a window to explore the rise of market mechanisms Based on more than 100 interviews with funders managers front line workers and others the authors discuss the internal workings of these markets and the organizations that provide the services This book gives readers new tools to analyse market competition and its effects It provides a new conceptualization of the markets themselves the dilemmas and tradeoffs that they generate and the differing services and workplaces that result It is aimed at students and researchers in the applied fields of social policy public administration and employment relations and has important implications for comparative political economy and welfare states

The Ashgate Research Companion to New Public Management Tom Christensen, Per Lægveid, 2011 A comprehensive up to the moment review of the New Public Management movement the driving forces behind its reform and its various trajectories and special features The Companion offers a refreshing analysis of key issues and is essential reading for

*Contractualism in Employment Services* E. Sol, Mies Westerveld, Maria Westerveld, 2005-01-01 Among the issue explored are the following motivation mobility and flexibility in the labour market effect of contractualisation on public accountability and responsibility effect on the individual s statutory relationship under social security whether and to what extent the conditions on which one country successfully introduces contractualisation apply to other countries and the unemployed individual as contract partner What conditions can he or she set The analyses focus on experience with contracts as service deliverance in the labour markets of eight countries Australia the United Kingdom The Netherlands Belgium France Germany and Finland Because a certain measure of experience has already been built up by governments providers and clients now is the time to try and learn form good as well as bad practices in order to build coherent institutional frameworks to help the unemployed

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